

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of Kansas Gas Service, a Division of )  
ONE Gas, Inc.'s Compliance Filing for the )  
Execution of an Adjustment Mechanism, the ) Docket No. 23-KGSG-842-CPL  
True-Up of Securitized Utility Tariff Charges, and )  
Certain Other Filings Required in the Connection )  
with Securitized Utility Tariff Bonds. )

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

COMES NOW, the Citizens' Utility Ratepayer Board ("CURB") and petitions the Corporation Commission of the State of the Kansas ("Commission") for intervention in the above-captioned case pursuant to K.S.A. 66-1223 and K.S.A. 77-521(a). In support of its petition and motion, CURB states and alleges as follows:

1. On May 25, 2023, Kansas Gas Service, a Division of ONE Gas, Inc. ("Kansas Gas Service" or "KGS") filed an application with the Commission as a compliance filing, seeking acceptance of the same, including acceptance by the Commission of a True-Up Letter dated May 25, 2023 (attached as Attachment A to the application), along with certain revisions made to KGS's Winter Event Securitized Cost Recovery Rider (attached as Attachment B to the application) and acceptance of various and related transaction documents (attached as Attachment C to the application) all in connection with Securitized Utility Tariff Bonds approved by the Commission and in compliance with the Commission's Order in Docket No. 22-KGSG-466-TAR and further pursuant to Kansas' Utility Financing and Securitization Act, K.S.A. 66-1,240 et seq., KGS further seeks administrative closure of Docket No. 22-KGSG-466-TAR.

2. CURB is composed of five volunteer board members.<sup>1</sup>

3. CURB has specific statutory authority to “represent residential and small commercial ratepayers before the state corporation commission”<sup>2</sup> and to “function as an *official intervenor in cases* filed with the state corporation commission.”<sup>3</sup> CURB’s authority and role as the official intervenor in cases filed with the Commission has been recognized by the Kansas Supreme Court.<sup>4</sup> CURB also has specific statutory authority to seek judicial review of Commission orders and decisions on behalf of residential and small commercial ratepayers.<sup>5</sup>

4. CURB’s express statutory authority referenced above reflects the intent of the Legislature that CURB should participate in cases filed with the Commission. This fulfills the requirement under K.S.A. 77-521(a)(2) because CURB “qualifies as an intervenor under any provision of law.”

5. The residential and small commercial ratepayers whose interests CURB represents will be bound by any Commission order or activity in this proceeding. The rates paid and the services received by residential and small commercial ratepayers may be substantially affected by any Commission order or activity in this proceeding with respect to Kansas Gas Service’s Compliance Filing, as described in its application.

6. The representation of CURB’s interests in this proceeding by existing parties is inadequate. No other party to this proceeding is authorized to (a) specifically represent residential

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<sup>1</sup> K.S.A. 66-1222(a).

<sup>2</sup> K.S.A. 66-1223(a).

<sup>3</sup> K.S.A. 66-1223(b).

<sup>4</sup> K.S.A. 66-1223(b). See, *Citizens’ Utility Ratepayer Board v. Kansas Corporation Comm’n*, 24 Kan. App.2d 63, 68, rev. den. 262 Kan. 959 (1997) (“*CURB v. KCC*”). See also, *Farmland Industries, Inc. v. Kansas Corp. Comm’n*, 29 Kan.App.2d 1031, 1047-48, 37 P.3d 640 (2001) (“The bulk of current customers otherwise entitled to receive refunds are statutorily represented by CURB. See K.S.A. 66-1223(a)”).

<sup>5</sup> K.S.A. 66-1223.

and small commercial ratepayers before the Commission, (b) function as the statutory official intervenor in cases filed with the Commission, or (c) seek judicial review of Commission orders and decisions on behalf of residential and small commercial ratepayers. While Commission Staff may have authority to investigate, evaluate, testify and offer exhibits on behalf of the *general public* pursuant to a definition contained in a Commission regulation,<sup>6</sup> Staff does not specifically represent residential and small commercial ratepayers and is expressly denied the right to appeal Commission orders.<sup>7</sup>

7. Accordingly, CURB has a substantial and vital interest in the outcome of this proceeding which cannot be adequately represented by any other party. Pursuant to K.S.A. 77-521(a)(2), CURB qualifies as an intervenor (a) under provision of law and (b) because the rights, duties, privileges, immunities, or other legal interests of residential and small commercial ratepayers may be substantially affected by this proceeding.<sup>8</sup>

8. CURB's requested intervention is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.<sup>9</sup>

9. CURB therefore requests that the Commission grant CURB's Petition to Intervene and participate fully in this docket, including but not limited to the right to conduct discovery, file pleadings and testimony, present oral argument, and fully participate in any scheduled hearings.

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<sup>6</sup> Staff's authority to represent the general public is not specifically authorized by statute, but merely referenced in the definition section of Commission regulations. K.A.R. 82-1-204(q) ("Technical staff may conduct investigations and otherwise evaluate issues raised, and may testify and offer exhibits on behalf of the *general public*." ) (emphasis added).

<sup>7</sup> K.A.R. 82-1-204(i)(3).

<sup>8</sup> K.S.A. 77-521(a)(2).

<sup>9</sup> K.S.A. 77-521(a)(3).

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

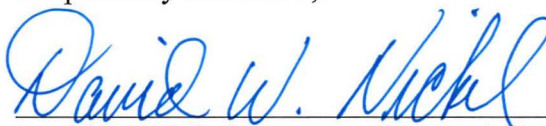
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11. Discovery responses may contain confidential information. CURB is requesting the Commission issue a Protective Order and Discovery Order in this docket to allow CURB and its consultant access to the full information contained in this filing.

WHEREFORE, CURB respectfully requests the Commission grant its Petition for Intervention and Motion for Protective Order and Discovery Order in this Docket.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

23-KGSG-842-CPL

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 21<sup>st</sup> day of June, 2023, to the following:

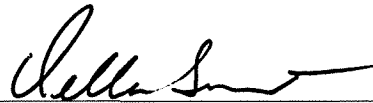
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