

Kansas Administrative Regulations

Kansas Corporation Commission

Article 1.—Rules of Practice and Procedure

82-1-227. Subpoenas.

(a) Subpoenas may be issued by the commission or by any commissioner, or by the presiding officer, upon written petition by any party to the proceeding. Every subpoena shall contain the caption of the docket and shall command each person to whom it is directed to attend and give testimony at the time and place specified.

(b) A subpoena duces tecum shall be issued in the same manner and form as a subpoena for the attendance of a witness, and may command the person to whom it is directed to produce the books, papers, documents, or tangible items designated in the subpoena. Upon a prompt motion, and in any event at or before the time specified in the subpoena duces tecum for compliance, any of the following actions may be taken by the commission:

(1) Quash or modify the subpoena if it is unreasonable and oppressive; or

(2) condition denial of the motion upon the advancement by the party on whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible items.

(c) Service of a subpoena or subpoena duces tecum shall be made by delivering a copy of the subpoena or subpoena duces tecum to the person and by tendering to the person the fees for one day's attendance and the mileage allowed by law. A subpoena or subpoena duces tecum may be served by means of any of the following:

(1) Restricted mail;

(2) the sheriff;

(3) the sheriff's deputy; or

(4) any other person who is designated by the commission or the party requesting issuance thereof, who is not a party to the proceeding, and who is not less than 18 years of age.

(d) If the subpoena or subpoena duces tecum is not served by the sheriff or the sheriff's deputy, proof of service shall be shown by affidavit or by return receipt of restricted mail.

(e) Each person who is ordered by commission subpoena to appear as a witness before the commission, or any person authorized by the commission to preside at a hearing, in answer to a subpoena or subpoena duces tecum shall receive fees and mileage as provided by law.

(f) The party petitioning for the subpoena or subpoena duces tecum shall forward to the commission, along with the written petition, fees made payable to the person being subpoenaed in an amount equal to the statutory fee for one day's attendance, plus mileage computed at the rate allowed by law for travel over the most direct route from the party's place of residence to the designated place for hearing and back. The subpoena or subpoena duces tecum and fees may then be issued by the commission as requested in the petition. The petitioning party shall be directly responsible for the payment of any and all costs incurred by the sheriff, the sheriff's deputy, or any other person in serving the subpoena or subpoena duces tecum.

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

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