

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

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

MOTION FOR EXTENSION OF TIME TO FILE ANSWER; OUT OF TIME

Kansas Gas Service, a division of ONE Gas, Inc., (“Kansas Gas Service”), pursuant to K.A.R. 82-1-220 and K.A.R. 82-1-217, respectfully files its Motion for an Extension of Time to File Answer. In support thereof, Kansas Gas Service states the following to the State Corporation Commission of the State of Kansas (“Commission”):

I. PROCEDURAL BACKGROUND

1. On September 24, 2025, Wheat State Investments, LLC, (“Wheat State”), filed a Formal Complaint against Kansas Gas Service.
2. On October 9, 2025, the Commission issued its *Order Making Prima Facie Determination*, wherein the Commission found the Formal Complaint met the requirements of K.A.R. 82-1-220 and served the Formal Complaint on Kansas Gas Service for an answer.
3. On October 20, 2025, Commission Staff submitted its Report and Recommendation.

II. REQUEST FOR EXTENSION OF TIME TO ANSWER

4. This case is about restoring natural gas service to customers after an unknown source of gas was detected at their premises. Kansas Gas Service, following its procedures, has not yet restored natural gas service to 14 premises due to safety. Kansas Gas Service is not “withholding” natural gas service to these premises. Rather, Kansas Gas Service has temporarily suspended natural gas service to these premises until Wheat State remediates the source of methane emanating from the area next to, and around, customer premises. Kansas Gas Service is prepared

to restore natural gas service when the issue is resolved and it is safe to do so.

5. Kansas Gas Service and Wheat State are communicating about service restoration once the unsafe condition has been remediated. Wheat State has advised it is considering various strategies to effectively remediate the source of methane. If the remediation strategy selected is successful and allows Kansas Gas Service to safely restore natural gas service to the remaining premises, then this Formal Complaint will become moot. Therefore, Kansas Gas Service respectfully requests the Commission extend the time to file an answer to Friday, October 31, 2025.

III. INITIAL RESPONSE TO STAFF’S RECOMMENDATIONS

6. Staff recommends the Commission, “require [Kansas Gas Service] to reestablish gas service in the Service Area immediately.”¹ Staff also recommends the Commission “require [Kansas Gas Service] to work with Staff and the property owner to develop a long term operating plan for the [S]ervice [A]rea as well as a mitigation plan to reduce the impact on [Kansas Gas Service] conventional leak survey techniques.”²

7. Staff’s recommendations are significant, and present major operational and policy issues. Staff, “contends that risks to property and health associated with the biogenic gas is beyond the purview of the Commission or [Kansas Gas Service].”³ Respectfully, Kansas Gas Service disagrees. As is evident in this case, biogenic gas can interfere with leak surveys and customer safety. The issue in this Formal Complaint is whether Kansas Gas Service’s response to an unknown source of gas impacting Wheat State’s premises was reasonable. There is no

¹ Report and Recommendation, Utilities Division, p. 3 (Oct. 16, 2025) (Report and Recommendation).

² *Id.*

³ *Id.* at p. 2.

evidence showing Kansas Gas Service has acted inappropriately or unreasonably. Immediately restoring natural gas service to Wheat State's premises introduces its own set of risks the Commission should be aware of.

8. Wheat State's Formal Complaint indicates remediation measures at the premises have been partially installed (i.e., fans on the Radon-like systems have not yet been installed). Based on the unsigned and undated letter from the Kansas Department of Health and Environment attached to Staff's Report and Recommendation, it is unclear whether Wheat State has hired a subcontractor to install these Radon-like systems, or whether the systems have been fully installed. Kansas Gas Service is unaware whether these systems have been fully installed, or whether they will effectively remediate the safety hazard.

9. Wheat State's remedy must be installed and effective before service is resumed. Kansas Gas Service's *Unknown Gas Investigation* procedure, which Kansas Gas Service is required to follow, makes clear service cannot be restored until combustible gas readings at the structure are zero. Even if readings at the structure are zero, additional safety work is required to restore service. When service to a premises is restored, Kansas Gas Service must leak survey the pipelines and equipment serving that premises. If combustible gas is detected during this, or other routine surveys, Kansas Gas Service cannot assume it is biogenic. Kansas Gas Service will be required to follow its safety procedures and all their requirements. Restoring service before a remedy is implemented and effective sets the stage for this issue, and its customer service disruptions, to occur again.

10. Staff recommends the Commission require Kansas Gas Service to work with Staff and the property owner to develop a long term mitigation plan. Kansas Gas Service is not an

expert on biogenic gas remediation methods, and cannot develop a plan on a subject it has no expertise in. Since Staff, “believes it is the responsibility of the property owner to mitigate [safety hazards associated with biogenic gas] with the regulatory oversight of the City of Newton, Kansas,”⁴ then Wheat State is responsible for remediating the source of methane at its premises.

IV. FILING OUT OF TIME

11. Good cause exists for the Commission to accept Kansas Gas Service’s *Motion for Extension of Time to File Answer* out of time. Kansas Gas Service received Staff’s Report and Recommendation late in the afternoon yesterday. Since Kansas Gas Service and Staff’s requests differ significantly, it was appropriate for Kansas Gas Service to provide an initial response to Staff’s position. Preparing this response delayed this filing one day past its due date, October 20, 2025. Pursuant to K.A.R. 82-1-217, good cause exists to accept this filing because it allows Kansas Gas Service to provide an initial response to a complex and difficult operational issue. Wheat State will not be prejudiced because Kansas Gas Service’s requested extension is premised on the idea the case may become moot.

WHEREFORE, Kansas Gas Service respectfully requests the Commission: (1) accept this *Motion* out of time, (2) allow for additional time to file an answer to the Formal Complaint of Wheat State Investments, LLC, until Friday, October 31, 2025, (3) confirm natural gas service should be restored in accordance with established procedures, (4) not require Kansas Gas Service to develop a mitigation plan, and (5) such further relief the Commission deems just and reasonable.

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⁴ *Id.* at p. 2.

Respectfully submitted,

/s/ Robert Elliott Vincent

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VERIFICATION

STATE OF KANSAS)
)
COUNTY OF JOHNSON)

I, Robert Elliott Vincent, of lawful age, being first duly sworn upon oath, states as follows: I am a Managing Attorney for Kansas Gas Service, a division of ONE Gas, Inc. I have read the above *Motion for Extension of Time to File Answer* and all the statements therein are true to the best of my knowledge, information, and belief.



Robert Elliott Vincent

Affiant

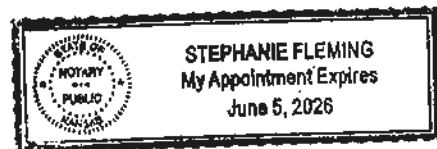
SUBSCRIBED AND SWORN to before me on 10/20/25.



Notary public

My Appointment Expires:

6/5/26



CERTIFICATE OF SERVICE

I, Robert Elliott Vincent, hereby certify that a copy of the above and foregoing *Motion for Extension of Time to File Answer* was forwarded this 21st day of October, 2025, addressed to:

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