

Kansas Administrative Regulations

Kansas Corporation Commission

Article 1.—Rules of Practice and Procedure

82-1-228. Hearings.

(a) General provisions. Public hearings shall be held in the hearing rooms of the commission, in any district courtroom, at any other place in Kansas that the commission may deem appropriate, or at any place required by statute. All hearings before the commission shall be conducted by the commission or by a presiding officer, who may be a commissioner, a hearing examiner, or any other person duly authorized by the commission to conduct the hearing. The provisions of these regulations governing hearings before the commission shall be applicable to hearings conducted by the presiding officer.

(b) Convening of hearings. On the date and at the place and time stated in the notice of the hearing, the presiding officer conducting the hearing shall call the docket by announcing the docket number and by reading the caption of the case into the record. Commission hearings shall be opened in a formal way on each day upon which commission business is transacted.

(c) Scope of hearing. The presiding officer may make a concise statement of the scope and the purpose of the hearing and the issues involved at the beginning of the hearing.

(d) Appearances. Each attorney for a party, and any other representative authorized by the commission according to paragraph (3) of this subsection, shall enter an appearance by giving the attorney's or representative's name and address for the record.

(1) Except as otherwise specified in paragraph (2) of this subsection, any party may perform any of the following:

(A) Appear before the commission and be heard in person and on that party's own behalf;

(B) appear before the commission and be represented by an attorney who is regularly admitted to practice in the courts of record of the state of Kansas; or

(C) appear before the commission and be represented by any regularly admitted practicing attorney in the courts of record of another state of the United States, if the nonresident attorney complies with the requirements set forth in K.S.A. 7-104, and amendments thereto. The local counsel shall first enter the local counsel's own appearance and shall then orally move for the admission of the nonresident attorney with whom local counsel is associated. The oath required by K.S.A. 7-104, and amendments thereto, shall be administered to any nonresident attorneys by the presiding officer. An oral order admitting them as attorneys or representatives in the proceeding then pending shall be made by the presiding officer, and they shall enter their appearances on the record.

(2) Except as otherwise specified in paragraph (3) of this subsection, a corporation shall not be permitted to enter an appearance, except by its attorney.

(3) In any intrastate railroad proceeding that comes before the commission, a resident of the state of Kansas who is not an attorney-at-law may represent a party before the commission if both of these conditions are met:

(A) The person is a duly registered with the relevant federal agency as a non-attorney practitioner who is representing the person's permanent employer or is a duly elected officer of a union representing a group of employees of a railroad.

(B) The person has obtained the approval of the commission to appear as a representative upon a motion. The motion shall include the individual's qualifications, the name of the party, and the proceeding in which the individual wishes to appear.

(e) Preliminary matters. Preliminary matters shall be disposed of in the following order:

(1) Petitions for intervention;

(2) any other pending petitions or motions;

(3) stipulations of the parties by which parties may make written or oral stipulations in conformance with these regulations. These stipulations shall be regarded as evidence at the hearing and shall not be binding upon the commission; and

(4) opening statements of attorneys or other representatives for the parties, if requested by the commission. Opening statements, if any, shall be made immediately before the introduction of testimony.

(f) Hearing room conduct.

(1) The conduct of attorneys and other representatives during a hearing shall be the same as the conduct required of attorneys in the district courts of Kansas. Attorneys and other representatives shall examine witnesses from a position at the counsel table, except when handling exhibits. Anyone whose conduct before the commission is deemed inappropriate may be refused permission to appear by the commission.

(2) Smoking shall not be permitted on commission premises.

(3) The use of photographic equipment or recording devices shall not be prohibited during hearings, except that the presiding officer may regulate the use of this equipment or these devices to insure the orderly conduct of the proceedings.

(Authorized by and implementing K.S.A. 2001 Supp. 55-604, K.S.A. 55-704, K.S.A. 66-103, K.S.A. 2001 Supp. 66-106, K.S.A. 66-165; effective Jan. 1, 1966; amended Feb. 15, 1977; amended, T-83-12, June 9, 1982; amended May 1, 1983; amended July 23, 1990; amended March 22, 1993; amended March 12, 1999; amended Oct. 10, 2003.)

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