

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: John Wine, Chair
Susan M. Seltsam
Cynthia L. Claus

In the Matter of the Investigation by the)
Commission of the Adequacy of Future Kansas) Docket No. 99-GIME-321-GIE
Electric Generation Capacity.)

ORDER GRANTING INTERVENTION

NOW, the above-captioned matter comes on for consideration and determination by 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 and concludes as follows:

1. On November 5, 1998, the Commission issued its Order Directing Investigation in the above-captioned matter.

2. On November 6, 1998, the Citizens' Utility Ratepayer Board ("CURB") filed its Petition for Leave to Intervene in this docket, in order to represent the interests of residential and small commercial ratepayers whose rates paid and service received will or may be affected by the Commission's Order in this proceeding. CURB alleged that the representation of CURB's interests in this proceeding is or may be inadequate, and that the residential ratepayers and small businesses whose interests CURB represents will or may be bound by a Commission Order in this proceeding.

3. The Commission has broad discretion to grant a petition for intervention if

intervention is in “the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired...” K.S.A. 77-521(a)(3). Additionally, K.A.R. 82-1-225(a)(2) recognizes the Commission’s broad discretion to grant interventions. A petition for intervention shall be granted if the petition “states 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.” 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 presentations of evidence or argument, and limit an intervenor’s use of discovery K.A.R. 82-1-225(c).

4. In support of its petition, CURB states that the representation of its interests in this proceeding by existing parties is or may be inadequate. Further, CURB states that the residential ratepayers whose interests CURB represents will or may be bound by a Commission order in this proceeding and will or may be adversely affected.

5. After due consideration, it is the opinion of the Commission that CURB’s Petition for Leave to Intervene meets the requirements of K.A.R. 82-1-225 and as such should be granted.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

CURB’s Petition for Leave to Intervene complies with the requirements set forth in K.A.R. 82-1-225 and is therefore granted.

Any party may file for reconsideration of this Order within fifteen (15) days of the service of this Order. If service is by mail, service is complete upon mailing, and three (3) days may be added to the above time frame.

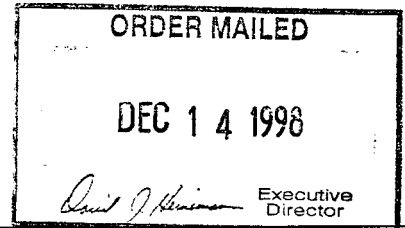
The Commission retains jurisdiction of the subject matter and the parties for the purpose ‘

of entering such further order or orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Wine, Chr.; Seltsam, Corn.; Claus, Corn.

Dated: DEC 11 1998



David J. Heinemann
Executive Director

AEB