

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

Before Commissioners:     Mark Sievers, Chairman  
                                  Ward Loyd  
                                  Thomas E. Wright

In the Matter of the Investigation of **EEI, LLC of**     )  
**Hotchkiss, Colorado**, Pursuant to the Kansas     )  
Highway Patrol Issuance of a Notice of Violation     ) Docket No. 12-GIMM-012-KHP  
for Violations of the Kansas Motor Carrier Safety     )  
Statutes, Rules and Regulations.                     )

**ORDER GRANTING STAFF'S SECOND MOTION FOR CONTINUANCE**

The Staff's Motion for Continuance filed on September 15, 2011, comes before the State Corporation Commission of the State of Kansas (Commission) for consideration. The Commission, being duly advised in the premises, and after having examined its files and records, finds and concludes as follows:

1.     On May 4, 2011, the Kansas Highway Patrol issued a Notice of Violation against EEI, LLC (Respondent) for alleged violations found during an April 27, 2011, routine motor carrier stop and inspection conducted by the Kansas Highway Patrol.
2.     On July 11, 2011, Respondent's counsel, Jason P. Hoffman of Hoffman & Hoffman, filed a Request for Hearing on behalf of Respondent.
3.     On July 12, 2011, Commission Staff (Staff) issued a Notice of Hearing which set the matter for hearing by the Commission on August 11, 2011, at 11:30 a.m., and established deadlines for prefiled testimony.
4.     On August 8, 2011, the Commission entered an Order Granting Staff's Motion for Continuance and continued the matter to October 13, 2011, at 10:00 a.m.

5. Staff filed a Second Motion for Continuance stating additional time is necessary to allow the criminal case against Respondent in the District Court of Wabaunsee County, Kansas, sufficient time to be decided. Upon conclusion, Staff and Mr. Hoffman will discuss the need, if any, for Respondent's request for hearing to be renewed and its contested issues be brought before the Commission.

6. In its Motion, Staff therefore requested that the hearing in this matter be continued until February 9, 2012, at 10:30 a.m.; 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 at the hearing in February 2012.

7. The Commission finds that it is reasonable to grant Staff's Second Motion for Continuance and continues the evidentiary hearing on this matter from October 13, 2011, at 10:00 a.m. to February 9, 2012, at 10:30 a.m.; and extends the filing date for the parties' prefiled direct testimony to ten (10) days prior to the extended hearing date; and any rebuttal testimony of the parties shall be presented at the hearing.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. Staff's Second Motion for Continuance is granted and the hearing will be continued to February 9, 2012, at 10:30 a.m. The parties' prefiled testimony will be due ten (10) days prior to that date and any rebuttal testimony of the parties will be presented at the hearing.

B. The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 77-529.

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

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

Sievers, Chmn; Loyd, Com.; Wright, Com.

Dated: SEP 22 2011



ORDER MAILED SEP 22 2011

Patrice Petersen-Klein  
Executive Director

RB

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
JASON HOFFMAN, ATTORNEY HOFFMAN & HOFFMAN COMMERCE BANK TOWER 100 SE 9TH ST 3RD FL E TOPEKA, KS 66612-1262		
RAYMOND BERGMEIER KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED SEP 22 2011

The Docket Room hereby certified that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.