

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Received  
on

AUG 23 2013

by  
State Corporation Commission  
of Kansas

In the Matter of the Application of ONEOK, )  
Inc. for an Order Authorizing Its Plan of ) Docket No. 14-KGSG-100-MIS  
Reorganization. )

**PETITION TO INTERVENE**

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, CURB states and alleges as follows:

1. On August 16, 2013, ONEOK, Inc. ("ONEOK") filed an application with the Kansas Corporation Commission for an Order Authorizing Its Plan of Reorganization.
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>

---

<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)")

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 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 under ONEOK'S proposed plan of reorganization may be substantially affected by any Commission order or activity in this proceeding.

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) 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,<sup>6</sup> Staff does not represent residential and small commercial ratepayers and is expressly denied the right to appeal Commission orders.<sup>7</sup>

---

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

<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).

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.

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 Smith  
Office Manager  
Citizens' Utility Ratepayer Board  
1500 SW 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 SW Arrowhead Road  
Topeka, KS 66604  
Email: [d.smith@curb.kansas.gov](mailto:d.smith@curb.kansas.gov)

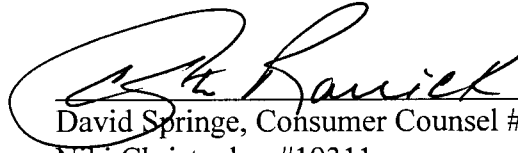
WHEREFORE, CURB respectfully requests the Commission grant its Petition for Intervention in this Docket.

---

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Steven Rarrick", is written over a horizontal line.

David Springe, Consumer Counsel #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



**CERTIFICATE OF SERVICE**

14-KGSG-100-MIS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was placed in the United States mail, postage prepaid, or hand-delivered this 23<sup>rd</sup> day of August, 2013, to the following:

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

RAY BERGMEIER, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
\*\*Hand Delivered\*\*

AMBER SMITH, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
\*\*Hand Delivered\*\*

JOHN P. DECOURSEY, DIRECTOR, LAW  
KANSAS GAS SERVICE, A DIVISION OF ONEOK, INC.  
7421 W 129TH ST  
OVERLAND PARK, KS 66213-2634

DAVID N. DITTEMORE, MANAGER OF RATES & ANALYSIS  
KANSAS GAS SERVICE, A DIVISION OF ONEOK, INC.  
7421 W 129TH ST  
OVERLAND PARK, KS 66213-2634

WALKER HENDRIX, COMPLAINTS  
KANSAS GAS SERVICE, A DIVISION OF ONEOK, INC.  
7421 W 129TH ST  
OVERLAND PARK, KS 66213-2634

CARON A. LAWHORN, SR. VICE-PRESIDENT,  
COMMERCIAL, NATURAL GAS DISTRIBUTION  
ONEOK INC. D/B/A ONEOK, INC.  
100 W FIFTH  
TULSA, OK 74103

DEREK S. REINERS, CFO  
ONEOK INC. D/B/A ONEOK, INC.  
100 W FIFTH  
TULSA, OK 74103

A handwritten signature in black ink, appearing to read "Della Smith", written over a horizontal line.

Della Smith  
Administrative Specialist