

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Thomas E. Wright, Chairman
 Michael C. Moffet
 Joseph F. Harkins

In the Matter of the General Investigation into)
Commission Policy Regarding Pension and)
Retirement Costs for Investor-Owned Utilities.) Docket No. 07-GIMX-1041-GIV

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 duly advised in the premises, the Commission finds and concludes as follows:

1. On October 17, 2006, Atmos Energy Corporation, Aquila, Inc. d/b/a Aquila Networks KGO and Aquila Networks WPK, the Empire District Electric Company, Kansas City Power & Light Company, Westar Energy, Inc., and Kansas Gas and Electric Company (collectively “Joint Applicants”) jointly filed an Application requesting approval of an Accounting Order related to changes in financial accounting standards in Docket No. 07-ATMG-387-ACT (“387 Docket”).

2. On December 27, 2007, the Commission issued an Order consolidating the 387 Docket with another separate proceeding filed by Kansas Gas Service, a Division of ONEOK, Inc. (“KGS”).

3. On January 24, 2007, the Commission issued an Order granting in part and denying in part the Application filed in the 387 Docket. In its Order, the Commission indicated that a general investigation docket should be opened to further consider the portions of the Application that were denied by the Commission.

4. On March 29, 2007, the Commission issued an Order to consider the additional relief requested by the Joint Applicants. In its March 29, 2007 Order Initiating Investigation and Assessing Costs in Docket No. 07-GIMX-1041-GIV (“1041 Docket”), the Commission stated that all parties to the 387 Docket, including KGS are made parties to the 1041 Docket. The Commission further stated that other interested parties may file petitions to intervene no later than April 27, 2007.

5. On March 30, 2007, the Citizens’ Utility Ratepayer Board (“CURB”) filed a petition requesting intervention in this docket. CURB stated 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. CURB Petition at para. 1. CURB asserted that representation of CURB’s interests by existing parties “may be inadequate.” *Id.* at para. 5.

6. 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 (2006) 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) (2006). 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) (2006).

7. 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. Accordingly, CURB should be added to the mailing list to receive service of all pleadings in this matter. Service of all pleadings, communications and correspondence should be directed to the intervener's counsel of record as follows:

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

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. CURB's petition to intervene complies with the requirements set forth in K.A.R. 82-1-225. CURB is therefore granted intervention in this docket. CURB 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 date this Order is served. If this Order is mailed, service is complete upon mailing, and three days may be added to the above time frame.

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.

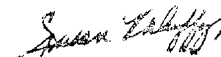
BY THE COMMISSION IT IS SO ORDERED.

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

Dated: SEP 10 2007

ORDER MAILED

SEP 10 2007

 Executive Director

Susan K. Duffy
Executive Director

SBC:jmf