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**Before the State Corporation Commission of the State of Kansas**

In the matter of the failure of Barracuda	)	Docket No.: 25-CONS-3360-CPEN
Operating Company (Operator) to comply	)	
with K.A.R. 82-3-120 and K.A.R. 82-3-113	)	CONSERVATION DIVISION
by operating under a suspended license.	)	
_____	)	License No.:33593

**MOTION TO SHOW CAUSE**

Comes now, Barracuda Operating Company (Operator) and submits this response to the Order to Show Cause entered by the presiding officer on September 25, 2025. Operator alleges good cause exists for the allowance of the filing of the Pre-filed Testimony from Operator and in support thereof states and alleges as follows:

1. We encountered unforeseen technical difficulties with the KCC Express E-Filing system beyond our control. Our office acted promptly and in good faith to address the issue and minimize any disruption in this proceeding. And hereinbelow, we outline the sequence of events and the efforts made to comply with the filing requirements.
2. On the afternoon of Friday, September 12, 2025, we pre-filed our 9-page written testimony timely and properly through the KCC Express E-Filing system. Our office did not receive a courtesy copy of the rejection notice, leaving us unaware of the issue until 10 days later, on September 22, 2025.
3. The issue was first brought to our attention when we received an email from Tristan Kimbrell on September 22, 2025, inquiring whether we intended to file any testimony. This

communication prompted us to investigate the matter further, leading to the discovery that our office was unable to access our E-filing account, which impeded our ability to refile the necessary document promptly.

4. We immediately contacted the KCC Express E-filing help phone number listed on the website. While on the phone, we explained our inability to access our E-filing account and that we had requested to update our password but were not receiving the necessary response email to do so. We were told by the representative that she would figure out which department should address this issue and return our call. We then received a telephone call from DeeAnn Shupe with the filing office.

5. While speaking with DeeAnn Shupe, she expressed her confusion as to why IT transferred our issue to her office when it was indeed an IT issue.

6. During our call with the KCC Office, we requested a status update on the filing submitted on September 12, 2025. At that time, we were informed that it was rejected due to the absence of a signature line. Recognizing the urgency of the situation, we also inquired about the options for refiling the document since we were unable to access our e-filing account and made a request into IT for help.

7. Our office regularly files the same form and written filing as the rejected KCC Pre-Filed Testimony with the Kansas Judicial Branch E-Filing system without a signature line and is accepted without difficulty or rejection for the reason cited herein by the Commission.

8. Following the advice received from the KCC office, we emailed the filing to DeeAnn Shupe on September 22, 2025, at 2:23 p.m., requesting confirmation on whether the document was then filed or denied. Regrettably, we did not receive a response.

9. On September 23, 2025, although we had not yet received confirmation of acceptance or denial of the filing, we further provided the same document to Tristan Kimbrell, litigation counsel for the Commission as an additional effort to provide them with notice of our intended filing.

10. After still not receiving a response from the KCC office, we accessed a pre-existing KCC Express E-Filing account under another lawyer associated with Keenan Law Firm, P.A., Larry Keenan (deceased), updated that account's email address to Timothy Keenan's email address, which allowed us to file the document at 7:38 a.m. on September 25, 2025.

11. The document was rejected again due to the need for page numbering. We promptly revised and refiled the document on September 25, 2025, at 8:22 a.m., and it was accepted.

12. As of the date of this filing, we still have not received a call back from IT to help our office gain access to our KCC Express E-Filing system account.


13. Attached hereto, marked as "Exhibit A" is a summary of the attempted filings made by Operator.

We understand the importance of adhering to filing deadlines and assure you that this situation was an isolated incident caused by technical difficulties with the e-filing system. We have taken steps to regain access to our KCC Express E-Filing account in order to get it fully restored and operational. The legal counsel for the Commission was not prejudiced or unfairly surprised by the content of the testimony originally submitted on September 12, 2025 and relied on by the Operator for its position in this matter.

In light of the above circumstances, we respectfully request that the Commission recognize the excusable neglect that resulted from the unexpected technical difficulties we faced and grant

any necessary relief to mitigate any impact of the delayed filing. We are committed to complying with all procedural requirements and appreciate your understating and consideration in this matter.

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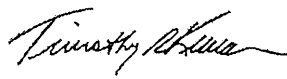
By   
\_\_\_\_\_  
Timothy R. Keenan #11314  
Attorney for Operator

**CERTIFICATE OF SERVICE**

25-CONS-3360-CPEN

I, the undersigned, certify that a true and correct copy of the attached Testimony has been served to the following by means of electronic service on October 1, 2025.

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TransactionId	Status	Date Submitted	File Name	Security	Docket Number	Div
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