BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

| Before Commissioners: | Thomas E. Wright, Chairman Michael C. Moffet Joseph F. Harkins |
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| In the Matter of a General Investigation |) |
| Regarding Development of an RFP for a |) |
| Third-Party Provider or Providers of Energy |) Docket No. 10-GIMX-013-GIV |
| Efficiency Program Evaluation, |) |
| Measurement, & Verification Services |) |

ORDER GRANTING INTERVENTION FOR THE CITIZENS' UTILITY RATEPAYER BOARD

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 and conclusions:

- 1. On July 8, 2009, the Commission opened this General Investigation Regarding Development of an RFP for a Third-Party Provider or Providers of Energy Efficiency Program Evaluation, Measurement, & Verification Services.
- The Citizens' Utility Ratepayer Board (CURB) petitioned the Commission on
 July 13, 2009, to permit it to intervene in this proceeding.
- 3. CURB represents the interests of the residential and small commercial ratepayers in utility proceedings. CURB Petition, ¶ 1. CURB stated that it has the discretion to intervene on behalf of the interests of residential and small commercial ratepayers in any utility proceedings before the Commission under K.S.A. 66-1223 *et seq.* CURB Petition, ¶ 2. CURB asserts that the rates paid and service received by the customers it represents will or may be

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affected by a Commission decision in this proceeding. CURB Petition, ¶ 4. Additionally, CURB stated that representation of CURB's interests in this proceeding by existing parties is or may not be adequate. CURB Petition, ¶ 5.

- 6. The Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, if the intervention will not impair the orderly and prompt conduct of the proceedings, and if the party has stated facts demonstrating its legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding. K.S.A. 77-521(a)(3); K.A.R. 82-1-225. Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation. K.S.A. 77-521(c).
- 7. The Commission finds and concludes that CURB has met the requirements of K.A.R. 82-1-225 and should be granted intervention. CURB will be added to the mailing list, service of pleadings, communications, and correspondence should be directed to counsel of record as follows:

David Springe Niki Christopher C. Steven Rarrick Citizens' Utility Ratepayer Board 1500 SW Arrowhead Road Topeka, KS 66604

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IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The CURB is granted intervention 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 final agency action within

fifteen days of the service of the Order. If the 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. 2008 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.

Wright, Chmn.; Moffet, Com.; Harkins, Com.

Dated: SEP 0 2 2009

ORDERED MAILED

SEP 03 2009

EXECUTIVE DIRECTOR

Susan K. Duffy Executive Director

CRR: jnh

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