

**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 MOTION FOR STAY**

The Staff's Motion for Stay filed on March 21, 2012, 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 September 15, 2011, Staff filed a Second Motion to Continue and on November 23, 2011, the Commission entered an order continuing the hearing to February 2012.

5. On December 30, 2011, Staff filed a Third Motion to Continue and on January 6, 2012, the Commission entered an order continuing the hearing to April 12, 2012.

6. Staff filed a Motion for Stay stating additional time is necessary to allow the criminal case against Respondent sufficient time to be decided. (District Court of Wabaunsee County, Kansas, Case No. 2011 CR 103.) Staff states that charges against Respondent arising from the motor carrier stop are included in the criminal case. Upon conclusion of the criminal case, 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.

7. In its Motion, Staff therefore requested that the hearing in this matter be stayed pending the conclusion of the criminal case against Respondent.

8. The Commission finds that it is reasonable to grant Staff's Motion for Stay and stays proceedings in this docket pending the conclusion of District Court of Wabaunsee County, Kansas, Case No. 2011 CR 103.

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

A. Staff's Motion for Stay is granted and proceedings in this docket shall be stayed pending the conclusion of District Court of Wabaunsee County, Kansas, Case No. 2011 CR 103.

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:           MAR 28 2012          

  
ORDER MAILED MAR 28 2012

Patrice Petersen-Klein  
Executive Director

AW

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		
AMBER WHITLOCK, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED MAR 28 2012

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.