

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

Before Commissioners:                      Andrew J. French, Chairperson  
    Dwight D. Keen  
    Susan K. Duffy

In the Matter of the Complaint Against the                      )  
City of Moundridge, Kansas by Earl Frye.                      )                      Docket No. 21-MDRE-403-COM

**ORDER ON 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 April 23, 2021 Earl Frye (Complainant) submitted a formal complaint against the City of Moundridge, alleging his gas bill is excessive. In support of his claim, Mr. Frye submits his February bill, charging him \$2,555.20 for natural gas. Mr. Frye also includes a letter from the City of Moundridge explaining that due to a spike in the price of natural gas in February, the City's February bill from its gas supplier is \$1,777,478, which is almost six times its normal annual budget, and that the City is legally obligated to pay that bill.

2.        K.S.A. 66-104 excludes municipally owned or operated utility located within the corporate limits of such municipality or located outside of such corporate limits but within three miles thereof from the Commission's jurisdiction. The City of Moundridge operates a municipal utility within the meaning of this statute.

3.        K.S.A. 66-131 prohibits the Commission from reviewing, considering or effecting the rates charged for services of municipally owned or operated natural gas utility within the corporate limits or outside but within three miles of the corporate limits of any city, or facilities, or rates charged for services in the operation of facilities or their replacements owned by any such

utility. Therefore, the Commission lacks jurisdiction over the City of Moundridge. Since the Commission lacks jurisdiction over the City of Moundridge, it finds this formal complaint fails to establish a *prima facie* case for Commission action.

**THEREFORE, THE COMMISSION ORDERS:**

A. The Commission lacks jurisdiction over the City of Moundridge, and therefore this formal complaint does not establish a *prima facie* case for Commission action.

**BY THE COMMISSION IT IS SO ORDERED.**

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 05/04/2021



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Lynn M. Retz  
Executive Director

BGF

**CERTIFICATE OF SERVICE**

21-MDRE-403-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 05/04/2021.

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/S/ DeeAnn Shupe  
DeeAnn Shupe