

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Mark Sievers, Chairman
Thomas E. Wright
Shari Feist Albrecht

In the Matter of Suburban Water's Compliance)
Filings as Required by Commission Order)
Dated July 11, 2012, in Docket No. 12-SUBW-) Docket No. 13-SUBW-175-CPL
359-RTS.)
)

**ORDER ON CITIZENS' UTILITY RATEPAYER BOARD'S
PETITION TO INTERVENE**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined the files and records, and being duly advised in the premises, the Commission makes the following findings:

1. On July 11, 2012, the Commission issued an order in Docket No. 12-SUBW-359-RTS which required Suburban Water, Inc. d/b/a Suburban Water Company (Suburban) to file monthly reports, beginning on September 4, 2012 (and on each first Monday, thereafter), on the status of its compliance of the Commission Order to include those issues listed in Attachment 1, included in the Order.¹

2. Suburban opened this docket with its first compliance filing on September 4, 2012. The Citizens' Utility Ratepayer Board (CURB) filed a Petition to Intervene (Petition) on September 6, 2012, citing its statutory "discretion to intervene and represent the interests of residential and small commercial ratepayers in utility proceedings."² CURB asserted that rates paid and service received by those customers "will or may be affected by Commission order or

¹ Order Approving Unanimous Stipulation and Agreement, p. 24, ¶62, July 11, 2012.

² Petition to Intervene, at ¶ 2.

activity in this proceeding.”³ CURB further asserted that the representation of CURB’s interests in this proceeding by existing parties is or may be inadequate.⁴

3. The Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, if the intervention will not impair the orderly and prompt conduct of the proceedings, and if the party has stated facts demonstrating its legal rights, duties and privileges, immunities or other legal interests may be substantially affected by the proceeding.⁵ Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor’s participation.⁶ Additionally, the Commission is responsible for ensuring utilities comply with Commission orders and approves the use of compliance dockets as an internal monitoring mechanism.⁷ Discovery motions, protests, and other litigious filings are not appropriate in compliance dockets and will not be accepted for filing by the Docket Room. The Commission has the authority to limit filings which may interfere with the prompt and orderly conduct of Staff’s review of Suburban’s compliance filings.

4. The Commission approves the use of electronic filings in this docket among the parties. The parties may serve each other electronically, provide confidential information on a compact disc, and waive receipt of a follow-up hard copy as required in K.A.R. 82-1-216(a)(c). Electronic service shall occur by 3:00 p.m. on the date due, unless otherwise set forth in this or another order. The parties shall specify this electronic service constitutes official service and that no hard copy will follow, making clear that paper copies will not be provided to the parties.

³ *Id.* at ¶ 7

⁴ *Id.* at ¶ 6.

⁵ K.S.A. 77-521; K.A.R. 82-1-225.

⁶ K.S.A. 77-521(c).

⁷ K.A.R. 82-1-225(a)(3).

5. Therefore, the Commission finds that CURB's intervention should be limited to receiving notice of filings in this docket. CURB will not be given access to confidential filings or allowed to file discovery motions, protests, or other litigious filings. Such notices shall be delivered to counsel of record, as follows:

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

6. In addition to the counsel of record for CURB listed above, service of notices should be delivered to CURB's other designees:

Shonda Smith
Office Manager
Citizens' Utility Ratepayer Board
1500 SW Arrowhead Road
Topeka, KS 66604
Email: sdsmith@curb.ks.gov

Della Smith
Administrative Specialist
Citizens' Utility Ratepayer Board
1500 SW Arrowhead Road
Topeka, KS 66604
Email: dsmith@curb.ks.gov

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) The Citizens' Utility Ratepayer Board is granted limited intervention in the above-captioned proceeding. Counsel of record for the petitioner, and its other designees, shall receive service of all pleadings in this matter, as set forth above.

(B) The Commission directs this Order be served by electronic mail, with a note that no hard copy will follow. This Order is procedural and constitutes non-final agency action.⁸

(C) The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein.⁹


⁸ K.S.A. 77-607(b)(2).

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

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chmn; Wright, Com; Albrecht, Com.

Dated: OCT 19 2012


ORDER MAILED OCT 19 2012
Patrice Petersen-Klein
Executive Director

JYJ

⁹ K.S.A. 66-118b; K.S.A. 2011 Supp. 77-529(a)(1).

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
JAMES G. FLAHERTY, ATTORNEY ANDERSON & BYRD, L.L.P. 216 SOUTH HICKORY PO BOX 17 OTTAWA, KS 66067		
NIKI CHRISTOPHER, ATTORNEY CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
C. STEVEN RARRICK, ATTORNEY CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
DELLA SMITH CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
SHONDA SMITH CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
DAVID SPRINGE, CONSUMER COUNSEL CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
HOLLY FISHER, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED OCT 19 2012

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
ROBERT A. FOX, SENIOR LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
JUDY JENKINS, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		

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