

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of the Kansas Open Records Act)
Request dated August 23, 2023, by James) Docket No. 24-GIMX-238-MIS
Zakoura.)

ORDER GRANTING CURB’S PETITION TO INTERVENE

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

I. Background

1. On August 23, 2023, the Commission received a Kansas Open Records Act (“KORA”) request from James Zakoura pursuant to K.S.A. 45-215 et. seq.¹ On September 6, 2023, the Office of General Counsel for the State Corporation Commission of the State of Kansas filed several documents regarding the KORA Request.²

2. On October 12, 2023, due to the confidential nature of the records requested, the Commission issued a decision denying the KORA Request pursuant to K.S.A. 45- 221(a)(l) and K.S.A. 66-1220(a) and its amendments.³

¹ See Notice of Filing of Documents (Sep. 6, 2023).

² *Id.*

³ Order on KORA Request (Oct. 12, 2023) (“Order”).

3. On October 16, 2023, James Zakoura filed a Petition for Reconsideration.⁴ The PFR was followed by an addendum filed on October 20, 2023.⁵

4. On October 25, 2023, the Citizens' Utility Ratepayer Board ("CURB") filed its Petition to Intervene citing its statutory authority to represent residential and small commercial ratepayers.⁶

II. Order Granting CURB's Petition to Intervene

5. CURB contends that residential and small commercial ratepayers have an interest in ensuring utility rates are just and reasonable and that Commission proceedings are reasonably transparent;⁷ and further, that the residential and small commercial ratepayers represented by CURB will be bound by any further Commission order or activity in this proceeding.⁸

6. CURB contends that the representation of CURB's interests in this proceeding by existing parties is inadequate; no other party to this proceeding is authorized to specifically represent residential and small commercial ratepayers, function as the statutory official intervenor in cases filed with the Commission, or seek judicial review of Commission orders and decisions on behalf of residential and small commercial ratepayers.⁹

7. The Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, if the intervention allows for the orderly and prompt conduct of the proceedings to continue unimpaired, and if the party seeking intervention has factually demonstrated that its legal rights, duties and privileges, immunities or other legal interests may be

⁴ Petition for Reconsideration (Oct. 16, 2023) ("PFR").

⁵ Addendum to Petition for Reconsideration (Oct. 20, 2023) ("Addendum").

⁶ Petition to Intervene, ¶ 3 (Oct. 25, 2023).

⁷ Petition to Intervene, at 2.

⁸ Petition to Intervene, at 2.

⁹ *Id.*

substantially affected by the proceeding.¹⁰ CURB's intervention is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings to continue unimpaired.

8. The Commission finds CURB has demonstrated an interest in this proceeding and meets the above requirements to intervene in this proceeding. Therefore, pursuant to K.S.A. 77-521 the Commission grants CURB's Petition for Intervention.

9. CURB will be added to the official service list. Service of pleadings, communications, and correspondence should be delivered to counsel of record and CURB's other designees, as follows:

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¹⁰ K.S.A. 77-521; K.A.R. 82-1-225.

THEREFORE, THE COMMISSION ORDERS:

A. CURB's Petition to Intervene is granted pursuant to K.S.A. 77-521.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).¹¹

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/09/2023



Lynn M. Retz
Executive Director

CRM/av/DGC

¹¹ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

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I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
electronic service on 11/09/2023.

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CERTIFICATE OF SERVICE

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