

Kansas Administrative Regulations

Kansas Corporation Commission

Article 1.—Rules of Practice and Procedure

82-1-229. Use of prefiled testimony.

(a) In lieu of oral examination, the examination of witnesses may be presented or, if required by the commission or by these regulations, shall be presented in written question-and-answer form. Presentation of prefiled testimony may be required by the commission in accordance with this regulation if it is deemed that doing so would be in the public interest and would be conducive to a fair and expeditious disposition of the proceeding. Any party may object to the use of prefiled testimony by a witness, and the objecting party shall have a right to be heard by the commission or the presiding officer at the hearing on the objection.

(b) All prefiled testimony shall be in typewritten form, double-spaced, on paper that is 8½ inches wide and 11 inches long. The lines on each page shall be numbered consecutively down the left side of the page. The left-hand margin of each page shall be not less than 1¼ inches wide, and the remaining margins shall be not less than one inch wide.

(c) Prefiled testimony shall be filed 10 days before the hearing unless otherwise specified. For conservation division matters, an original and four copies of any prefiled testimony that an applicant intends to offer into evidence, other than rebuttal, shall be filed with the conservation division at least 20 days before the hearing. An original and four copies of any prefiled testimony that an intervenor or protestant intends to offer into evidence, other than rebuttal, shall be filed with the conservation division at least 10 days before the hearing.

(d) At the hearing, after any prefiled testimony has been properly identified and authenticated under oath by the witness, upon motion, the prefiled testimony may be incorporated into the record in the same way as if the questions had been asked of the witness and the answers had been given by the witness orally. The prefiled testimony

shall be subject to the same rules of evidence as if given orally, and the witness presenting the prefiled testimony shall be subject to cross-examination.

(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 Feb. 15, 1977; amended, E-82-1, Jan. 21, 1981; amended May 1, 1981; amended July 23, 1990; amended Oct. 10, 2003.)

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