

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners: Susan K. Duffy, Chair  
Shari Feist Albrecht  
Dwight D. Keen

In the Matter of the Investigation of J & J Lawn )  
Care, LLC of Wichita, Kansas, Regarding ) Docket No. 20-DPAX-322-PEN  
Violation(s) of the Kansas Underground )  
Utility Damage Prevention Act (KUUDPA) )  
(K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 )  
through 82-14-6), and the Commission's )  
Authority to Impose Penalties and/or Sanctions )  
(K.S.A. 66-1,151). )

**ORDER GRANTING STAFF'S MOTION  
FOR LEAVE TO FILE RESPONSE OUT-OF-TIME**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds the following:

1. On February 4, 2020, the Commission issued a Penalty Order against J & J Lawn Care, LLC for a violation of the Kansas Underground Utility Damage Prevention Act (KUUDPA) discovered during an investigation conducted on August 14, 2019.<sup>1</sup>
2. J & J Lawn Care, LLC filed a Letter Requesting a Hearing on February 24, 2020. The letter is dated February 20, 2020.<sup>2</sup>
3. K.A.R. 82-1-218(d) requires submission of responsive pleadings within 10 days after service.

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<sup>1</sup> Notice of Penalty Assessment (Feb. 4, 2020).

<sup>2</sup> Letter Requesting Hearing (Feb. 24, 2020).

4. Commission Litigation Staff (Staff) filed a Motion for Leave to File Response Out-of-Time on March 18, 2020.<sup>3</sup> In its motion, Staff advises it did not become aware of J & J Lawn Care, LLC's request for hearing until March 11, 2020. Staff further states the nature of the penalty is purely monetary and J & J Lawn Care, LLC may continue to operate its business.

5. J & J Lawn Care, LLC did not respond to Staff's Motion for Leave.

6. K.A.R. 82-1-217(b) allows the Commission to grant an extension of time for good cause, at its discretion.

7. The Commission finds Staff has shown good cause for extending the time in which to file its Response.

**BY THE COMMISSION IT IS SO ORDERED.**

A. Staff's Motion for Leave to File Out-of-Time is granted, and Staff's Response to J&J Lawn Care LLC's Letter Requesting Hearing is accepted for filing.

B. J & J Lawn Care, LLC has 10 days after service of this order to file a reply to Staff's response.<sup>4</sup>

**BY THE COMMISSION IT IS SO ORDERED.**

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 06/04/2020.



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Lynn M. Retz  
Executive Director

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<sup>3</sup> Motion for Leave to File Response Out-of-Time (Mar. 18, 2020).

<sup>4</sup> See K.A.R. 82-1-218(d).

**CERTIFICATE OF SERVICE**

20-DPAX-322-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of  
electronic service on 06/04/2020.

JEFFREY M. KRIER, MANAGING MEMBER  
J & J LAWN CARE, LLC  
8515 W MEADOW PARK CT.  
WICHITA, KS 67205  
jeff@jjlawncareks.com

COLE BAILEY, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3354  
c.bailey@kcc.ks.gov

LAUREN LAUSHMAN, OFFICE OF GENERAL COUNSEL  
ATTORNEY  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3354  
l.laushman@kcc.ks.gov

/S/ DeeAnn Shupe  
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DeeAnn Shupe