

Recommendation (“R&R”), for Staff to perform additional discovery, and issue a supplemental R&R, and the Commission to issue an order prior to freezing temperatures in Kansas.² Based on the information provided to Staff, time is of the essence to restore the gas services to affected customers because November 1, 2025 is nine days away and nighttime temperatures are in the 40s or high 30s.

4. Staff recommends the Commission require KGS to reestablish gas service in the service area immediately. Staff acknowledges that the site poses unique operational challenges. However, Staff contends restoring gas service to the affected homes presents no immediate safety risk to life or property from KGS gas lines alone, which is based on the information that has been provided and the testing that has been conducted to date.³ KGS has not presented any evidence that restoring gas service presents any immediate danger to the occupants. If the ground gas is unsafe, Staff has not been informed that the Kansas Department of Health and Environment (“KDHE”) or the city have evacuated the area. Staff is not speculating on the safety of environmental ground gas in the soil, which is outside of Commission oversight.

5. KGS has not explicitly explained to Staff the significant safety risk other than to indicate it is a threat in their procedures.⁴ Other than one house in the affected subdivision, KGS has not “bar-holed” around the exteriors of the other houses. Every customer in the subdivision with their gas service off should receive the same level of scrutiny.

6. Staff also recommends that the Commission require KGS to work with Staff and the property owner to develop a long-term operation plan for the service area as well as a mitigation plan to reduce the impact on KGS conventional leak survey techniques. While Staff doesn’t agree

² Staff’s R&R, p. 3.

³ *Id.*

⁴ *Id.*, p. 2.

that this is currently an issue that rises to the standard of requesting emergency relief as provided in K.S.A. 77-536,⁵ it is an issue that deserves prompt attention and action, before it becomes an emergency.⁶

WHEREFORE, for all the above reasons Staff respectfully submits that Complainant's motion is not ripe for consideration because an emergency does not presently exist. However, the potential for an emergency to develop remains. Staff respectfully requests the Commission take the complainant's motion for emergency proceedings, pursuant to K.S.A. 77-536, under advisement pending further proceedings in the above captioned matter.

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⁵ A situation involving an immediate danger to the public health, safety or welfare requiring immediate state agency action.

⁶ Staff's R&R, p. 3.

CERTIFICATE OF SERVICE

26-KGSG-101-COM

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff Response was served via electronic service this 23rd day of October, 2025, to the following:

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