

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

Before Commissioners:                    Brian J. Moline, Chair  
   Robert E. Krehbiel  
   Michael C. Moffet

In the Matter of the Joint Application of    )  
Rural Telephone Service Company, Inc.    )  
(RuralTel) and Gorham Telephone            )  
Company, Inc. (Gorham) for Permission of    )  
RuralTel to Cease Operating as a Telephone   )  
Public Utility in Two Kansas Exchanges it   )  
is Acquiring from United and to Grant       )  
Gorham a Certificate of Public Convenience   )  
for the Same Two Exchanges, and for         )  
Authority to Transfer Property, Plant and     )  
Equipment of RuralTel Located in the Two     )  
Exchanges to Gorham and Complete all        )  
Matters Incident to the Transfer.            )

Docket No. 06-GRHT-1095-COC

**ORDER GRANTING INTERVENTION**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined its files and records, and being duly advised in the premises, the Commission makes the following findings:

1. On April 7, 2006, Rural Telephone Service Company, Inc. (RuralTel) and Gorham Telephone Company, Inc. (Gorham) filed a joint application for permission of RuralTel to cease operating as a telephone public utility in two Kansas exchanges it is acquiring from United Telephone Company of Kansas d/b/a Sprint and to grant Gorham a Certificate of Convenience and Authority for the same two exchanges. The application also sought approval to transfer property, plant, and equipment of RuralTel located in the two exchanges to Gorham and complete all matters incident to the transfer.

2. On May 17, 2006, the Citizens' Utility Ratepayer Board (CURB) filed a Petition to Intervene in this docket. In support of its petition, CURB stated it is composed of five volunteer consumer advocate members and is statutorily authorized to represent the interests of Kansas residential and small commercial ratepayers in utility proceedings. Furthermore, CURB stated the rates paid and the services received by customers it represents will or may be affected by any Commission order or activity in this proceeding. The representation of CURB's interests in this proceeding by existing parties may be inadequate.

3. The Commission has broad discretion to grant a petition for intervention if intervention is in "the interests of justice and orderly and prompt conduct of the proceedings will not be impaired . . ." K.S.A. 77-521(a)(3). K.A.R. 82-1-225 also recognizes the Commission's broad discretion to grant interventions. A party's petition to intervene must "state[] facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law." K.A.R. 82-1-225(a)(2). Further, the Commission may limit an intervenor's participation to designated issues in which the intervenor has a particular interest as demonstrated in the petition, require two or more intervenors to combine their presentation of evidence or argument, and limit an intervenor's use of discovery. K.A.R. § 82-1-225(c)(1)-(2).

4. The Commission finds and concludes that CURB has met the requirements of K.A.R. 82-1-225 and as such should be granted intervention. CURB should be added to the mailing lists to receive service of all pleadings in this matter. Service of all pleadings, communications, and correspondence should be directed to the counsel of record for the petitioners, as follows:

C. Steven Rarrick, # 13127  
Citizens' Utility Ratepayer Board  
1500 S.W. Arrowhead Rd.  
Topeka, KS 66604  
Telephone: (785) 271-3200  
Facsimile (785)271-3116

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

A. The Petition for Intervention filed by the Citizens' Utility Ratepayer Board is granted in the above-captioned proceeding. Counsel of record for petitioner shall receive service of all pleadings in this matter.

B. A party may file a petition for reconsideration of this order within fifteen days of the service of this order. If this order is mailed, service is complete upon mailing, and three days may be added to the above time frame. K.S.A. 66-118b; K.S.A. 2005 Supp. 77-529(a)(1).

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

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

Moline, Chr.; Krehbiel, Com.; Moffet, Com.

Dated:           **MAY 31 2006**          

**ORDER MAILED**

**MAY 31 2006**

 Executive  
Director

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Susan K. Duffy  
Executive Director

BL:jtg