

# **Kansas Administrative Regulations**

## **Kansas Corporation Commission**

### **Article 1.—Rules of Practice and Procedure**

#### **82-1-204. Definitions.**

As used in these regulations, the following definitions shall apply: (a) "Applicant" means any party on whose behalf an application for authority or permission that the commission is authorized by law to grant or deny is made.

(b) "Attorney" shall include any licensed attorney currently admitted to practice before the supreme court of the state of Kansas and any attorney at law authorized to enter an appearance under K.A.R. 82-1-228.

(c) "Commission" and "commissioner" mean the state corporation commission of Kansas, and a member of the commission, respectively.

(d) "Complainant" means any party who complains to the commission of either of the following:

(1) Anything done or failed to be done in contravention or violation of either of the following:

(A) The provisions of any statute or other delegated authority administered by the commission; or

(B) any orders or regulations issued or promulgated by the commission under statute or delegated authority; or

(2) any other alleged wrong over which the commission may have jurisdiction.

(e) "Document" means any original, copy, or draft of any handwritten, typewritten, printed, graphic, or electronically recorded material, and shall include the following:

(1) Correspondence;

(2) notes;

(3) memoranda;

(4) studies;

(5) reports;

(6) records;

- (7) charts;
- (8) invoices;
- (9) bills;
- (10) diaries;
- (11) calendars;
- (12) books;
- (13) statements;
- (14) appointment books;
- (15) tape recordings;
- (16) videos;
- (17) faxes;
- (18) computer printouts and software;
- (19) electronically recorded media; and
- (20) any other writing or tangible record of any kind, type, or nature, however produced.

(f) "Formal record" or "record" shall include the following, when filed with the commission:

(1) All applications, complaints, petitions, and other papers seeking commission action;

(2) all answers, replies, responses, objections, protests, motions, stipulations, exceptions, other pleadings, notices, depositions, certificates, proofs of service, transcripts of oral arguments, and briefs in any matter or proceeding;

(3) all exhibits, all attachments to exhibits, all appendices to exhibits, amendments of exhibits, corrections of exhibits, supplements to exhibits, and all letters of transmittal or withdrawal of any items mentioned in this subsection;

(4) any notice or commission order initiating the matter or proceeding;

(5) any commission order designating a hearing examiner, attorney, or other employee, for any purpose;

(6) the official transcript of the hearing made and transcribed by the reporter;

(7) all exhibits received in evidence;

(8) all prefiled testimony or proposed exhibits offered but not received in evidence; however, any prefiled testimony or proposed exhibit which was not offered in evidence shall not be included in the record;

(9) all offers of proof; and

(10) all motions, stipulations, subpoenas, proofs of service, and anything else ordered by the commission or presiding officer to be made a part of the record.

(g) "Intervenor" means any party petitioning to intervene as provided by K.A.R. 82-1-225, if admitted by the commission as a participant in any proceeding. Admission as an intervenor shall not be construed as recognition by the commission that the intervenor might be aggrieved by any order of the commission in the proceeding.

(h) "KAPA" means the Kansas administrative procedure act found at K.S.A. 77-501 *et seq.* and amendments thereto.

(i) (1) "Party" means a person with an articulated interest in a particular commission proceeding who meets any of the following conditions:

(A) An order is specifically directed to the person.

(B) The person is named as a party to a commission proceeding.

(C) The person is allowed to intervene as a party in the proceeding.

(2) No unincorporated association shall obtain party status in a proceeding without identifying its membership.

(3) Except as provided in K.A.R. 82-1-207, technical staff and staff counsel participating in a proceeding shall be deemed a party for all purposes except the right of appeal of commission orders.

(j) "Person" means any individual, partnership, corporation, association, political subdivision or unit of a political subdivision, or private organization or entity of any other character, including another state agency.

(k) "Petitioner" means any party seeking relief who is not otherwise designated under these regulations.

(l) "Presiding officer" means the chairperson of the commission or the commissioner or other person appointed by the commission who is actively conducting the hearing.

(m) "Protestant" means any party objecting on the ground of private or public interest to the approval of an application, petition, motion, or other matter that the commission may have under consideration.

(1) Each protestant protesting the granting of any application under the motor carrier act shall comply with the provisions of K.A.R. 82-4-65.

(2) Each protestant protesting the granting of any application or permit under the oil and gas conservation act shall comply with the provisions of K.A.R. 82-3-135.

(3) Any protestant desiring to become an intervenor in any other proceeding before the commission may file a petition for intervention as provided by K.A.R. 82-1-225.

(4) Admission of a party as a protestant shall not be construed as recognition by the commission that the protestant might be aggrieved by any order of the commission in the proceeding.

(n) "Respondent" means any party who is subject to any statute, order, rule or regulation or other delegated authority administered, issued, or promulgated by the commission and who meets either of the following conditions:

(1) The party receives an order or notice issued by the commission in a proceeding or investigation instituted on the commission's own initiative.

(2) Any complaint, motion to compel, or other such pleading is filed against the party.

(o) "Restricted mail" shall have the same meaning as set forth in K.S.A. 60-103, and amendments thereto.

(p) "Staff counsel" means the general counsel of the commission, any assistant general counsel of the commission, and any special counsel retained by the commission, participating in a proceeding before the commission.

(q) "Technical staff" means commission employees with technical expertise and any special assistants or consultants retained by the commission. This term shall not include staff counsel. Technical staff may conduct investigations and otherwise evaluate issues raised, and may testify and offer exhibits on behalf of the general public.

(r) "Test year" means any consecutive 12-month period selected for the purpose of determining or justifying rates.

(Authorized by and implementing K.S.A. 66-106; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1985; amended July 23, 1990; amended Oct. 10, 2003.)

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