

Kansas Administrative Regulations

Kansas Corporation Commission

Article 1.—Rules of Practice and Procedure

82-1-221. Exhibits and documentary evidence.

(a) (1) The applicant shall file an original and at least seven copies of all exhibits and documentary evidence unless otherwise provided in these regulations.

(2) If an applicant is required to file with its application any map, profile, certificate, statement, or other document that has already been filed with the commission, the applicant may reference rather than attach the document. The applicant shall include in its application the fact that the document has been previously filed, and the date and the proceeding in which, or occasion on which, the filing was made. The application may request that the previously filed document be incorporated by reference.

(3) Court records may be offered into evidence by reference, but shall not be received over the objection of any party unless opportunity for examination has been afforded to the objecting party.

(b) Unless otherwise directed by the commission or hearing examiner, an original and seven copies of any exhibit a party intends to offer into evidence, other than in rebuttal, shall be filed with the commission at least 10 days before the date of the hearing, and one copy of any such exhibit shall be furnished to every other party to the proceeding at least 10 days before the date of hearing. For conservation division matters, an original and four copies of any exhibit an applicant intends to offer in evidence, other than in rebuttal, shall be filed with the conservation division at least 20 days before the hearing; an original and four copies of any exhibit an intervenor or protestant intends to offer in evidence, other than in rebuttal, shall be filed with the conservation division at least 10 days before the hearing. Exceptions to these requirements may be granted only for good cause shown. Each party desiring to introduce an exhibit during the course of the hearing shall furnish six copies to the commission and one copy to every other party to the proceeding. Any exhibit that is not filed within the required time limit may be refused by the commission.

(c) The presiding commissioner or hearing examiner shall assign numbers to the exhibits at the time they are marked for identification at the hearing.

(d) If relevant and material matter offered as documentary evidence by any party is embraced in a book, paper, or document containing other matter not material or relevant, the party offering the documentary evidence shall plainly designate the matter offered. If other matter is in a volume that would encumber the record, the book, paper, or document shall not be received in evidence. In this case, the voluminous matter may be marked for identification, and, if properly authenticated, the relevant or material matter may be read into the record. Alternately, a true copy of the matter, in proper form, may be received as an exhibit if the presiding commissioner or examiner so directs.

(e) The party offering the exhibit shall deliver copies of the exhibit to opposing parties or their attorneys. The opposing parties or their attorneys shall be afforded an opportunity to examine the book, paper, or document, and to offer into evidence in like manner other material and relevant portions of the exhibit.

(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 July 23, 1990; amended Oct. 10, 2003.)

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