



1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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

20141124110242  
Filed Date: 11/24/2014  
State Corporation Commission  
of Kansas

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Sam Brownback, Governor

## Notice of Hearing

November 24, 2014

### **VIA CERTIFIED MAIL – RECEIPT NO. 7010 3090 0000 7200 2056 RETURN RECEIPT REQUESTED**

Ken Pratt, President  
BMS Transportation Company, Inc.  
PO Box 2326  
Platte City MO 64079

RE: Vehicle Examination Report No. KSOOPR000571  
Docket No. 15-GIMM-212-KHP/BMS Transportation Company, Inc.,  
Respondent

### **NOTICE OF HEARING**

On July 7, 2014, the Kansas Highway Patrol issued a Notice of Violation against BMS Transportation Company, Inc. (Respondent), for alleged violations found during a June 23, 2014, routine motor carrier stop and inspection conducted by the Kansas Highway Patrol. On or about November 19, 2014, the Respondent submitted a request for hearing on this matter, which opened Docket No. 15-GIMM-212-KHP.

Pursuant to K.S.A. 2013 Supp. 77-511, the above-referenced matter has been set for hearing. The hearing will be held on January 14, 2015, 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

Notice of Hearing

Page 2

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.

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 Michael Duenes, telephone number 785-271-3181, 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. 2013 Supp. 77-518(b).

By:



Michael Duenes, S. Ct. #26431  
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