

Kansas Administrative Regulations

Kansas Corporation Commission

Article 1.—Rules of Practice and Procedure

82-1-218. Form and contents of pleadings.

All applications, formal complaints, supplemental complaints, amended complaints, petitions, replies, answers, protests, motions, petitions in intervention, and all amendments of these pleadings shall comply with the provisions of K.A.R. 82-1-219 relating to general requirements for all of these pleadings. The form and contents of the numbered paragraphs in the various kinds of pleadings shall be as follows:

(a) Applications. All applications for the approval, determination, consent, permission, certificate or authorization of the commission in cases for which this approval, determination, consent, permission, certificate, or authorization is required by law, shall be made in writing in a document entitled "application."

In matters before the utilities division and transportation division of the commission, the filing of certified copies of the charter or articles of incorporation of every corporation directly affected by the proposed action and certified copies of all certificates, statements, or records that modify or extend the purpose or powers of such corporations, may be required. However, until so required, the applicant may incorporate the items by reference rather than by actually filing the copies.

The application shall set forth the facts upon which the application is based, in numbered paragraphs, and reference to the particular provision of the law or regulations of the commission requiring or providing for the same shall be made in the application.

The application shall contain further statements of fact and of law as may be required by any provision of law or these regulations.

(b) Complaints. Complaints shall comply with the provisions of K.A.R. 82-1-220.

(c) Petitions. All petitions for relief shall meet the following criteria:

(1) Clearly and concisely state the interest of the petitioner in the subject matter and the relief sought;

(2) cite by appropriate reference the law, statute, or regulation relied upon by the petitioner for relief; and

(3) comply with the requirements of these regulations.

(d) Responsive pleadings. All responsive pleadings shall fully and completely advise the parties and the commission of the basis and nature of the response and of the rights of the respondent, and shall admit or deny, specifically and in detail, each material allegation of the pleading being answered.

Written responses to petitions for intervention shall not be required. However, if a responsive pleading is filed to a petition to intervene, the responsive pleading shall be served in accordance with K.S.A. 77-519, and amendments thereto, and these regulations.

Any party may file and serve a protest, motion, or other proper pleading within 10 days after service upon that party of any application, petition, notice, formal complaint, supplemental complaint, or amended complaint. However, protests to oil and gas conservation matters shall be filed with the conservation division within 15 days after publication of the notice of the application as required in K.A.R. 82-3-135a. Answers to formal complaints shall be filed as prescribed by K.A.R. 82-1-220 and these regulations.

(e) Protests. All protests shall set forth the position and interest of the protestant and shall advise the commission and the parties in detail of the basis of the protest. Protests against the granting of permits, certificates, extensions, abandonments, and transfers under the motor carrier act shall comply with K.A.R. 82-4-65. Protests against the granting of applications and permits under the oil and gas conservation act shall comply with K.A.R. 82-3-135b.

(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 *****