

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of the Investigation of **D & M**)
Marketing LLC of Larned, Kansas,)
Regarding the Violation(s) of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 24-TRAM-258-PEN
and the Commission’s Authority to Impose)
Penalties, Sanctions and/or the Revocation of)
Motor Carrier Authority.)

PRESIDING OFFICER ORDER SETTING PREHEARING CONFERENCE

This matter comes before the Presiding Officer on behalf of the State Corporation Commission of the State of Kansas (the “Commission”) for consideration and decision. As discussed below, the Presiding Officer sets this matter for a Prehearing Conference on May 22, 2024, at 1:00 p.m.

1. On September 26, 2023, the Commission issued a Penalty Order against D & M Marketing LLC of Larned, Kansas (“D & M”), assessing a civil penalty and requiring D & M to satisfy certain terms.

2. D & M then submitted correspondence under K.S.A. 77-542 on February 8, 2024, requesting a hearing pursuant to the Kansas Administrative Procedure Act (“KAPA”) on the Penalty Order.

3. On April 23, 2024, the Commission entered an Order under K.S.A. 77-514 designating Kyler C. Wineinger, Assistant General Counsel of the Commission, as the Presiding Officer in this matter.

4. The Presiding Officer has determined it is appropriate to have a Prehearing Conference to:

- identify the issues involved and explore the possibilities of stipulations and settlement;
- determine whether the matter is suitable for alternative dispute resolution;
- exchange information on the issues, including key documents and witness identification;
- schedule a date and time for an Evidentiary Hearing, if necessary; and
- any other matters the Presiding Officer considers desirable to expedite the matter.

5. After consulting with the parties, the Presiding Officer finds that the Prehearing Conference should be held on May 22, 2024, at 1:00 p.m. by Zoom video conferencing.

THEREFORE, THE PRESIDING OFFICER ORDERS:

A. A Prehearing Conference is scheduled for May 22, 2024, at 1:00 p.m. with Presiding Officer Kyler C. Wineinger presiding. The Prehearing Conference will be conducted by Zoom video conferencing.

B. This Order is procedural and constitutes non-final agency action.¹

Dated: May 7, 2024

/s/ Kyler C. Wineinger

Kyler C. Wineinger
Presiding Officer

¹ K.S.A. 77-607(b)(2).

CERTIFICATE OF SERVICE

24-TRAM-258-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 05/07/2024.

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/S/ KCC Docket Room
KCC Docket Room