

Kansas Administrative Regulations

Kansas Corporation Commission

Article 1.—Rules of Practice and Procedure

82-1-232. Orders of the commission.

(a) Form and content. Unless otherwise specified, each order of the commission shall contain the following:

(1) A caption that complies with the requirements of paragraph (a)(1) of K.A.R. 82-1-219, except that the heading shall be "THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS" and shall be followed by a designation of the commissioners to whom the matter was submitted;

(2) if the order renders a final determination on a matter after hearing or prehearing conference, a recitation of the appearances, whether by attorney or pro se, and a summary of jurisdictional facts including those pertaining to the dates and places of hearings and notices;

(3) a concise and specific statement of the relevant law and basic facts that persuade the commission in arriving at its decision;

(4) the official signature of the commission, as provided in this regulation;

(5) the surnames of the commissioners who participated in the making of the order typed at the end of the order; and

(6) the date of mailing to the parties shown above the executive director's signature.

(b) Orders issued without a hearing.

(1) Non-KAPA proceeding. If the commission has not used KAPA to govern the conduct of a proceeding and a decision or order is rendered without a hearing, any party affected by the order or decision and deeming it to be improper, unreasonable, or contrary to law may apply, by petition, for a hearing on the matter before the commission. The petition shall contain a statement of every ground of objection that the petitioner will raise against the decision or order. The petition for a hearing may be granted or denied by the commission. If a hearing is granted, it shall be subject to the commission's rules and regulations. If a hearing is denied, the denial shall be construed

as a denial of a petition for reconsideration on the matter for purposes of an application for judicial review of the order or decision.

(2) KAPA proceeding.

(A) Orders may be issued without hearing in summary proceedings pursuant to KAPA. Any order issued in a summary proceeding shall disclose that any party may file a petition requesting a hearing within 15 days after service of an order.

(B) (i) Interim emergency orders may be issued by the commission upon its own initiative, or upon a request, if there has been a showing of good cause.

(ii) An interim order may be issued by any commissioner. All parties affected by the order shall comply, except that as soon as possible after the order is issued, the order shall be approved or revoked by a majority of the commission.

(iii) Unless a different period of time is otherwise specified by statute, an interim order shall not be effective for a period longer than 30 days if the matter is determined and the order is issued without a hearing on the merits.

(c) Official signature of the commission. All orders, certificates, permissions, approvals, licenses, permits, warrants, subpoenas, or any process or instrument may be officially signed with the signature of the commission by subscribing the signature of the executive director of the commission and affixing the official seal of the commission. All orders or other instruments made and issued by the commission shall be in strict conformance with the action of the commission as shown by the official written minutes of the commission and signed by at least two commissioners, with the exception of orders suspending or cancelling the authority of a motor carrier for failure to maintain proof of insurance as required by K.S.A. 66-1,128, and amendments thereto. Orders suspending or cancelling the authority of a motor carrier or reinstating the carrier for providing proof of insurance shall require the signature of one commissioner on the minutes, until signatures of the other two commissioners may be obtained.

(d) Filing, effective date. All orders of the commission shall be filed in the office of the commission in Topeka. Orders shall take effect and be in force upon service, as prescribed by K.A.R. 82-1-216, unless otherwise expressly provided in the order or by statute.

(e) Dating of orders. The date of mailing of each order of the commission shall be shown on each order by the executive director above the official signature of the commission, except that orders that are mailed from the office of the commission's conservation division shall have the date of mailing shown on each order by the administrator of the conservation division.

(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 Jan. 1, 1971; amended Feb. 15, 1977; amended July 23, 1990; amended March 22, 1993; amended Oct. 10, 2003.)

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