

4 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)")

decisions on behalf of residential and small commercial ratepayers.⁵

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 intervener 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 Atmos Energy's proposal to amend its Demand Charge Savings Provision in its Purchased Gas Adjustment (PGA) Tariff, 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 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,⁶ Staff does not specifically represent residential and small commercial ratepayers and is expressly denied the right to appeal Commission orders.⁷

⁵ K.S.A. 66-1223.

⁶ 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

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.⁸

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

9. CURB therefore requests that the Commission grant CURB's Petition to Intervene and allow CURB to 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.

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

Shonda Rabb
Public Service Administrator II
Citizens' Utility Ratepayer Board
1500 SW Arrowhead Road
Topeka, KS 66604
Email: s.rabb@curb.kansas.gov

Della Smith
Senior Administrative Specialist
Citizens' Utility Ratepayer Board
1500 SW Arrowhead Road
Topeka, KS 66604
Email: d.smith@curb.kansas.gov

11. Pleadings, testimony, and exhibits and may contain confidential information. CURB is requesting the Commission issue a Protective Order and Discovery Order in this docket to allow

otherwise evaluate issues raised, and may testify and offer exhibits on behalf of the *general public*.”) (emphasis added).

⁷ K.A.R. 82-1-204(i)(3).

⁸ K.S.A. 77-521(a)(2).

⁹ K.S.A. 77-521(a)(3).

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,

A handwritten signature in cursive script, reading "David W. Nickel". The signature is written in black ink and is positioned above a horizontal line.

David W. Nickel, Consumer Counsel #11170

Todd E. Love, Attorney #13445

Joseph R. Astrab, Attorney #26414

Citizens' Utility Ratepayer Board

1500 SW Arrowhead Road

Topeka, KS 66604

(785) 271-3200

d.nickel@curb.kansas.gov

t.love@curb.kansas.gov

j.astrab@curb.kansas.gov

Attorneys for CURB

VERIFICATION

STATE OF KANSAS

)


)

SS:

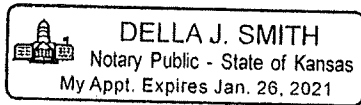
COUNTY OF SHAWNEE

)

I, David W. Nickel, of lawful age and being first duly sworn upon my oath, state that I am an attorney for the Citizens' Utility Ratepayer Board; that I have read and am familiar with the above and foregoing document and attest that the statements therein are true and correct to the best of my knowledge, information, and belief.


David W. Nickel

SUBSCRIBED AND SWORN to before me this 28th day of May, 2019.




Notary Public

My Commission expires: 01-26-2021.

CERTIFICATE OF SERVICE

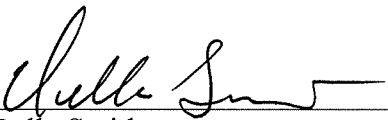
19-ATMG-486-TAR

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 28th day of May, 2019, to the following:

JAMES G. FLAHERTY, ATTORNEY
ANDERSON & BYRD, L.L.P.
216 S HICKORY
PO BOX 17
OTTAWA, KS 66067
jflaherty@andersonbyrd.com

JARED GEIGER, SR RATE ANALYST
ATMOS ENERGY CORPORATION
1555 BLAKE ST STE 400
DENVER, CO 80202
Jared.Geiger@atmosenergy.com

PHOENIX ANSHUTZ, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
p.anshutz@kcc.ks.gov



Della Smith
Senior Administrative Specialist