

Kansas Administrative Regulations

Kansas Corporation Commission

Article 1.—Rules of Practice and Procedure

82-1-207. Ex parte communications in non-KAPA proceedings.

(a) (1) After the commission has determined and announced that a hearing shall be conducted in a proceeding and before the issuance of a final order, no parties to the proceeding, or their attorneys, shall discuss the merits of the proceeding with the commissioners or the presiding officer unless reasonable notice that allows attendance is given to all parties to the proceeding.

(2) After the commission has determined and announced that a hearing shall be conducted in a proceeding and before the issuance of a final order, each party shall mail copies of any written communications regarding the proceeding that are directed to the commission or any member of its staff, to all parties of record. Each party shall furnish proof that service of the written communication was made to all parties to the proceeding.

(3) The person or persons to whom any ex parte communication is made shall promptly and fully inform the full commission of the substance and circumstances of the communication to enable the commission to take appropriate action.

(b) For purposes of this regulation only, no member of the technical staff shall be considered a party to any proceeding before the commission, regardless of participation in staff investigations in the proceeding or of participation in the proceeding as a witness. Any staff member may be conferred with at any time by the commissioners. However, no facts that are outside the record and that reasonably could be expected to influence the decision in any matter pending before the commission shall be furnished to any commissioner unless all parties to the proceeding are likewise informed and afforded a reasonable opportunity to respond. The rule against ex parte communications shall apply to staff counsel in regard to any adjudicative proceeding before the commission.

(c) All letters and written communications in the nature of ex parte communications received by the commission, or any commissioner, from interested parties and members of the general public shall be made a part of the file in the docket and shall be made available to all persons who desire to see them. The deposit of these written communications and letters in the file shall not make them a part of the official transcript of the case.

(Authorized by and implementing K.S.A. 66-106; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1985; amended July 23, 1990; amended Oct. 10, 2003.)

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