

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

Before Commissioners: Brian J. Moline, Chair
 Robert E. Krehbiel
 Michael C. Moffet

In the Matter of the Application of)
Kansas Gas Service, a Division of)
ONEOK, Inc. for Approval of a) Docket No. 05-KGSG-580-HED
Hedge Program for Gas Purchased)
for the Winter Heating Season.)

**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"). Having examined its files and records, and being duly advised in the premises, the Commission finds as follows:

I. BACKGROUND

1. On January 14, 2005, Kansas Gas Service, a Division of ONEOK, Inc. ("Kansas Gas Service" or "Company"), filed its Application seeking an Order from the Commission approving its request to establish a Gas Hedge Program that will enable the Company to take the necessary steps to limit the volatility of gas prices during the winter heating season. Kansas Gas Service seeks authority to collect \$14.0 million dollars annually from its customers to purchase hedging instruments to limit the volatility of the price of gas to its customers during the winter heating months of November through March. In support of its Application the Company filed the direct testimony of Mr. Richard H. Tangeman, its Director, FERC Regulatory & Strategy.

2. On January 18, 2005, Citizens' Utility Ratepayer Board (CURB) filed with the Commission a Petition to Intervene seeking a Commission order granting CURB leave to intervene as a party in this matter.

3. In support of its Petition to Intervene, CURB states the following:

a) CURB is composed of five volunteer consumer advocate members and is statutorily authorized to represent the interests of Kansas residential and small commercial ratepayers in utility proceedings;

b) CURB's Consumer Counsel has been given the discretion to intervene and represent the interests of Kansas residential and small commercial ratepayers in any utility proceeding before the Commission under K.S.A. 66-1223 *et seq.*;

c) CURB is requesting permission to intervene in this docket to represent the interests of the residential and small commercial ratepayers of Kansas;

d) CURB states that the rates paid and the service received by those customers whom CURB represents will or may be affected by any Commission order or activity in this proceeding;

e) The representation of CURB's interests in this proceeding by existing parties is or may be inadequate; and

f) The residential and small commercial ratepayers whose interests CURB represents will or may be bound by any Commission order or activity in this proceeding and will or may be adversely affected thereby.

II. DISCUSSION

4. The general criteria governing intervention is set by statute and in the Commission's rules and regulations, specifically K.S.A. 77-521 and K.A.R. 82-1-225. These authorities provide the Commission considerable discretion regarding intervention, essentially allowing the Commission to grant intervention if it is determined that the request was made in the interest of justice and will not delay the orderly and prompt conduct of the proceeding.

Further, K.S.A. 77-521 and K.A.R. 82-1-225 provide that: a) the intervener's participation may be limited to designated issues in which the intervener has a particular interest; b) the intervener's use of discovery, cross-examination and other procedures may be limited so as to promote the orderly and prompt conduct of the proceedings; and c) two or more interveners may be required to combine their presentations of evidence and argument, cross-examination, discovery and other participation in the proceedings.

5. The Commission finds that Citizens' Utility Ratepayer Board, the agency statutorily authorized to represent the interests of residential and small commercial ratepayers in Kansas, properly filed its petition to intervene and states facts demonstrating that its legal interests may be substantially affected by this proceeding. Therefore, the Commission grants full intervention to CURB. CURB is reminded that the Commission may, at any time, limit their participation in this proceeding, including the use of discovery, cross-examination and other procedures so as to promote the orderly and prompt conduct of this proceeding.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) The petition to intervene filed by Citizens' Utility Ratepayer Board is hereby granted pursuant to K.S.A. 77-521 and K.A.R. 82-1-225 as set forth in this Order.

(B) The Commission retains jurisdiction of the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

(C) Any party may file a petition for reconsideration of this Order within fifteen (15) days of service of this Order. If service is by mail, service is complete upon mailing, and three (3) days shall be added to the above time frame.

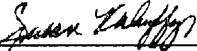
BY THE COMMISSION IT IS SO ORDERED.

Moline, Chr.; Krehbiel, Com.; Moffet, Com.

Dated: JAN 21 2005

ORDER MAILED

JAN 21 2005

 Executive
Director

Susan K. Duffy
Executive Director

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