

Kansas Administrative Regulations

Kansas Corporation Commission

Article 1.—Rules of Practice and Procedure

82-1-235. Petitions for reconsideration; compliance with orders.

(a) Any party aggrieved by any order or decision of the commission may file a petition for reconsideration before the commission. All petitions for reconsideration shall be filed pursuant to the appropriate statutory provisions relating to them.

(b) If the petitioner relies on the ground that the commission, in making its determination, did not consider any of the evidence presented in the proceeding, the petition for reconsideration shall cite that portion of the transcript where the testimony appears, if the transcript is available on the date of the commission's order. The application shall specify by number the exhibits and the pertinent portion of those exhibits that is alleged not to have been considered by the commission.

(c) A party filing a petition for reconsideration shall serve a copy of the petition upon all parties to the proceeding in the manner prescribed by these regulations for the filing and service of pleadings.

(d) The burden of going forward with the evidence shall rest upon the applicant or applicants requesting reconsideration.

(e) All the evidence, rules and regulations, instruments, and other documents admitted or received in the original hearing or subsequent hearings shall, by operation of this regulation, become a part of the record in the reconsideration, unless otherwise directed by the commission.

(f) Each party desiring reconsideration shall file a petition for reconsideration. Each party that files a petition for reconsideration shall rely solely upon its own petition. A petitioner may withdraw its petition for reconsideration at any time by motion. All parties shall be entitled to cross-examine witnesses and be heard at the hearing in which facts or issues are given reconsideration. Direct testimony may be introduced only by the petitioner. Rebuttal testimony may be introduced by any party. If two or more petitions

for reconsideration are granted, at the discretion of the commission, they may be consolidated for hearing and may be heard on a common record.

(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, 1966; amended Jan. 1, 1971; amended Feb. 15, 1977; amended July 23, 1990; amended March 12, 1999; amended Oct. 10, 2003.)

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