

**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 Suburban)
Water, Inc., d/b/a Suburban Water)
Company, for Approval of the Commission)
to Make Certain Changes in its Rates for)
Water Service, for Approval of an)
Amendment to a Contract for Sale of Water)
with Board of Public Utilities, an)
Administrative Agency of the Unified)
Government of Wyandotte County/Kansas)
City, Kansas ("BPU") and for Approval of a)
Purchase Water Adjustment ("PWA"))
Tariff.)

Docket No. 12-SUBW-359-RTS

**ORDER DESIGNATING PREHEARING OFFICER AND GRANTING
INTERVENTION TO THE CITIZENS' UTILITY RATEPAYER BOARD**

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:

I. Introduction

1. On November 16, 2011, Suburban Water, Inc., d/b/a Suburban Water Company (Suburban Water), filed an Application with the Commission seeking approval to make certain changes in its rates for water service, for approval of an amendment to a contract for sale of water with Board of Public Utilities (BPU), and for approval of a Purchase Water Adjustment (PWA) Tariff.

2. Suburban Water stated that it is a corporation duly organized under the laws of the State of Kansas, and has its principal place of business at 1216 N. 155th Street, Basehor, Kansas 66007. Application, November 16, 2011, paragraph 1 (Application, ¶ 1). Suburban Water stated

that it is duly authorized to transact business in Kansas, holds appropriate certificates from this Commission to transact business as a water public utility, and is now and has been engaged in the purchase, transmission, sale and distribution of water in the State of Kansas in accordance with the laws of said State and the Rules and Regulations of the Commission. Application, ¶ 3. Suburban Water provides retail water service to approximately 1,500 residential and small commercial customers, as well as wholesale water service to Rural Water District Nos. 10 and 6, in Leavenworth County, Kansas. Application, ¶ 3.

II. Prehearing Officer

3. Although the Commission would 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 at K.S.A. 77-517(b). These items include, for example, conversion of the proceeding to another type; exploration of settlement possibilities; preparation of stipulations; 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; rulings regarding issuance of subpoenas; discovery orders and protective orders; and such other matters as will promote the orderly and prompt conduct of the hearing.

4. The Commission designates Melissa Doeblin, Advisory Counsel, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027, telephone number 785-271-3186, email address m.doeblin@kcc.ks.gov to act as Prehearing Officer in this proceeding. K.S.A. 2010 Supp. 77-

514; K.S.A. 77-516; K.S.A. 2010 Supp. 77-551. The Commission, as it deems necessary, may designate other staff members to serve in this capacity.

III. CURB Petition for Intervention

5. The Citizens' Utility Ratepayer Board (CURB) represents the interests of the residential and small commercial ratepayers of Kansas and filed a Petition to Intervene with the Commission requesting leave to intervene in this proceeding. Petition to Intervene, November 18, 2011, paragraph 4 (CURB Petition, ¶ 4). In its petition, CURB stated that it has the discretion to intervene on behalf of the interests of residential and small commercial ratepayers in any utility proceedings before the Commission under K.S.A. 66-1223. CURB Petition, ¶ 2. CURB claimed that the rates paid and service received by the customers it represents will or may be affected by a Commission decision in this proceeding. CURB Petition, ¶ 4. Further, CURB stated that its interests in the outcome of this proceeding cannot be adequately represented by any other party in this proceeding. CURB Petition, ¶ 6.

6. The Commission has broad discretion to grant a petition for intervention if it is in the interests of justice, if the intervention will not impair the orderly and prompt conduct of the proceeding, 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(b); K.A.R. 82-1-225(b). At any time during a proceeding, the Commission may impose limitations on an intervener's participation. K.S.A. 77-521(c).

7. The Commission finds and concludes that CURB has met the requirements of K.A.R. 82-1-225 and should be granted intervention. CURB will be added to the mailing list, service of pleadings, communications, and correspondence should be delivered to counsel of record, as follows:

David Springe #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

8. In addition to the counsel of record for CURB listed above, the service of electronic notices, pleadings, and correspondence should be delivered to CURB's other designees:

Shonda Smith
Office Manager
Citizens' Utility Ratepayer Board
1500 SW Arrowhead Road
Topeka, KS 66604
Email: 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

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Commission designates Melissa Doeblin to act as Prehearing Officer in this proceeding, as described above. The Commission directs the Prehearing Officer to work with the parties to develop a procedural schedule in this docket.

B. The Citizens' Utility Ratepayer Board is granted intervention in the above-captioned proceeding. Counsel of record for the petitioner, and its other designees, shall receive service of all pleadings in this matter, as set forth above.

C. Parties have 15 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. 2010 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: DEC 14 2011



ORDER MAILED DEC 15 2011

Patrice Petersen-Klein
Executive Director

mch/mrd

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
<p>JAMES G. FLAHERTY, ATTORNEY ANDERSON & BYRD, L.L.P. 216 SOUTH HICKORY PO BOX 17 OTTAWA, KS 66067</p>		
<p>NIKI CHRISTOPHER, ATTORNEY CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***</p>		
<p>C. STEVEN RARRICK, ATTORNEY CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***</p>		
<p>DELLA SMITH CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***</p>		
<p>SHONDA SMITH CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***</p>		
<p>DAVID SPRINGE, CONSUMER COUNSEL CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***</p>		
<p>ROBERT A. FOX, SENIOR LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***</p>		

ORDER MAILED DEC 15 2011

The Docket Room hereby certified that on this _____ day of _____, 20____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
JUDY JEWSOME, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
MIKE BREUER, PRESIDENT SUBURBAN WATER CO. 1216 N 155TH ST PO BOX 147 BASEHOR, KS 66007		
GREGORY L. WILSON, CPA TWENTY-FIRST CENTURY MANAGEMENT PO BOX 532 DE SOTO, KS 66018		

ORDER MAILED DEC 15 2011

The Docket Room hereby certified that on this _____ day of _____, 20____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.