

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 United)
Telephone Company of Kansas, Inc., United)
Telephone Company of Eastern Kansas, Inc.)
(United) and Rural Telephone Service Company,)
Inc. (RuralTel) for Permission of United to Cease)
Operating as a Telephone Public Utility in)
Twelve of its Kansas Exchanges, to Grant)
RuralTel a Certificate of Public Convenience for)
the Same Twelve Exchanges, and for Authority to)
Transfer Property, Plant and Equipment of United)
Located in the Twelve Exchanges to RuralTel and)
Complete all Matters Incident to the Transfer.)

Docket No. 06-UTDT-962-CCS

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 March 3, 2006, United Telephone Company of Kansas, Inc., United Telephone Company of Eastern Kansas, Inc. (collectively United) and Rural Telephone Service Company, Inc. (RuralTel) jointly filed an application for permission of United to cease operating as a telephone public utility in 12 of its Kansas exchanges, to grant RuralTel a Certificate of Public Convenience and Authority for the same 12 exchanges, and for authority to transfer property, plant, and equipment of United located in the 12 exchanges to RuralTel and complete all matters incidental to the transfer.

2. On March 10, 2006, the Citizens' Utility Ratepayer Board (CURB) filed a Petition to Intervene in this docket in order to represent the interests of Kansas residential and small commercial ratepayers that it claims may be affected by these proceedings.

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) (1997). K.A.R. 82-1-225 (1997) also recognizes the Commission's broad discretion to grant interventions. A petition to intervene must set out "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 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 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. CURB contends that the representation of its interests in this proceeding by existing parties is or may be inadequate. CURB maintains that the residential and small businesses whose interests it represents will or may be bound by a Commission order in this proceeding, thereby necessitating its full participation.

5. The Commission concludes that CURB has met the requirements of K.A.R. 82-1-225 and as such should be granted intervention in these proceedings. CURB should be added to the mailing list to receive service of all pleadings in this matter.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Citizens' Utility Ratepayer Board's Petition for intervention complies with the requirements set forth in K.A.R. 82-1-225. The Citizens' Utility Ratepayer Board is therefore granted intervention in the above-captioned proceeding. 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. **ORDER MAILED**

MAR 16 2006

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 Executive
Director

Susan K. Duffy
Executive Director

BL:jtg