

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

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

In the Matter of An Investigation to Determine )  
the Assessment Rate and the Affordable Local )  
Service Rates for Rate-of-Return Regulated ) Docket No. 13-GIMT-130-GIT  
Carriers for the Seventeenth Year of the )  
Kansas Universal Service Fund, Effective )  
March 1, 2013 )

**ORDER GRANTING INTERVENTION TO CITIZENS' UTILITY RATEPAYER  
BOARD**

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

1. On August 12, 2012, the Commission issued an *Order Opening Docket and Establishing Procedural Schedule* in Docket No. 13-GIMT-130-GIT. The docket was opened in order to determine the Kansas Universal Service Fund ("KUSF") assessment rate for the seventeenth year pursuant to K.S.A. 66-2008(a). The docket was also opened to determine the affordable local service rates for rate-of-return regulated carriers pursuant to K.S.A. 66-2005(e).
2. The Citizens' Utility Ratepayer Board ("CURB") filed a *Petition to Intervene* with the Commission on August 27, 2012, requesting leave to intervene in this proceeding. In its Petition, CURB cites its statutory authority under K.S.A. 66-1223 et seq., to intervene and represent the interests of Kansas residential and small commercial ratepayers in utility

proceedings before the Commission. CURB states that “[t]he rates paid and the service received by residential and small commercial ratepayers will or may be affected by any Commission order or activity in this proceeding.”

3. The Commission has broad discretion to grant a petition for intervention if it is in the interests of justice, if the intervention will not impair the orderly and prompt conduct of the proceeding, and if the party has stated facts demonstrating its legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding. K.S.A. 77-521(b); K.A.R. 82-1-225(b). At any time during a proceeding, the Commission may impose limitations on an intervener’s participation. K.S.A. 77-521(c).

4. The Commission finds and concludes that CURB has met the requirements of K.A.R. 82-1-225 and should be granted intervention. CURB will be added to the mailing list, service of pleadings, communications, and correspondence should 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  
(785) 271-3116 Fax

5. In addition to the counsel of record for CURB listed above, the service of notices, pleadings, and correspondence should be delivered to CURB’s other designees:

Shonda Smith  
Officer Manager  
Citizens’ Utility Ratepayer Board  
1500 S.W. 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 S.W. Arrowhead Road  
Topeka, KS 66604  
Email: [d.smith@curb.kansas.gov](mailto:d.smith@curb.kansas.gov)

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

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


B. 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. K.S.A. 66-118b; K.S.A. 77-529(a)(1).

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

**BY THE COMMISSION IT IS SO ORDERED.**

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

Dated: SEP 11 2012

  
ORDER MAILED SEP 11 2012  
\_\_\_\_\_  
Patrice Petersen-Klein  
Executive Director

MRN

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
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***		
JAMES M. CAPLINGER, ATTORNEY JAMES M. CAPLINGER, CHARTERED 823 W 10TH STREET TOPEKA, KS 66612		
JAMES M. CAPLINGER, JR., ATTORNEY JAMES M. CAPLINGER, CHARTERED 823 W 10TH STREET TOPEKA, KS 66612		
COLLEEN R. HARRELL JAMES M. CAPLINGER, CHARTERED 823 W 10TH STREET TOPEKA, KS 66612		

ORDER MAILED **SEP 11 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
MICHAEL NEELEY, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
MARK E. CAPLINGER MARK E. CAPLINGER, P.A. 7936 SW INDIAN WOODS PL TOPEKA, KS 66615-1421		
BRUCE A. NEY, GENERAL ATTORNEY SOUTHWESTERN BELL TELEPHONE CO. D/B/A AT&T KANSAS 220 SE 6TH AVE RM 515 TOPEKA, KS 66603-3596		

ORDER MAILED SEP 11 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.