

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

In the Matter of the Joint Application of Green)
Acres Mobile Home Park LLC (GA) and)
Desperado Series Three LLC and MAM)
Investments Three LLC (DM), Joint) Docket No. 17-STMW-040-ACQ
Applicants, for an Order Approving the)
Transfer to DM of GA's Certificates/Licenses)
for the Operation of a Public Water Utility and)
for Other Related Relief.)

STATUS OF GREEN ACRES MOBILE HOME PARK, LLC

COMES NOW, the Staff of the State Corporation Commission of the State of Kansas (Staff) and files its Status of Green Acres Mobile Home Park, LLC. In support of its Motion, the Joint Applicants state the following:

I. OWNERSHIP BACKGROUND

1. In July 2004, the Commission granted Green Acres Mobile Home Park, LLC (Green Acres) a Certificate of Convenience and Necessity to operate in Kansas as a public utility.¹ At the time the Commission granted this Certificate, Green Acres consisted of 215 lots, 32 of which were owned by individuals and the remaining owned by Green Acres and rented to individuals.²

2. In August 2006, the Commission conducted a general investigation into whether landlords acted as public utilities when providing water or natural gas to tenants.³ Ultimately, the Commission concluded "a landlord does not constitute a public utility when providing water, gas or electricity to its tenants through a master meter or sub-meters and billing for such services separate from the general rent charges."⁴

¹ Certificate and Order, Docket No. 04-STMW-958-COC, pp. 5-6 (Jul. 15, 2004).

² See *id.* at p. 2.

³ Order Opening Docket and Assessing Costs, Docket No. 05-GIMX-1124-GIV, p. 3 (Jul. 13, 2005).

⁴ Order, Docket No. 05-GIMX-1124-GIV, p. 5 (Aug. 10, 2006).

3. As a result of this ruling, in July 2007 Green Acres filed an Application to Amend Certificate deleting all lots owned by Green Acres.⁵ Upon further review of relevant Kansas Landlord-Tenant statutes, Green Acres requested to withdraw its Application, which⁶ the Commission approved.⁷

4. In 2015, Green Acres attempted to transfer its operations to Park Place Communities Management, LLC (Park Place). Green Acres filed an Application to Cease Operation⁸ while, simultaneously, Park Place filed an Application for a Certificate.⁹ Eventually, Green Acres and Park Place requested to withdraw their respective Applications so they could submit a Joint Application for a transfer of Green Acres' Certificates.¹⁰ The Commission granted this withdrawal.¹¹ However, Green Acres and Park Place never submitted a Joint Application.

5. In July 2016, Green Acres filed an Application with Desperado Series Three LLC and MAM Investments THREE LLC (together referred to as "DM") requesting approval to transfer Green Acres' certificates to DM.¹² The docket was eventually stayed for Green Acres and DM to explore transferring ownership of the public utility and its assets to another capable entity.¹³

6. Given the passage of time, the Commission issued an Order to Show Cause why the docket should not be closed.¹⁴ DM filed a Response to the Commission's Order detailing difficulties DM had encountered finding a buyer and requested a 90-day extension to the stay to

⁵ Application to Amend Certificate, Docket No. 08-STMW-123-COC, pp. 2-3 (Jul. 30, 2007).

⁶ Memorandum of the Staff of the State Corporation Commission of the State of Kansas, Docket No. 08-STMW-123-COC, pp. 2-3 (Oct. 10, 2007); Letter, Docket No. 08-STMW-123-COC, p. 1. (Sep. 26, 2007).

⁷ Order Granting Withdrawal of Application and Closing Docket, Docket No. 08-STMW-123-COC, p. 2 (Oct. 16, 2007).

⁸ Application for Green Acres Mobile Home Park LLC, Docket No. 16-STMW-237-CCS (Dec. 10, 2015).

⁹ Application for Park Place Communities Management, LLC, Docket No. 16-PPCW-326-COC (Jan. 5, 2016).

¹⁰ Order Granting Withdrawal of Applications And Closing Dockets, Docket Nos. 16-STMW-237-CCS / 16-PPCW-326-COC, p. 2 (Mar. 17, 2016).

¹¹ *See id.* at p. 3.

¹² Joint Application, Docket No. 17-STMW-040-ACQ (Jul. 21, 2016).

¹³ Motion to Stay Proceedings, Docket No. 17-STMW-040-ACQ, p. 2 (Jan. 23, 2017).

¹⁴ Order to Show Cause, Docket No. 17-STMW-040-ACQ, p. 2. (Jan. 8, 2019).

explore options.¹⁵ The Commission granted this request, but noted if no activity occurred within that time the docket would be dismissed.¹⁶

II. STATUS OF GREEN ACRES

7. At this time, the Certificate of Convenience and Necessity granted to Green Acres in 2004 remains in force and effect. Likewise, the obligations imposed on Green Acres by this Certificate remain in place. Green Acres remains a regulated public utility and cannot effect the sale or transfer of public utility assets or operations to another entity without Commission approval.

8. For the benefit of interested parties, Staff hereby submits this pleading detailing the history and status of Green Acres' Certificate of Convenience and Necessity.

WHEREFORE, Staff respectfully submits its Status of Green Acres Mobile Home Park, LLC.

Respectfully submitted,

/s/ Robert Elliott Vincent
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¹⁵ Response to Order to Show Cause, Docket No. 17-STMW-040-ACQ, p. 1 (Jan. 22, 2019)

¹⁶ Order Granting Request For Extension Of Time, Docket No. 17-STMW-040-ACQ, p. 2. (Feb. 5, 2019).

VERIFICATION

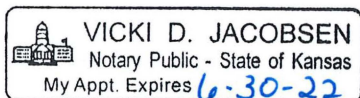
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

Robert E. Vincent, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Status of Green Acres Mobile Home Park, LLC*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.



Robert E. Vincent, S.Ct. #26028
Senior Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 6th day of May, 2019.



Notary Public

My Appointment Expires: 6-30-22

CERTIFICATE OF SERVICE

17-STMW-040-ACQ

I, the undersigned, certify that a true and correct copy of the above and foregoing Status of Green Acres Mobile Home Park, LLC was served via electronic service this 6th day of May, 2019, to the following:

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