

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

Received  
on

**DEC 30 2011**

In the Matter of the Investigation of **EEI, LLC of** )  
**Hotchkiss, Colorado**, Pursuant to the Kansas )  
Highway Patrol Issuance of a Notice of Violation ) Docket No. 12-GIMM-012-KHP  
for Violations of the Kansas Motor Carrier Safety )  
Statutes, Rules and Regulations. )

by  
State Corporation Commission  
of Kansas

**STAFF'S THIRD MOTION FOR CONTINUANCE**

COMES NOW the Staff of the State Corporation Commission of the State of Kansas (Commission and Staff, respectively), and motions the Commission to continue the hearing currently scheduled in the above-referenced docket on February 9, 2012, at 10:30 a.m., and extend the deadlines for filing of direct testimony. In support of its Motion, Staff states as follows:

1. On May 4, 2011, the Kansas Highway Patrol issued a Notice of Violation against EEI, LLC (Respondent) for alleged violations found during an April 27, 2011, routine motor carrier stop and inspection conducted by the Kansas Highway Patrol.
2. On July 11, 2011, Respondent's counsel, Jason P. Hoffman of Hoffman & Hoffman, filed a Request for Hearing on behalf of Respondent.
3. On July 12, 2011, Commission Staff (Staff) issued a Notice of Hearing which set the matter for hearing by the Commission on August 11, 2011, at 11:30 a.m., and established deadlines for prefiled testimony.

4. On July 27, 2011, Staff filed a Motion to Continue and on August 3, 2011, the Commission entered an order continuing the hearing to October 13, 2011.

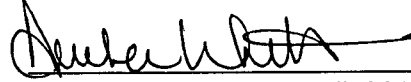
5. On September 15, 2011, Staff filed a Second Motion to Continue and on September 22, 2011, the Commission entered an order continuing the hearing to February 2012.

6. Staff files this third Motion to Continue as additional time is necessary to allow the criminal case against Respondent sufficient time to be decided. (District Court of Wabaunsee County, Kansas, Case No. 2011 CR 103.) Charges against Respondent arising from the motor carrier stop are included in the criminal case. Upon conclusion, Staff and Mr. Hoffman will discuss the need, if any, for Respondent's request for hearing to be renewed and its contested issues be brought before the Commission.

7. Staff therefore requests that the hearing in this matter be continued until April 12, 2012, at 9:00 a.m.; that the filing date for the parties' prefiled direct testimony be extended to ten days prior to the extended hearing date, and that the rebuttal testimony be presented at the hearing in April 2012.

WHEREFORE, for the reasons set forth above, Staff respectfully requests that the Commission grant this Third Motion for Continuance and that the hearing currently scheduled in this matter be continued until April 12, 2012, at 9:00 a.m.; that the filing date for the parties' prefiled direct testimony be extended to ten days prior to the extended hearing date, and that any rebuttal testimony of the parties be presented at the hearing in April 2012.

Respectfully submitted,



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Amber Whitlock, S.Ct. #23911  
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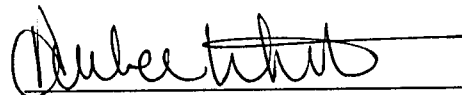
For Commission Staff

**VERIFICATION**

Docket No. 12-GIMM-012-KHP

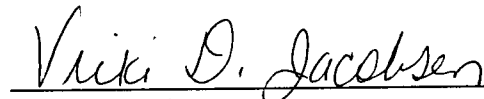
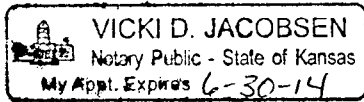
STATE OF KANSAS                    )  
                                                  ) ss.  
COUNTY OF SHAWNEE            )

Amber Whitlock, of lawful age, being duly sworn upon her oath deposes and states that she is Litigation Counsel for the State Corporation Commission of the State of Kansas; that she has read and is familiar with the foregoing *Staff's Third Motion for Continuance* and attests that the statements therein are true and correct to the best of her knowledge, information and belief.



Amber Whitlock, S. Ct. #23911  
Litigation Counsel  
The State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 30<sup>th</sup> day of December, 2011.

  
Notary Public

My Appointment Expires: June 30, 2014

**CERTIFICATE OF SERVICE**

12-GIMM-012-KHP

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Staff's Third Motion For Continuance was placed in the United States mail, postage prepaid, or hand-delivered this 30th day of December, 2011, to the following:

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\*\*\*Hand Delivered\*\*\*

  
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Pamela Griffeth  
Administrative Specialist