

2. On November 13, 2018, Commission Transportation Staff (Staff) filed a Motion to Suspend Intrastate Motor Carrier Operations.³ Staff stated the Respondent had failed to comply with the requirements of the *Penalty Order*, and therefore, asked the Commission to issue an order suspending Respondent's intrastate motor carrier operations and requiring Respondent to attend a Commission-sponsored safety seminar within ninety days, providing written proof of attendance to Litigation Counsel.⁴

3. On November 20, 2018, the Commission issued an *Order Suspending Intrastate Motor Carrier Operations* by the Respondent due to Respondent's failure to comply with the requirements of the aforementioned *Penalty Order*.⁵

4. On December 11, 2018, the Respondent filed a Request for Hearing on the Out-of-Service Order, stating he is available for a hearing "probably in the middle of January 2019."⁶

5. On December 14, 2018, Staff filed a Motion for Order Setting Hearing, asking the Commission to set an evidentiary hearing for Thursday, January 17, 2019, with pre-filed testimony due on January 7, 2019.⁷

6. The Commission designates Michael J. Duenes, Assistant General Counsel, 1500 SW Arrowhead Road, Topeka, KS 66604-4027, telephone number (785) 271-3181, m.duenes@kcc.ks.gov, as Prehearing Officer in this proceeding.⁸ The Prehearing Officer may conduct any Prehearing Conferences necessary to address any matters appropriately considered in a Prehearing Conference, including all items listed in K.S.A. 77-517(b) of the Kansas

³ Motion to Suspend Intrastate Motor Carrier Operations (Nov. 13, 2018).

⁴ *Id.* at p. 2.

⁵ *Order Suspending Intrastate Motor Carrier Operations*, ¶ 13 (Nov. 20, 2018).

⁶ Request for Hearing on Out-of-Service Order, p. 2 (Dec. 11, 2018).

⁷ Staff's Motion for Order Setting Hearing, ¶ 9 (Dec. 14, 2018).

⁸ K.S.A. 77-514; K.S.A. 77-516; K.S.A. 77-551(c).

Administrative Procedure Act (KAPA). The Commission may designate other staff members to serve in this capacity.

7. The Commission finds that an evidentiary hearing should be set for **Thursday, January 17, 2019**, with pre-filed testimony due by January 7, 2019.

THEREFORE, THE COMMISSION ORDERS:

A. Michael J. Duenes is designated as Prehearing Officer.

B. An evidentiary hearing is scheduled for **January 17, 2019, at 10:00 a.m.**, in the Commission's First Floor Hearing Room at 1500 SW Arrowhead Road, Topeka, Kansas 66604.

C. All pre-filed testimony must be filed with the Commission by January 7, 2019.

D. The Commission orders electronic service to be used in this proceeding, including this Order.

E. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁹

F. The Commission retains jurisdiction over the subject matter and parties to enter such orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 12/20/2018



Lynn M. Retz
Secretary to the Commission

MJD

⁹ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

19-TRAM-051-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail and electronic service on 12/21/2018.

MICHAEL DUENES, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
m.duenes@kcc.ks.gov

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
a.latif@kcc.ks.gov

MATTHIAS W. SCHROEDER, OWNER
MATTHIAS W. SCHROEDER
PO BOX 1
HUNTER, KS 67452
schroeder74j@gmail.com

/S/ DeeAnn Shupe

DeeAnn Shupe