

## Rule 9.02

### UTILITY RATE CASE

- (a) **Filing; Docket Fee.** When an application for judicial review of an order of the state corporation commission is filed in the Court of Appeals, the filing is treated, for the purpose of further proceedings, in the same manner as the docketing of an appeal from the district court, and the rules relating to appellate practice apply. The application for judicial review must be filed with the clerk of the appellate courts, accompanied by the docket fee and any applicable surcharge under Rule 2.04.
- (b) **Record; Briefing Schedule.** Unless otherwise ordered by the court:
  - (1) The commission must transmit promptly the record to the clerk of the appellate courts.
  - (2) An applicant's brief must be filed no later than 21 days after the application for review is filed.
  - (3) A respondent's brief must be filed no later than 21 days after service of applicant's brief.
  - (4) A reply brief must be filed no later than 7 days before the date set for hearing.
- (c) **Notice of Hearing.** Rule 7.02(e) does not apply. The clerk of the appellate courts must give the attorneys not less than 14 days' notice of the time and place of hearing.
- (d) **Extension of Time Requires Waiver in Certain Cases.** In a case in which a public utility claims the rates allowed by the commission are inadequate, a motion for extension of time to file the utility's brief will not be considered unless it includes or is accompanied by a waiver of the 120-day time limit imposed by K.S.A. 66-118g(b). So that respondent may have an equal amount of time to file its brief, the waiver must be for at least twice the additional time requested by the utility.
- (e) **Prehearing Conference.** A motion that requests a prehearing conference must be filed no later than 7 days after the filing of the application for judicial review. A motion for a prehearing conference filed later will be considered only on good cause.

[**History:** New rule effective November 8, 1979; Am. effective July 16, 1980; Am. effective July 1, 1997; Am. effective July 1, 2010; Restyled rule and amended effective July 1, 2012; Am. (a) effective December 19, 2016.]