

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

In the Matter of a General Investigation)
Into Incentives for Fuel Switching.) Docket No. 09-GIMX-160-GIV

ORDER GRANTING CURB INTERVENTION

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (“Commission”) for consideration and decision. Having examined its files and records, and being duly advised in all matters of record, the Commission finds and concludes:

1. On September 29, 2008, the Commission filed an order initiating an investigation into incentives for fuel-switching.
2. On October 6, 2008, the Citizens Utility Ratepayer Board (“CURB”) filed a Petition for Leave to Intervene.
3. The Commission has broad discretion to grant a petition for intervention if intervention is in the interests of justice, if the intervention will not impair the orderly and prompt conduct of the proceedings, and if the party has stated facts demonstrating its legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding. K.S.A. 77-521(a); K.A.R. 82-1-225. At any time during a proceeding, the Commission may impose limitations on an intervenor’s participation. K.A.R. 82-1-225(c). See K.S.A. 77-521(c). This can include limiting an intervenor’s participation to designated issues in which the intervenor has a particular interest and its use of discovery and other procedures. The Commission may also require two or more intervenors to combine their presentation of evidence

or argument, cross-examination, discovery, and other participation in the proceedings. K.S.A. 77-521(c)(1)-(3)

4. In support of its Petition, CURB states that its 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.* CURB seeks to intervene to represent those interests in this docket and states the rates paid and service received by those customers will or may be affected by any Commission order or activity in this proceeding, that representation of CURB's interests in this proceeding by existing parties may be inadequate, and that the 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.

5. The Commission finds CURB has met the requirements for intervention and grants CURB's petition for intervention, subject to the Commission's prior order in this docket and any further orders that the Commission might issue.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) The Commission hereby grants intervention to CURB, subject to its adherence to the Commission's order and any future orders, as set forth above.

(B) This is a procedural order and constitutes non-final agency action. K.S.A. 77-607(b)(2). Parties have fifteen days, plus three days if service of this Order is by mail, from the date of service of this Order in which to petition the Commission for reconsideration. K.S.A. 66-118b; K.S.A. 2006 Supp. 77-529(a)(1).

(C) 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.

BY THE COMMISSION IT IS SO ORDERED.

Wright, Chr.; Moffet, Com.; Harkins, Com.

Dated: OCT 17 2008

ORDERED MAILED

OCT 20 2008



EXECUTIVE
DIRECTOR

Susan K. Duffy
Executive Director

PTS:kkd