

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)
Southwestern Bell Telephone Company for)
Price Deregulation of Residential)
Telecommunications Services in the Abilene,) Docket No. 10-SWBT-019-PDR
Chanute, Clay Center, Ellsworth, Emporia,)
Independence, Minneapolis, Neodesha and)
Parsons, Kansas Exchanges Pursuant to)
K.S.A. 2008 Supp.66-2005(q) (1).)

ORDER GRANTING CURB'S PETITION TO INTERVENE

The above matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records and being duly advised in the premises, the Commission finds and concludes as follows:

1. On July 6, 2009, Southwestern Bell Telephone Company (SWBT) filed an application for price deregulation of residential telecommunications services in the Abilene, Chanute, Clay Center, Ellsworth, Emporia, Independence, Minneapolis, Neodesha and Parsons, Kansas exchanges pursuant to K.S.A. 2008 Supp. 66-2005(q)(1).

2. On July 8, 2009, 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 July 27, 2009, subject to a 30-day suspension period. K.S.A. 2008 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 will contemporaneously issue a protective order in this docket.

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. 2008 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: JUL 10 2009

ORDERED MAILED

JUL 10 2009

 **EXECUTIVE
DIRECTOR**

Susan K. Duffy
Executive Director

CRH:acc