

1500 SW Arrowhead Road  
Topeka, KS 66604-4027

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner



20140701105731  
Filed Date: 07/01/2014  
State Corporation Commission  
of Kansas

Phone: 785-271-3100  
Fax: 785-271-3354  
<http://kcc.ks.gov/>

Sam Brownback, Governor

July 1, 2014

**VIA CERTIFIED MAIL – RECEIPT NO. 7010 3090 0000 7200 0984  
RETURN RECEIPT REQUESTED**

Charlie Brunker  
Charlie Brunker Excavating, Inc.  
3775 Tennessee Rd  
Ottawa, KS 66067

RE: In the Matter of the Investigation of Charlie Brunker Excavating, Inc.  
Docket No. 14-DPAX-564-PEN

**NOTICE OF HEARING**

On or about June 12, 2014, the State Corporation Commission of the State of Kansas (Commission) issued a Penalty Order against Charlie Brunker Excavating, Inc. (Respondent) for violations of the Kansas Underground Utility Damage Prevention Act, and on June 24, 2014, Respondent timely filed a Request for Hearing.

Pursuant to K.S.A. 2013 Supp. 77-511, the above referenced matter has been set for hearing. The hearing will be held on **Wednesday, October 1, 2014, at 9:30 a.m.**, or as soon thereafter as scheduling permits, in the First Floor Hearing Room at the Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604.

The hearing will be formal in nature and will involve both the rules of civil procedure and the rules of evidence. Please note that K.A.R. 82-1-228(d)(2) requires that corporations appear through an attorney.

Pursuant to K.A.R. 82-1-229(c), parties will prefile direct testimony ten (10) days prior to the scheduled hearing date. The Commission has authorized the use of electronic filing and service in lieu of the traditional physical filing and service of documents. If electronic filing and service is not utilized, one original and seven copies of the prefiled testimony must be filed with the Executive Director of the Commission, 1500 SW Arrowhead Road, Topeka, Kansas 66604. Rebuttal testimony may be presented at the hearing.

If any party(s) fails to appear and participate in this hearing, the Commission may proceed to hear evidence against the party(s) and enter such order as shall be justified by the evidence. Failure to participate may result in default judgment against the Respondent pursuant to K.S.A. 2013 Supp. 77-520. Further, at any point in the proceedings, a proceeding may be converted into another type of agency proceeding pursuant to K.S.A. 77-506.

Notice of Hearing

Page 2

Any person requiring special accommodations under the Americans With Disabilities Act needs to give notice to the Commission at least ten (10) days prior to the scheduled hearing date.

The Commission will preside over this hearing. The attorney designated to appear on behalf of the agency is Robert A. Fox, telephone number 785-271-3118, 1500 SW Arrowhead Road, Topeka, Kansas 66604.

If applicable, any and all prehearing orders issued in this matter are attached in accordance with K.S.A. 2011 Supp. 77-518(b).

By: /s/ Robert A. Fox  
Robert A. Fox, S. Ct. #10260  
Chief Litigation Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Kansas 66604  
Phone: 785-271-3118  
Fax: 785-271-3167  
E-mail: [b.fox@kcc.ks.gov](mailto:b.fox@kcc.ks.gov)