

Kansas Administrative Regulations

Kansas Corporation Commission

Article 1.—Rules of Practice and Procedure

82-1-222. Prehearing conferences; procedure.

(a) In any matter pending before the commission and not governed by the KAPA, the attorneys for the parties to appear before the commission for a prehearing conference may be directed by the commission at its discretion or on the request of any party to consider any of the following:

- (1) The simplification of the issues;
- (2) the trial of issues of law, the determination of which may eliminate or affect the trial of issues of fact;
- (3) the necessity or desirability of amendments to the pleadings;
- (4) the possibility of obtaining admissions of fact and of documents that will avoid unnecessary proof;
- (5) the limitation of the number of expert witnesses;
- (6) the advisability of a preliminary reference of issues of fact to an examiner or an investigator appointed by the commission; or
- (7) any other matters that may aid in the disposition of the proceeding.

(b) Preliminary reference. If in the course of a prehearing conference any issues are referred to a presiding officer or an investigator appointed by the commission, the findings of fact of the presiding officer or investigator shall be reduced to writing, filed as an exhibit, and admitted into evidence at the hearing.

(c) Prehearing order. A prehearing order shall be made to reflect the action taken at the prehearing conference, any amendments allowed to the pleadings, and any agreements by the parties relating to any of the matters considered at the prehearing conference. Any agreements by the parties or their attorneys that limit the issues for trial to those not disposed of by admissions or agreements of counsel shall be in writing and shall be filed. The preliminary order, when entered, shall control the subsequent course of the proceeding, unless modified by the commission to prevent manifest injustice. A

calendar on which proceedings may be placed for consideration at prehearing conferences may be published by the commission at its discretion, or the attorneys for the parties may be summoned, or the parties themselves, or both, to a prehearing conference upon notice as may be deemed reasonable by the commission.

(Authorized by and implementing K.S.A. 2001 Supp. 55-604, K.S.A. 55-704, K.S.A. 2001 Supp. 66-106; effective Jan. 1, 1977; amended July 23, 1990; amended Oct. 10, 2003.)

***** Authenticated Kansas Administrative Regulation *****