

**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 Hotshot by    )  
FireFighters, LLC of Wichita, Kansas,            )  
Pursuant to the Kansas Highway Patrol        )    Docket No: 19-GIMM-406-KHP  
Issuance of a Notice of Violation(s) and        )  
Invoice for the Violations of the Kansas Motor   )  
Carrier Safety Statutes, Rules and Regulations.   )

**ORDER DESIGNATING PREHEARING OFFICER  
AND SETTING PREHEARING CONFERENCE**

This 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 finds the following:

1.       On March 8, 2019, the Commission issued a Notice of Violation(s) against Hotshot by FireFighters LLC (Respondent) for alleged violations found during a March 7, 2019 routine motor carrier stop and inspection conducted by the Kansas Highway Patrol (KHP).<sup>1</sup> The Respondent was assessed \$650.00 in civil penalties, stemming from the following violations: a \$100.00 penalty for tire-flat and/or audible air leaking, citing 393.75A3, and a \$500.00 penalty for a false report of drivers record of duty status, citing 395.8E.<sup>2</sup>

2.       Subsequent to the Respondent's formal challenge of the alleged violations with the KHP, the KHP's denial of that challenge, and the Respondent's request for hearing with the Commission,<sup>3</sup> Commission Transportation Staff (Staff) and the Respondent have discussed the

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<sup>1</sup> See Notice of Violation(s), p.1 (Mar. 8, 2019), filed in the docket on April 5, 2019; Driver/Vehicle Examination Report No. KSHP01001354 (Mar. 7, 2019), filed in the docket on April 5, 2019.

<sup>2</sup> Notice of Violation(s), p. 2.

<sup>3</sup> See Kansas Highway Patrol Challenge Letter (Mar. 14, 2019), filed in the docket on April 5, 2019; KHP Denial Letter (Mar. 25, 2019), filed in the docket on April 5, 2019; Request for Hearing, filed in the docket on April 5, 2019.

Respondent's hearing request.<sup>4</sup> However, despite these discussions the parties have been unable to move forward, and thus, Staff has requested that a Prehearing Conference be scheduled.<sup>5</sup>

3. In accordance with K.S.A. 77-551(c), the Commission finds that a Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b).

4. Any electronic service received after 5:00 p.m. on a deadline set forth in a procedural schedule shall be considered as filed on the next day and shall be accompanied by a Motion to File Out-of-Time.

5. The Prehearing Officer in this proceeding shall be Michael J. Duenes, Assistant General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, telephone number (785) 271-3181, email address [m.duenes@kcc.ks.gov](mailto:m.duenes@kcc.ks.gov). The Commission may designate other Staff members to serve in this capacity. **The Commission directs electronic service of all filings in the docket to include service on the Prehearing Officer and mailed service of all filings to be directed to the Prehearing Officer's attention.**

**THEREFORE, THE COMMISSION ORDERS:**

- A. Michael J. Duenes is designated as the Prehearing Officer.
- B. A Prehearing Conference is scheduled for **Tuesday, September 24, 2019 at 9:00 a.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 7632914771#.
- C. At the Prehearing Conference, parties shall be prepared to discuss deadlines for filing testimony and briefs, discovery procedures, scheduling of a hearing with the Commission, and any other issues that will promote the orderly and prompt resolution of this proceeding.

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<sup>4</sup> See Staff's Motion to Set Prehearing Conference, ¶ 5 (July 17, 2019).

<sup>5</sup> *Id.* at ¶¶ 5-6.

D. At the Prehearing Conference, without further notice, this proceeding may be converted into a conference hearing or a summary proceeding for disposition of this matter as provided by the Kansas Administrative Procedure Act (KAPA). Any party that fails to attend or participate in the Prehearing Conference, hearing, or other stage of this proceeding may be held in default under the KAPA.<sup>6</sup>

E. A corporation shall appear before the Commission by a Kansas licensed attorney.<sup>7</sup>

F. The attorney designated to appear on behalf of the agency in this proceeding is Ahsan Latif, Litigation Counsel, telephone number (785) 271-3110, [a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov).

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

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

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 08/22/2019



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Lynn M. Retz  
Executive Director

MJD/bm

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<sup>6</sup> K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

<sup>7</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

**CERTIFICATE OF SERVICE**

19-GIMM-406-KHP

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of  
electronic service on 08/22/2019.

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/S/ DeeAnn Shupe  
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DeeAnn Shupe