

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

Before Commissioners:                      Dwight D. Keen, Chair  
    Shari Feist Albrecht  
    Susan K. Duffy

In the Matter of the Investigation of Mid-America    )  
Road Builders, Inc. of Platte City, Missouri,        )  
Pursuant to the Kansas Highway Patrol Issuance    )  
of a Notice of Violation(s) and Invoice for the       )  
Violations of the Kansas Motor Carrier Safety      )  
Statutes, Rules and Regulations.                    )

Docket No. 19-GIMM-167-KHP

**ORDER SETTING PROCEDURAL SCHEDULE**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission makes the following findings:

1. On August 29, 2018, the Commission issued a Notice of Violation (Invoice No. H000576294) to Mid-America Road Builders, Inc. (Mid-America),<sup>1</sup> stemming from a Kansas Highway Patrol (KHP) roadside vehicle inspection conducted on August 27, 2018.<sup>2</sup>
2. On August 31, 2018, the Commission issued another Notice of Violation (Invoice No. H000576335) to Mid-America,<sup>3</sup> stemming from a separate roadside inspection conducted on August 27, 2018.<sup>4</sup>
3. On October 26, 2018, Mid-America requested a hearing.
4. On March 7, 2019, the Commission issued an *Order Designating Prehearing Officer and Setting Prehearing Conference*, scheduling a Prehearing Conference for March 26, 2019.<sup>5</sup>

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<sup>1</sup> Notice of Violation, p. 1 (Aug. 29, 2018) – filed in the docket on October 26, 2018.

<sup>2</sup> Driver/Vehicle Examination Report No. KSHP92100967 – filed in the docket on October 26, 2018.

<sup>3</sup> Notice of Violation, p. 1 (Aug. 31, 2018) – filed in the docket on October 26, 2018.

<sup>4</sup> Driver/Vehicle Examination Report No. KSHP92100966 – filed in the docket on October 26, 2018.

<sup>5</sup> *Order Designating Prehearing Officer and Setting Prehearing Conference*, Ordering Clause B (Mar. 7, 2019).

5. On March 21, 2019, the Prehearing Conference was continued until April 9, 2019.<sup>6</sup>

6. On April 9, 2019, the parties held a prehearing conference and agreed to put together a procedural schedule. The agreed-upon schedule is as follows:

Staff Pre-filed Direct Testimony	DUE: May 24, 2019 (5 p.m.)
Mid-America's Pre-filed Direct Testimony	DUE: June 7, 2019 (5 p.m.)
Rebuttal Testimony (all parties)	DUE: June 21, 2019 (5 p.m.)
Evidentiary Hearing	<b>July 9, 2019 - 10:00 a.m. - to be held at:</b>
	KCC Topeka Office First Floor Hearing Room 1500 SW Arrowhead Road Topeka, KS 66604

7. Failure to submit pre-filed testimony may result in the Commission restricting the right to testify and present evidence at the evidentiary hearing. At the hearing, the Commission may limit the parties' direct and rebuttal testimony to the pre-filed testimony.

8. Any settlement agreement the parties wish to present for Commission consideration shall be due by June 21, 2019.

9. Any person requiring special accommodations under the Americans with Disabilities Act should notify the Commission at least 10 days before the scheduled hearing date.

10. Any party who fails to attend or participate in the evidentiary hearing or in any other stage of this proceeding may be held in default under the Kansas Administrative Procedure Act.<sup>7</sup>

11. Generally, a corporation shall appear before the Commission by a Kansas licensed attorney.<sup>8</sup> However, the Commission has allowed Mid-America's President, Ken Pratt, to represent Mid-America *pro se* in all current and future matters associated with this docket, in accordance with K.S.A. 66-1,142b(e).<sup>9</sup>

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<sup>6</sup> *Prehearing Officer Order Continuing Prehearing Conference*, Ordering Clause A (Mar. 21, 2019).

<sup>7</sup> K.S.A. 77-518(c)(8); K.S.A. 77-520.

<sup>8</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

<sup>9</sup> *See Order Allowing Corporate Officer as Legal Representative*, ¶¶ 5, 7 (Apr. 11, 2019).


**THEREFORE, THE COMMISSION ORDERS:**

- A. The procedural schedule in paragraph 6 above is adopted.
- B. 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).<sup>10</sup>
- C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it deems necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 05/14/2019



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Lynn M. Retz  
Secretary to the Commission

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<sup>10</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

**CERTIFICATE OF SERVICE**

19-GIMM-167-KHP

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

first class mail and electronic service on 05/14/2019.

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

KEN PRATT, PRESIDENT  
MID-AMERICA ROAD BUILDERS, INC.  
PO BOX 2336  
PLATTE CITY, MO 64079

/S/ DeeAnn Shupe  
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DeeAnn Shupe