

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of the Recommendation to Initiate)
A Show Cause Proceeding as to why)
Sundowner, Inc. should not be Required to)
Obtain a Certificate of Public Convenience) Docket No. 24-SUNW-590-SHO
and Necessity to Operate as a Potable Water)
Utility, and an Emergency Order Enforcing)
Cold Weather Rules for Meter Disconnections)
within Sundowner, Inc.'s Water Distribution)
System.)

MOTION FOR EXTENSION OF TIME

COMES NOW, Sundowner, Inc. ("Sundowner") and respectfully requests the Commission grant Sundowner a 21-day extension of time to respond to Staff's Report and Recommendation filed on October 8, 2025. In support of its Motion, Sundowner states as follows:

1. On May 10, 2024, Sundowner filed its Application for Certificate of Convenience and Necessity and Response to the Show Cause Order ("Application"), seeking approval of a Certificate of Public Convenience and Necessity ("Certificate").¹

2. On October 8, 2025, Commission Staff filed a Report and Recommendation, recommending the Commission deny Sundowner a Certificate.²

3. In its Report and Recommendation, Staff recommends, among other directives, that:

(1) Sundowner and its owner Scott Kolling shall seek the immediate transfer of Sundowner's water utility within 90 days through a direct sale and/or public auction to a qualified operator; the operator that must be approved by the KCC and make a showing that it is able to meet the minimum qualifications to be a public utility in the State of Kansas, namely that the utility has the financial,

¹ See Sundowner's Application for Certificate of Convenience and Necessity and Response to the Show Cause Order, KCC. Docket No. 24-SUNW-590-SHO (May 10, 2024).

² See Staff's Report and Recommendation, KCC Docket No. 24-SUNW-590-SHO (Oct. 8, 2025).

managerial, and technical capabilities to provide sufficient and efficient service at just and reasonable rates.

(2) If Sundowner is unable to find a buyer of the system, Sundowner shall work with Staff and Saline County residents to effectuate the transfer of Sundowner's utility through the formation of a publicly-held Improvement District in Saline County, Kansas, pursuant to K.S.A. 19-2754 through K.S.A. 19-2763.³

4. Sundowner and its counsel have reviewed the Report and Recommendation and understand the recommendations made by Staff with respect to the future of Sundowner's water and sewer system. At this time, Sundowner does not offer a response to the substantive arguments in the Report and Recommendation.

5. However, Sundowner is working diligently to research its options, including the recommendations made by Staff, in order to reach an amicable resolution to these proceedings that benefits Sundowner, and ensures that Sundowner's customers continue to receive water and sewer service.

6. In order to reach a resolution that benefits all parties involved, additional time is necessary for Sundowner to present a viable and agreeable resolution that will ensure the sustainability of the water and sewer system going forward. To do so, Sundowner must conduct additional due diligence regarding Staff's recommendations.

7. On October 17, 2025, Sundowner counsel conferred with Staff Litigation Counsel regarding Sundowner's current position and its desire to obtain 21 additional days to respond or otherwise comply with the Report and Recommendation, including the potential to engage in settlement discussions. Staff Litigation Counsel has informed Sundowner that Commission Staff

³ *Id.* at p.3.

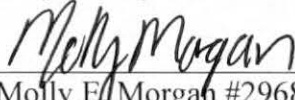
does not object to the grant of an extension of time as all parties wish to reach an agreeable solution in this docket.

8. Granting an extension of time to Sundowner will not negatively impact Sundowner's customers, as Staff recommends in its Report and Recommendation that Sundowner be required to continue to provide water and sewer service to its customers until a resolution is reached among the parties.⁴

9. Pursuant to K.A.R. 82-1-217(b), the Commission may grant an extension of time for good cause shown, at its discretion. Sundowner respectfully requests the Commission grant a 21-day extension to Sundowner in this matter until Friday, November 7, 2025 to respond to the Staff's Report and Recommendation.

WHEREFORE, Sundowner, Inc. respectfully request the Commission grant an extension of time for Sundowner, Inc. to respond to Staff's Report and Recommendation by or on November 7, 2025.

Respectfully submitted,



Molly E. Morgan #29683

C. Edward Watson, II #23386

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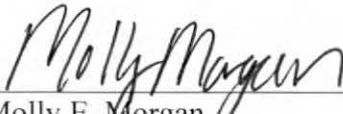
ATTORNEYS FOR
SUNDOWNER, INC.

⁴ *Id.*

VERIFICATION

STATE OF KANSAS)
)
COUNTY OF SEDGWICK) ss:

Molly E. Morgan being duly sworn upon her oath deposes and says that he is the attorney for Sundowner, Inc.; that she is familiar with the foregoing Motion for Extension of Time; and that the statements therein are true and correct to the best of her knowledge and belief.



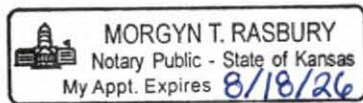
Molly E. Morgan

SUBSCRIBED AND SWORN to before me this 17th day of October, 2025.



Notary Public

My Appointment Expires: 8/18/26



CERTIFICATE OF SERVICE

I, the undersigned, certify that a true copy of the attached Motion has been served to the following by means of electronic service on October 17, 2025.

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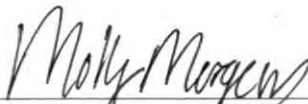
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