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

Before Commissioners:

Dwight D. Keen, Chair Susan K. Duffy Andrew J. French

In the Matter of the Investigation of Mast) Trucking Inc., of Copeland, Kansas, Regarding) the Violation(s) of the Kansas Motor Carrier) Safety Statutes, Rules and Regulations and the) Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor) Carrier Authority.)

Docket No. 22-TRAM-247-PEN

ORDER DESIGNATING PRESIDING OFFICER AND SETTING PREHEARING CONFERENCE

This matter comes before the State Corporation Commission of the State of Kansas ("Commission") for consideration and decision. The Commission finds the following:

1. On December 21, 2021, the Commission issued a penalty to Mast Trucking totaling \$6,500 in civil fines comprised of four alleged violations.¹ The four alleged violations included a \$5,000 enhanced fine for allowing or permitting drivers to falsify records of duty status. Mast Trucking previously received a penalty for the same violation by Penalty Order dated March 10,

 2020^{2}

- On December 23, 2021, Mast Trucking filed a request for hearing.³ 2.
- 3 On June 27, 2022, Staff of the State Corporation Commission of the State of Kansas

("Staff") filed a Motion to Set Prehearing Conference to be scheduled between the parties for setting a procedural schedule and hearing date.⁴

¹ Penalty Order (Dec. 21, 2021).

² Penalty Order, Docket No. 20-TRAM-379-PEN, para. 7 (Mar. 10, 2020).

³ Mast Trucking Inc. Request for Hearing (Dec. 23, 2021).

⁴ Staff's Motion to Set Prehearing Conference (Jun. 27, 2022).

4. The Commission may designate a Presiding Officer to conduct prehearing conferences to address any matters appropriately considered in a prehearing conference, including all items listed in K.S.A. 77-517(b) of the Kansas Administrative Procedure Act ("KAPA"). Accordingly, the Commission designates David G. Cohen, Assistant General Counsel, 1500 SW Arrowhead Road, Topeka, KS 66604, telephone number (785) 271-3198, d.cohen@kcc.ks.gov to serve as Presiding Officer in this proceeding.⁵ The Commission may designate other staff members to serve in this capacity.

THEREFORE, THE COMMISSION ORDERS:

- A. Staff's Motion to Set a Prehearing Conference is granted.
- B. David Cohen is designated as the Presiding Officer for prehearing matters.
- C. A Prehearing Conference is scheduled for August 2, 2022 at 11:00 AM via Zoom.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 07/26/2022

Lynn M. Ret

Lynn M. Retz Executive Director

DGC

⁵ K.S.A. 77-514; K.S.A. 77-516; K.S.A. 77-551.

CERTIFICATE OF SERVICE

22-TRAM-247-PEN

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 _____07/26/2022

DAVID COHEN, ASSISTANT GENERAL COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 d.cohen@kcc.ks.gov AHSAN LATIF, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 a.latif@kcc.ks.gov

LEROY H. MAST, PRESIDENT MAST TRUCKING, INC. 31800 2 ROAD COPELAND, KS 67837 mast_379@hotmail.com

> /S/ DeeAnn Shupe DeeAnn Shupe