

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS



Received  
on

JAN 28 2013

In the Matter of the Investigation of )  
Howison Heights Inc.'s Ability to )  
Provide Sufficient and Efficient Service. )

by  
State Corporation Commission  
of Kansas  
Docket No. 13-HHIW-460-GIV

**PETITION TO INTERVENE & MOTION FOR PROTECTIVE ORDER &  
DISCOVERY ORDER**

COMES NOW, the Citizens' Utility Ratepayer Board ("CURB") and moves the Corporation Commission of the State of the Kansas ("Commission") for an Order permitting it to intervene in the above-captioned proceeding, and moves for issuance of a protective order and discovery order in the same proceeding. In support of its petition, motion and discovery, CURB states and alleges as follows:

1. CURB 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.

2. CURB's 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.

3. On January 14, 2013, Staff of the State Corporation of the State of Kansas (Staff and Commission, respectively) moved the Commission to open an investigation of Howison Heights, Inc.'s ability to provide sufficient and efficient service.

4. CURB is requesting permission to intervene in this docket to represent the interests of the residential and small commercial ratepayers of Kansas. The rates paid

and the service received by those customers will or may be affected by any Commission order or activity in this proceeding.

5. In addition to undersigned counsel, please include the following CURB representatives with all electronic notices, pleadings, and correspondence regarding this Application as follows:

Shonda Smith  
Office Manager  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, KS 66604  
Email: [sd.smith@curb.kansas.gov](mailto:sd.smith@curb.kansas.gov)

Della Smith  
Administrative Specialist  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, KS 66604  
Email: [d.smith@curb.kansas.gov](mailto:d.smith@curb.kansas.gov)

6. The representation of CURB's interests in this proceeding by existing parties is or may be inadequate.

7. The residential and small commercial ratepayers whose interests CURB represents will or may be bound by any Commission order or activity in this proceeding and will or may be adversely affected thereby.

8. To protect confidential information that has been filed or may be filed in this docket, CURB also moves the Commission to issue a protective order in this docket. Binding the parties to abide by the protective order should be more than adequate to protect the interest of the utility in protecting its confidential information while providing CURB full access to the information.

WHEREFORE, CURB RESPECTFULLY REQUESTS THE Commission grant its Petition for Intervention and request for a Protective Order and Discovery Order in this Docket.

Respectfully submitted,



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David Springe #15619  
Niki Christopher #19311  
C. Steven Rarrick #13127  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, KS 66604  
(785) 271-3200  
(785) 271-3116 Fax

VERIFICATION

STATE OF KANSAS )

COUNTY OF SHAWNEE ) ss:

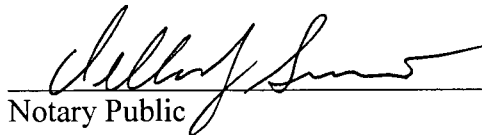
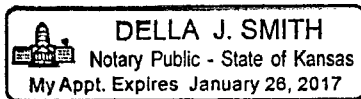
I, Niki Christopher, of lawful age, being first duly sworn upon her oath states:

That she is an attorney for the Citizens' Utility Ratepayer Board, that she has read the above and foregoing document, and, upon information and belief, states that the matters therein appearing are true and correct.



Niki Christopher

SUBSCRIBED AND SWORN to before me this 28<sup>th</sup> day of January, 2013.

  
Notary Public

My Commission expires: 01-26-2017.

**CERTIFICATE OF SERVICE**

13-HHIW-460-GIV

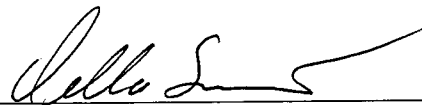
I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was placed in the United States mail, postage prepaid, or hand-delivered this 28<sup>th</sup> day of January, 2013, to the following:

JAMES G. FLAHERTY, ATTORNEY  
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