

BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

In the Matter of the Complaint Against Kansas Gas Service by Lisa D. Bennett

Docket No. 25-KGSG-396-COM

Complainant's Response in Opposition to Kansas Gas Service's Motion for Summary Judgment

I. Introduction

Complainant Lisa D. Bennett respectfully submits this Response in Opposition to Kansas Gas Service's Motion for Summary Judgment. Genuine issues of material fact exist in this matter, and summary judgment is therefore inappropriate. Kansas Gas Service (KGS) did not comply with the Cold Weather Rule (CWR) or with the agreed –upon payment arrangement made in reliance on the Complainant's pay schedule.

II. Statement of Disputed Material Facts

- * On or before March 4, 2025, Complainant and KGS agreed on a Cold Weather Rule payment that allowed Complainant to make the required down payment on March 31, 2025, her payday.
- * Complainant contacted KGS every other week and confirmed her continued eligibility to make the March 31, 2025. KGS representatives consistently confirmed eligibility and quoted payment terms.
- * On March 31, 2025, Complainant called KGS to make the agreed payment. A representative stated the amount had changed and proceeded to create the payment agreement before stating the new amount.
- * Complainant immediately paid the new quoted amount of \$65.00 on March 31, 2025.
- * KGS accepted and applied the payment to Complainant's account, but failed to apply it to a payment arrangement.
- * Complainant was not informed that the agreement had been voided or that the payment would be considered invalid.
- * Upon receiving the following month's bill, Complainant discovered the payment was not applied to a payment plan and contacted KGS. A representative told her, "You

were rude to us and we do not have to accept you.”

- * KGS disconnected Complainant's gas service while a complaint was pending before the Commission and KGS jointly decided disconnection was appropriate.
- * KGS the demanded a payment of 50% plus reconnection fees, refusing to honor the cold weather Rule plan that Complainant had complied with.

III. Legal Argument

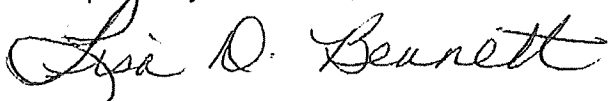
Summary judgement is only appropriate where there is only appropriate genuine dispute of material fact. Complainant's sworn testimony and conduct show clear disputes with Kansas Gas Service's factual claims. Complainant was eligible for and relied upon a Cold Weather Rule agreement structured for a March 31, 2025, payment, confirmed through multiple calls. The payment was timely made and accepted by KGS. The company's failure to apply it properly and subsequent service disconnected during a pending complaint raise questions of retaliation, misrepresentation, and procedural unfairness.

K.A.R. 82-1-220 and related Billing Standards obligate utilities to provide and honor Cold Weather Rule agreements when eligibility and payment conditions are met. KGS's conduct violated these standards and created genuine factual disputes requiring a hearing.

IV. Relief Requested

Complainant respectfully requests that the Commission DENY Kansas Gas Service's Motion for Summary Judgement, schedule a hearing on the merits of this complaint, and require KGS to honor the March 31, 2025, Cold Weather Rule payment arrangement.

Respectfully submitted,



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Date: June 5, 2025

CERTIFICATE OF SERVICE

I, Lisa D. Bennett, herby certify that a copy of the above and foregoing **Complainant's Response in Opposition to Kansas Gas Service's Motion for Summary Judgment** was forwarded by email this 5th day of June 2025, addressed to:

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