

Kansas Administrative Regulations

Kansas Corporation Commission

Article 1.—Rules of Practice and Procedure

82-1-220. Complaints.

(a) Any person may initiate a complaint proceeding by filing a formal complaint with the commission in which the rates, joint rates, fares, tolls, charges, regulations, classifications, or schedules of any public utility, motor carrier, or common carrier are alleged to be unreasonable, unfair, unjust, unjustly discriminatory, or unduly preferential, or that allege that any service performed or to be performed is illegal, unreasonably inadequate, inefficient, or unduly insufficient, or cannot be obtained.

(b) Formal complaints shall be submitted in writing and shall comply with the requirements of these regulations. Formal complaints shall meet the following conditions:

(1) Fully and completely advise each respondent and the commission as to the provisions of law or the regulations or orders of the commission that have been or are being violated by the acts or omissions complained of, or that will be violated by a continuance of acts or omissions;

(2) set forth concisely and in plain language the facts claimed by the complainant to constitute the violations; and

(3) state the relief sought by the complainant.

(c) Commission action required upon the filing of a formal complaint. A formal complaint shall, as soon as practicable, be examined by the commission to ascertain whether or not the allegations, if true, would establish a prime facie case for action by the commission and whether or not the formal complaint conforms to these regulations. If the commission determines that the formal complaint does not establish a prima facie case for commission action or does not conform to these regulations, the complainant or the complainant's attorney shall be notified of the defects, and opportunity shall be given to amend the formal complaint within a specified time. If the formal complaint is not amended to correct the defects within the time specified by the commission, it shall

be dismissed. If the commission determines that the formal complaint, either as originally filed or as amended, establishes a prima facie case for commission action and conforms to these regulations, each public utility, motor carrier, or common carrier complained of shall be served by the commission a true copy of the formal complaint, and the respondent or respondents shall either satisfy the matter complained of or file a written answer within 10 days.

(d) A complainant may file an amended complaint on its own initiative upon leave granted by the commission. Each amended complaint shall set forth any new grounds for the complaint that have accrued in favor of the complainant and against the defendant subsequent to the filing of the original complaint. Each amended complaint shall be served by the commission, as provided by K.A.R. 82-1-216. If practicable, an amended complaint shall be heard, considered, and disposed of in the same proceeding as that for the original formal complaint.

(e) Multiple complaints or multiple complainants may be joined as provided by K.A.R. 82-1-224.

(f) Before or after the hearing, the parties to the proceeding may, with the approval of the commission, enter into a voluntary settlement of the subject matter of the complaint if both of the following conditions are met:

(1) The matter in controversy affects only the parties involved.

(2) The issue has no direct or substantial impact upon the general public.

(g) In furtherance of a voluntary settlement, the parties may be invited by the commission to confer with a designated hearing officer or staff member. These settlement conferences shall be informal and without prejudice to the rights of the parties. No statement, admission, or offer of settlement made at an informal settlement conference shall be admissible in evidence in any formal hearing before the commission.

(Authorized by and implementing K.S.A. 55-704, K.S.A. 2001 Supp. 55-604, 66-106; effective Feb. 15, 1977; amended May 1, 1985; amended July 23, 1990; amended Oct. 10, 2003.)