

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

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

In the Matter of the Investigation of Charles)
Ethan Ball, d/b/a Cow Chow Express of)
Garden City, KS, regarding violations of KS) Docket No. 20-TRAM-173-PEN
Motor Carr. Safety Statutes, Rules, and Regs.)
And the Commission's Authority to Impose)
penalties, Sanctions and/or Revocation of)
Motor Carrier Authority.)

ORDER DESIGNATING PRESIDING OFFICER

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings and conclusions:

1. On October 17, 2019, the Commission issued a Penalty Order in the instant docket assessing a \$2,750 civil penalty against Charles Ethan Ball d/b/a/ Cow Chow Express of Garden City, KS (Cow Chow) for violations found during an October 1-2, 2019, compliance review.¹

2. On December 19, 2019, Cow Chow filed a request for hearing, noting the documents attached to the original order were not related to Cow Chow.²

3. On January 9, 2020, the Commission filed an Amended Penalty Order which contained the correct documentation in support of the penalty order.³

¹ Penalty Order, Oct. 17, 2019.

² Request for Hearing, Dec. 19, 2019.

³ Amended Penalty Order, Jan. 9, 2020.

4. On January 30, 2020, after receiving no correspondence from Cow Chow, Commission Staff (Staff) filed a Motion to Dismiss Request for Hearing.⁴ The Commission filed an Order Granting Staff's Motion to Dismiss Request for Hearing on March 10, 2020.⁵

5. On April 8, 2020, Staff filed a Motion to Suspend Intrastate Motor Carrier Operations and on April 14, 2020,⁶ the Commission issued an Order Suspending Intrastate Motor Carrier Operations.⁷

6. On June 3, 2020, Cow Chow submitted a second request for hearing.⁸

7. On June 15, 2020, Staff filed a Motion to Dismiss Request for Hearing.⁹

8. At this time, pursuant to K.S.A. 77-55(c), the Commission finds that a Presiding Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b).

9. The Prehearing Officer in this prehearing matters shall be Phoenix Anshutz, Assistant General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4021, telephone number (785) 271-3198, email address p.anshutz@kcc.ks.gov.

THEREFORE, THE COMMISSION ORDERS:

A. Phoenix Anshutz is designated as the Presiding Officer for prehearing matters.

⁴ Staff's Motion to Dismiss Request for Hearing, Jan. 30, 2020.

⁵ Order Granting Staff's Motion to Dismiss Request for Hearing, Mar. 10, 2020.

⁶ Motion to Suspend Intrastate Motor Carrier Operations, Apr. 8, 2020.

⁷ Order Suspending Intrastate Motor Carrier Operations, Apr. 14, 2020.

⁸ Request for Hearing, Jun. 3, 2020.

⁹ Staff's Motion to Dismiss Request for Hearing, Jun. 15, 2020.

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Keen, Commissioner; French, Commissioner.

Dated: 06/30/2020



Lynn M. Retz
Executive Director

PZA

CERTIFICATE OF SERVICE

20-TRAM-173-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 06/30/2020.

CHARLES ETHAN BALL, OWNER
CHARLES ETHAN BALL
D/B/A COW CHOW EXPRESS
3980 W PARALLEL RD
GARDEN CITY, KS 67846-8953
charlesball1993@gmail.com

PHOENIX ANSHUTZ, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
p.anshutz@kcc.ks.gov

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
a.latif@kcc.ks.gov

J. SCOTT KOKSAL, PARTNER
LINDER, MARQUEZ & KOKSAL
505 NORTH 6TH
GARDEN CITY, KS 67846
scott@lmandk.com

/S/ DeeAnn Shupe

DeeAnn Shupe