

2010.04.16 10:39:13

Kansas Corporation Commission

/s/ Susan K. Duffy

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Thomas E. Wright, Chairman
 Joseph F. Harkins

In the Matter of the Application of Suburban)
Water, Inc., d/b/a Suburban Water Company,)
for Approval of a Purchased Water Adjustment) Docket No. 10-SUBW-602-TAR
("PWA").)

In the Matter of the Application of Suburban)
Water, Inc., d/b/a Suburban Water Company,)
for Approval of an Automatic Meter Reading) Docket No. 10-SUBW-603-TAR
System Surcharge Tariff.)

ORDER DESIGNATING PREHEARING OFFICER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the files and being fully advised of all matters of record, the Commission finds and concludes as follows:

1. On March 26, 2010, Suburban Water, Inc., d/b/a Suburban Water Company (SWC), filed two Applications pursuant to K.S.A. 66-117 and K.S.A. 1,230, *et seq.*, asking the Commission to approve a Purchased Water Adjustment (PWA) and an Automatic Meter Reading System Surcharge Tariff (AMR). The Commission has jurisdiction over these Applications pursuant to K.S.A. 66-117 and K.S.A. 66-1, 231 to 66-1,233.

2. The Citizens' Utility Ratepayer Board (CURB) was granted permission to intervene in both dockets in an Order issued April 7, 2010. A Suspension Order was also issued in each docket on April 7, 2010, stating that, pursuant to K.S.A. 66-117, the operation of Suburban Water's proposed tariffs are suspended and the effective dates deferred to November 14, 2010.

3. Having reviewed these Applications, the Commission finds that a prehearing officer should be designated to address any issues that need to be resolved regarding these Applications.

FINDINGS AND CONCLUSIONS

4. The Commission recognizes that numerous events will need to be included in the procedural schedule for these dockets to be sure these proceedings are concluded by the statutory deadline of November 14, 2010. K.S.A. 66-117. The Commission has decided that the issues raised in these Applications present issues of sufficient public concern that one public hearing should be conducted. Parties shall work with the Prehearing Officer designated in this Order to schedule a public hearing, an evidentiary hearing, and other matters as required to address these Applications.

5. Although the Commission will conduct the evidentiary hearing in this docket, the Commission designates a prehearing officer to conduct any prehearing conferences that might be needed in this proceeding and to address any matters that are appropriately considered in a prehearing conference, including all items listed in the Kansas Administrative Procedure Act (KAPA) at K.S.A. 77-517(b). These items include, for example, conversion of the proceeding to another type; exploration of settlement possibilities; clarification of issues; rulings on identity and limitation of the number of witnesses; objections to proffers of evidence; determination of the extent to which direct evidence, rebuttal evidence, or cross-examination will be presented in written form, and the extent to which telephone or other electronic means will be used as a substitute for proceedings in person; order of presentation of evidence and cross-examination; discovery orders and protective orders; and such other matters as will promote the orderly and prompt conduct of the hearing. The Commission designates Martha J. Coffman, Advisory

Counsel, 1500 SW Arrowhead Road, Topeka, KS 66604-4027, telephone 785-271-3105, email address m.coffman@kcc.ks.gov, to act as Prehearing Officer in this proceeding. K.S.A. 77-516; K.S.A. 2009 Supp. 77-551(c). The Commission, as it deems necessary, may designate other staff members to serve in this capacity.

6. The attorney designated to appear on behalf of the agency in this proceeding is Colleen Harrell, telephone number 785-271-3138, 1500 Arrowhead Road, Topeka, KS 66604-4027. K.S.A. 2009 Supp. 77-518(c)(2); K.S.A. 77-516(c)(2).

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) The Commission hereby designates Martha J. Coffman to serve as Prehearing Officer in this proceeding, as set forth above in paragraph 5.

(B) Parties have fifteen days, plus three days if service of this Order is by mail, from the date of mailing this Order in which to petition the Commission for reconsideration. K.S.A. 66-118b; K.S.A. 2009 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, Chmn; Harkins, Com.

Dated: APR 16 2010

ORDERED MAILED

APR 16 2010

 **EXECUTIVE
DIRECTOR**

Susan K. Duffy
Executive Director

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