

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 Application of)
Southwester Bell Telephone Company for)
Price Deregulation of Residential and)
Business Telecommunications Services in) Docket No. 09-SWBT-435-PDR
the Cheney, Coffeyville, Garden Plain,)
McPherson, Plainville, Cherryvale, and)
Halstead, Kansas Exchanges Pursuant to)
K.S.A. 2007 Supp. 66-2005(q)(1).)

ORDER GRANTING CURB'S PETITION TO INTERVENE

NOW COMES the above matter 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 November 21, 2008, Southwestern Bell Telephone Company (SWBT) filed an application for price deregulation of residential and business telecommunications services in the Cheney, Coffeyville, Garden Plain, McPherson, Plainville, Cherryvale, and Halstead, Kansas, exchanges pursuant to K.S.A. 2007 Supp. 66-2005(q)(1).

2. On November 26, 2008, the Citizens' Utility Ratepayer Board (CURB) filed a petition for intervention and motion for expedited protective order (Petition). CURB notes at paragraph 2 of its Petition that its "Consumer Counsel has been given the discretion to intervene and represent the interests of Kansas residential and small commercial ratepayers in any utility proceeding before the Commission under K.S.A. 66-1223 et seq." CURB also requests the Commission issue a protective order on an expedited schedule because the Commission is

required to act on SWBT's filing no later than December 12, 2008, subject to a 30-day suspension period. K.S.A. 2007 Supp. 66-2005(q)(4).

3. The Commission finds that CURB, in its role as set forth in K.S.A. 66-1223 as Consumer Counsel, has stated facts demonstrating that CURB's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by this proceeding. K.A.R. 82-1-225(a)(2). Further, the Commission finds that the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention. K.A.R. 82-1-225(a)(3). Given these findings, the Commission finds that K.A.R. 82-1-225(a) requires the Commission grant CURB's petition for intervention.

4. The Commission issued a protective order in this docket on November 26, 2008; therefore, CURB's request for a protective order is moot.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. CURB's Petition to Intervene is granted.

B. The parties have fifteen days, plus three days if service is by mail, from the date the order was served in which to petition the Commission for reconsideration of any issues decided herein. K.S.A. 66-118b; K.S.A. 2007 Supp. 77-529(a)(1).

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

BY THE COMMISSION IT IS SO ORDERED.

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

Dated: DEC 02 2008

ORDERED MAILED

DEC 02 2008

 **EXECUTIVE
DIRECTOR**

Susan K. Duffy
Executive Director

CRH