

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of the Complaint Against Kansas)
Gas Service by Wheat State Investments, LLC) Docket No. 26-KGSG-101-COM

ORDER MAKING PRIMA FACIE DETERMINATION

This matter comes before the State Corporation Commission of the State of Kansas (“Commission”). Having examined its pleadings and records, the Commission concludes the following:

1. On September 24, 2025, Wheat State Investments, LLC and its owner/property manager Jordan Sanders (“Complainant”) filed a Formal Complaint against Kansas Gas Service (“KGS”) alleging that on August 22, 2025, KGS conducted a leak detection test and detected an above-ground gas reading in an area next to 914 SE 10th Terrace, Newton Kansas.¹ Complainant alleges KGS temporarily shut off service to 15 homes that Complainant owns for KGS to perform an inspection, but no leaks were detected and service was briefly restored.²

2. Complainant alleges then, on August 26, 2025, service was again discontinued to these homes for further testing by KGS and the Kansas Department of Health and Environment (“KDHE”) and that it was determined to be “naturally occurring ‘decaying gas’ produced by organic matter in the fill dirt” around the homes.³ Complainant states that sub-slab ventilation systems were installed by KDHE on 29 of the homes along SE 10th Terrace, but that KGS has refused to restore service despite mitigation efforts and no further detection of gas above the

¹ Formal Complaint Against Kansas Gas Service by Wheat State Investments (Sept. 24, 2025).

² *Id.*

³ *Id.*

surface.⁴ Complainant further states that while there have been discussions with KGS of “possible restoration of service of the 15 units east of Logan Street, KGS has categorically declined to negotiate restoration of the remaining 14 units – 12 of which are currently occupied.”⁵ Complainant requests service be restored to these units.⁶

3. K.A.R. 82-1-220(b) sets forth the following procedural requirements for a Formal Complaints. To establish a prima facie case, a Complaint must:

- (a) Fully and completely advise each Respondent and the Commission as to the provisions of law or the regulations or orders of the Commission that have been or are being violated by the acts or omissions complained of, or that will be violated by a continuance of acts or omissions;
- (b) Set forth concisely and in plain language the facts claimed by the Complainant to constitute the violation(s); and
- (c) State the relief sought by the Complainant.

4. Upon review, the Formal Complaint complies with the requirements above and establishes a prima facie case for Commission action.⁷ The Formal Complaint (1) fully and completely advises the Respondent and the Commission as to the provisions of law or the regulations or orders of the Commission that have been or are being violated by the acts or omissions complained of, or that will be violated by a continuance of acts or omissions; or (2) sets forth concisely and in plain language the facts claimed by the Complainant constitute a violation;

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ See K.A.R. 82-1-220(a) (a complaint must allege a service performed by the public utility is unreasonable, unfair, [or] unjust).

and (3) states the relief sought. The Commission concludes the Formal Complaint establishes a prima facie case and, pursuant to K.A.R. 82-1-220(c), shall be served upon KGS for an answer.

THEREFORE, THE COMMISSION ORDERS:

A. The Formal Complaint meets the procedural requirements of K.A.R. 82-1-220(b) and shall be served upon KGS for an answer within 10 days of service.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 10/09/2025



Celeste Chaney-Tucker
Executive Director

ARB

CERTIFICATE OF SERVICE

26-KGSG-101-COM

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 10/09/2025.

AARON BAILEY, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
aaron.bailey@ks.gov

BRETT W. BERRY, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
brett.berry@ks.gov

MADISEN HANE, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
madisen.hane@ks.gov

JORDAN SANDERS, OWNER/PROPERTY MANAGER
WHEAT STATE INVESTMENTS, LLC
4424 N. RIDGE PORT CT
WICHITA, KS 67205
wheatstateinv@gmail.com

ROBERT E. VINCENT, MANAGING ATTORNEY
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.
7421 W. 129TH STREET
OVERLAND PARK, KS 66213
robert.vincent@onegas.com

/S/ KCC Docket Room

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