

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Received
on

MAR 28 2012

In the Matter of the Investigation of **Miller**)
Paving & Construction, LLC of Kansas City,)
Kansas, Regarding the Violation of the Kansas)
Underground Utility Damage Prevention Act,) Docket No. 12-DPAX-390-PEN
and the Commission's Authority to Impose)
Penalties and/or Sanctions.)

by
State Corporation Commission
of Kansas

STAFF'S MOTION TO CONTINUE

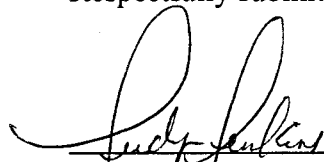
The Staff of the State Corporation Commission of the State of Kansas (Staff) motions the Commission to continue the hearing currently scheduled in the above-referenced docket for April 10, 2012 at 9:00 a.m., and extend the deadlines for filing of direct testimony. In support of its Motion, Staff states as follows:

1. On February 10, 2012 the Commission granted Staff's recommendation for a Penalty Order against Miller Paving & Construction, LLC (Respondent) for alleged violations of the Kansas Underground Utility Damage Prevention Act (KUUDPA).
2. On or about February 27, 2012, Respondent filed a Request for Hearing.
3. On or about February 28, 2012, Staff issued a Notice of Hearing which set the matter for hearing before the Commission on April 10, 2012, at 9:00 a.m., and established deadlines for prefiled testimony.
4. Recently, the parties have engaged in settlement discussions and require additional time to resolve this matter prior to a hearing.
5. Staff therefore requests that the hearing in this matter be continued until May 24, 2012, at 10:00 a.m. and 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 during the hearing.

WHEREFORE, for the reasons set forth above, Staff respectfully requests that the Commission grant this Motion for Continuance and that the hearing currently scheduled in this matter be continued until May 24, 2012, at 10:00 a.m. and the filing date for the parties' prefiled direct testimony be extended to ten days prior to the extended hearing date with any rebuttal testimony of the parties be presented during hearing.

Respectfully submitted,



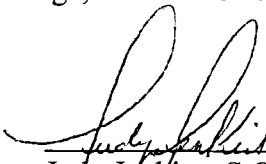
Judy Jenkins, S.Ct. #23300
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For Commission Staff

VERIFICATION

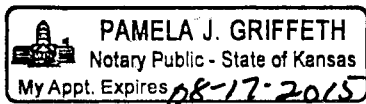
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)


I, Judy Jenkins, of lawful age, being duly sworn upon my oath deposes and states that I am Litigation Counsel for the State Corporation Commission of the State of Kansas and that I have read and am familiar with the foregoing *Staff's Motion for Continuance* and attest that the statements therein are true to the best of my knowledge, information and belief.



Judy Jenkins, S.Ct. #23300
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 28th day of March, 2012.





Notary Public

My Appointment Expires: August 17, 2015

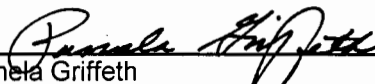
CERTIFICATE OF SERVICE

12-DPAX-390-PEN

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Staff's Motion to Continue was faxed and a copy placed in the United States mail, postage prepaid, or hand-delivered this 28th day of March, 2012, to the following:

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Pamela Griffeth
Administrative Specialist