

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of the Investigation of BMS)
Transportation Company, Inc. of Platte City,)
Missouri, Pursuant to the Kansas Highway)
Patrol Issuance of a Notice of Violation for)
Violation(s) of the Kansas Motor Carrier) Docket No. 15-GIMM-212-KHP
Safety Statutes, Rules and Regulations and)
the Commission's Authority to Impose)
Penalties, Sanctions and/or the Revocation)
of Motor Carrier Authority.)

ORDER GRANTING REQUEST TO APPEAR PRO SE

This matter comes before the Kansas Corporation Commission (Commission) for consideration and determination. Having reviewed the pleadings and record, the Commission finds and concludes as follows:

1. On or about July 7, 2014, the Kansas Highway Patrol (KHP) issued a Notice of Violation assessing fines against BMS Transportation Company, Inc. (BMS), for violations found during a June 23, 2014, routine motor carrier stop and inspection.
2. On or about November 19, 2014, BMS submitted a Request for Hearing.
3. On November 24, 2014, Commission Staff (Staff) filed a Notice of Hearing setting the matter for hearing before the Commission on January 14, 2015, at 9:30 a.m.
4. On December 2, 2014, Staff requested rescheduling the hearing for February 16, 2015.¹ BMS did not oppose the request for a continuance.
5. On December 11, 2014, the Commission issued an Order Granting Continuance, rescheduling the hearing for February 11, 2015.

¹ The Commission was not available February 16, 2015.

6. On January 30, 2015, Ken Pratt, the Owner of BMS, sought permission to appear pro se. In response to Pratt's request, the prehearing officer conducted a status conference advising that since a Commission Order on his request would not be available until February 10, 2015, the parties may want to request a continuance in the event that BMS needs to find counsel for the hearing.

7. On February 4, 2015, BMS filed its Motion for Continuance explaining the uncertainty over its request to appear pro se necessitates a continuance. Staff did not oppose a continuance, and on February 10, 2015, the Commission granted the Motion for Continuance and rescheduled the hearing for March 18, 2015 at 9:00 a.m.

8. Generally, K.A.R. 82-1-228 requires a corporation to appear by counsel. But K.A.R. 82-1-202(a) authorizes the Commission to waive its requirements if good cause is shown and doing so would be in the public interest.

9. On February 26, 2015, the Kansas Senate unanimously approved SB 150, which amends 66-1,142b(e) to provide "[f]or civil penalties of \$500 or less, the commission shall allow a duly authorized representative of the corporation or an attorney to enter an appearance and represent the corporation operating as a motor carrier under the provisions of this act."

10. While the Commission exercises its authority under K.A.R. 82-1-202(a) sparingly, based on the Senate's passage of SB 150, the Commission believes there is good cause to allow Ken Pratt, upon demonstration that he is a duly authorized representative of BMS to appear pro se on behalf of BMS.

11. The Commission emphasizes that this situation is unique as SB 150 has yet to be enacted into law and has no precedential value in other dockets.

12. Pursuant to K.A.R. 82-1-202(a), the Commission grants Pratt's request to appear pro se in this matter.

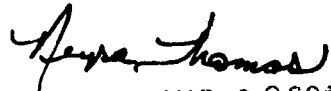
THEREFORE, THE COMMISSION ORDERS:

- A. Pratt's request to appear pro se is granted.
- B. The parties have fifteen days, plus three days if served by mail, from the date of service to petition for reconsideration.²
- C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner.

Dated: MAR 05 2015


ORDER MAILED MAR 06 2015
Neysa Thomas
Acting Secretary

BGF

² K.S.A. 66-118b; K.S.A. 77-529(a)(1).

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
KEN PRATT BMS TRANSPORTATION COMPANY, INC. PO BOX 2326 PLATTE CITY, MO 64079		
MICHAEL DUENES, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		
BRIAN G. FEDOTIN, ASSISTANT GENERAL COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED MAR 06 2015

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.