

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

Before Commissioners:                    Mark Sievers, Chairman  
    Ward Loyd  
    Thomas E. Wright

In the Matter of the Application of Kansas                    )  
Gas Service, a Division of ONEOK, Inc. for                    )                    Docket No. 12-KGSG-721-TAR  
the Approval of an Infrastructure                                    )  
Replacement Program Surcharge.                                    )

**ORDER SETTING PROCEDURAL SCHEDULE**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records and being fully advised in the premises, the Commission finds and concludes as follows:

1.        On March 28, 2012, Kansas Gas Service (KGS) filed its application for a new tariff schedule, Infrastructure Replacement Program Surcharge, which is designed to allow for the adjustment of KGS's rates and charges to provide for the recovery of costs for eligible infrastructure system replacements.

2.        On April 16, 2012, a scheduling conference was held with Andrew French, Prehearing Officer, presiding. The following parties appeared at the scheduling conference: Walker Hendrix and John DeCoursey on behalf of KGS, Ray Bergmeier on behalf of the Commission Staff and the public generally, David Springe and Niki Christopher on behalf of the Citizens' Utility Ratepayer Board (CURB). Transcript of Prehearing Conference, April 16, 2012, page 3 (Tr., p. 3).

3.        **Schedule.** During the conference, the parties collaborated but were unable to agree on a mutually-acceptable schedule.

4. KGS recommended a compressed Report and Recommendation (R&R) schedule, primarily composed of a paper record. KGS believes that there will be little need for fact finding, and most issues will be legal in nature. (Tr., pp. 11-12.) KGS asked that the Staff R&R be submitted by May 25, 2012. KGS proposed that CURB would submit comments on the R&R by June 15, 2012. KGS would then respond to the R&R and reply to CURB's response by July 27, 2012. (Tr., p. 8.)

5. CURB did not object to the proposal of a compressed schedule, in some form. However, CURB did believe that a traditional hearing format would be advantageous. CURB asserted that a hearing would create a better record and afford the Commissioners a better opportunity to make inquiries. (Tr., pp. 9-11.)

6. CURB objected to the specific R&R format proposed by KGS. CURB contended that, should an R&R format be adopted, allowing KGS to respond only after the R&R and CURB's response would be nontraditional. (Tr., p. 9.)

7. Staff did not offer a proposed schedule. (Tr., p. 8.)

8. The Commission finds no need for a traditional hearing schedule at this time. Therefore, to accommodate a compressed schedule, the Commission adopts an R&R format. Although there may be some complex issues, no specific concerns have been raised to show that an R&R format would be inappropriate. However, the Commission reserves the right to schedule a hearing, should it become necessary. The Commission has reviewed past R&R formats, and is adopting a schedule that should address the parties' concerns.

9. The Commission adopts the following procedural schedule:

Staff Report & Recommendation

**May 25, 2012**  
**3:00 p.m.** (electronic service)  
**5:00 p.m.** (filing)

CURB and KGS Responses to Staff R&R

**June 15, 2012**  
**3:00 p.m.** (electronic service)  
**5:00 p.m.** (filing)

CURB, KGS, and Staff Replies to Responses  
to Staff R&R and Proposed Orders

**June 29, 2012**  
**3:00 p.m.** (electronic service)  
**5:00 p.m.** (filing)

Commission Final Order

**Aug. 1, 2012**  
**1:30 p.m.** (Open Meeting)

10. **Proposed Orders.** The Commission directs the parties to prepare and submit proposed orders. A proposed order should contain a summary of the presentations, which includes findings of fact, proper citations to the record, and conclusions of law, including the legal standard that the Commission should apply. Proposed orders may be adopted in whole or in part by the Commission. Proposed orders shall be filed by all parties with their final Responses due on June 29, 2012. Additionally, an electronic version in Microsoft Word format should be emailed to the Prehearing Officer assigned to the docket as set forth in paragraph 10.

11. **Official Service List/Electronic Service.** During the scheduling conference, the parties agreed to use electronic service of all testimony, briefs, other pleadings, and orders without requiring provision of follow-up hard copies as required by K.A.R. 82-1-216(a)(6). Confidential papers will be served either electronically, if confidentiality can be maintained, or by some other secure method, such as providing information on compact disc. Testimony, briefs, and other pleadings must be served electronically by 3:00 p.m. on the date due, without requiring service among the parties of a follow-up hard copy. However, the original and at least

seven paper copies of testimony, briefs, and other pleadings must still be filed in the Commission's docket room by close of business on the date of the deadline. K.A.R. 82-1-215(a). Any electronic service of Commission or Prehearing Officer's orders without follow-up hard copies will specifically state in the electronic message serving the order that the electronic message constitutes service of the attached order and that a hard copy will not follow. Parties are directed to maintain accurate, current lists of electronic service email addresses based on information contained within the Commission's orders. Electronic service of testimony, briefs, and other pleadings shall include service on Prehearing Officer French at [a.french@kcc.ks.gov](mailto:a.french@kcc.ks.gov).

12. Orders issued by the Commission or by the Prehearing Officer will only be served upon parties who have sought through counsel to be added to the official electronic service list, either by means of a formal petition to intervene, a formal entry of appearance, or a formal letter request filed in the docket addressed and directed to the Prehearing Officer. All parties should serve all documents according to the same official electronic service list.

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

- A. The Commission adopts the procedural schedule set forth above at paragraph 8.
- B. The Commission approves the use of electronic service as explained above at paragraphs 10 and 11.
- C. Parties have 15 days from the date of electronic service of this Order in which to petition the Commission for reconsideration. K.S.A. 66-118b; K.S.A. 2011 Supp. 77-529(a)(1).
- D. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further order, or orders, as it may deem necessary and proper.

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

Dated: APR 25 2012

  
ORDER MAILED APR 25 2012

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Patrice Petersen-Klein  
Executive Director

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**CERTIFICATE OF SERVICE**

APR 25 2012

12-KGSG-721-TAR

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Order Setting Procedural Schedule was served by electronic mail this 25th day of April, 2012, to the following parties who have waived receipt of follow-up hard copies:

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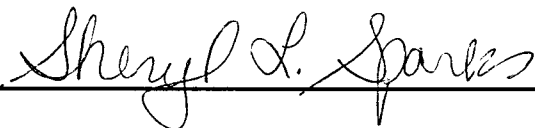
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ORDER MAILED APR 25 2012

APR 25 2012

**CERTIFICATE OF SERVICE**

12-KGSG-721-TAR

Sheryl L. Sparks  
Administrative Specialist

ORDER<sup>e</sup>MAILED APR 25 2012