

**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, C. Edward Watson, II of Foulston Siefkin LLP on behalf of Sundowner, Inc. and respectfully requests the Commission grant Sundowner an additional 14-day extension of time to respond to the Show Cause Order entered in this docket on March 5, 2024. In support of its Motion, Sundowner states as follows:

1. On February 26, 2024, Commission Staff filed a Report and Recommendation, requesting the Commission issue a Show Cause Order against Sundowner.

2. On March 5, 2024, per the recommendation of Commission Staff, the Commission issued a Show Cause Order demanding that Sundowner must: (a) within thirty (30) days from the issuance of the Show Cause Order explain to the Commission why it should not be required to apply for a Certificate of Convenience and Necessity; (b) immediately restore all service for all disconnected meters; (c) within thirty (30) days of the issuance of the Show Cause Order provide necessary documentation to Commission Staff in order for Commission Staff to review existing rates; (d) within two (2) days of a Commission Staff request provide: (i) a list of all meters disconnected since November 1, 2023; and (ii) documentation that the aforementioned disconnection complied with the Billing Standards.

3. In addition, the Show Cause Order also provides that Sundowner's current rates are to be considered interim and subject to refund and that Sundowner is required to notify its customers in writing that their current rates are considered interim and subject to refund.

4. Since the issuance of the Show Cause Order, the principals of Sundowner have regularly engaged with Commission Staff in order to respond to Commission Staff inquiries by providing documentation and other additional information to establish that Sundowner is in compliance with the Billing Standards which is the focus of the Commission Staff's Report and Recommendation as well as the Show Cause Order.

5. On April 2, 2024, two (2) days before the compliance date set forth in the Show Cause Order, Sundowner retained the below signed counsel, who immediately entered his appearance in this docket.

6. Sundowner previously filed a Motion for Extension of time on April 3, 2024, which the Commission approved by order on April 11, 2024.

7. Since filing its last extension of time, Sundown has made considerable progress on this matter and in preparation for responding to and/or complying with the Show Cause Order.

8. On April 12, 2024, Counsel for Sundowner met with the Commission Staff to discuss issues related to this docket and address specific concerns related to Sundowner's operations raised by Staff and the Report and Recommendations. Sundowner has been working to gather requested documents and other information necessary to address the aforementioned concerns raised by the Staff.

9. In addition, Sundowner and Commission Staff have engaged in ongoing and continuous dialogue regarding billing issues and disconnect processes.

10. Sundowner has worked to produce documents requested by Commission Staff in its Report and Recommendation. For example, on April 12, 2024, Sundowner produced water sales for the latest 12-month period, and the previous 12-month period to the Commission. These were produced as SUN 000001-000007, SUN 000008-000014, SUN 000015-000017, and SUN 000018-000024.

11. Finally, Sundowner is currently in negotiations with Advantage Computer Jayhawk Software to contract with and purchase a billing system that will assist Sundowner in obtaining compliance with the Commission's Billing Standards.

12. On April 24, 2024, Sundowner's counsel inquired of counsel for Commission Staff, Carly Masenthin, whether Commission Staff objected to a second extension of time to respond and/or comply with the Show Cause Order.

13. Ms. Masenthin has informed Sundowner that Commission Staff does not object to the grant of an extension of time for two weeks after April 25, 2024, i.e., through Thursday, May 9, 2024.

14. Granting an extension of time to Sundowner will not negatively impact Sundowner's customers, as Sundowner already restored service to all customers who were disconnected on the date the Show Cause Order was issued. The remaining requirements of the Show Cause Order, i.e., filing a request for a Certificate of Convenience and Necessity, since the rates have now been deemed interim and subject to refund, seeking approval of its rates from the Commission, can be met in the course of time.

15. Pursuant to K.A.R. 82-1-217(b), the Commission may grant an extension of time for good cause shown, at its discretion. Staff respectfully requests the Commission grant a 14-day extension to Sundowner in this matter until Thursday, May 9, 2024 to respond to and/or comply with the Rule to Show Cause.

WHEREFORE, Sundowner, Inc. respectfully request the Commission grant an extension of time for Sundowner, Inc. to respond and/or reply to the Show Cause Order by May 9, 2024.

Respectfully submitted,



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C. Edward Watson, II #23386  
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ATTORNEYS FOR  
SUNDOWNER, INC.

**VERIFICATION**

STATE OF KANSAS            )  
                                          )  
COUNTY OF SEDGWICK    )

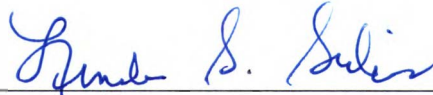
ss:

C. Edward Watson, II being duly sworn upon his oath deposes and says that he is the attorney for Sundowner, Inc.; that he is familiar with the foregoing Motion for Extension of Time; and that the statements therein are true and correct to the best of his knowledge and belief.



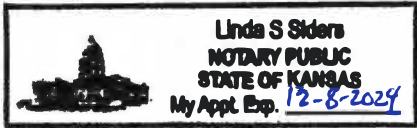
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C. Edward Watson, II

SUBSCRIBED AND SWORN to before me this 25<sup>th</sup> day of April, 2024.



\_\_\_\_\_  
Notary Public

My Appointment Expires: 12-8-2024



**CERTIFICATE OF SERVICE**

I, the undersigned, certify that a true copy of the attached Motion for Extension of Time has been served to the following by means of electronic service on April 25, 2024.

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