



September 24, 2015

VIA ELECTRONIC TRANSMISSION

Ms. Amy Gilbert
Secretary to Commission
Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, KS 66604

Re: In the Matter of the Complaint Against Kansas Gas Service and Northern Pipeline
Construction Co. ("NPL"), by Virginia L. Mendez

Docket Number 16-KGSG-102-COM

Dear Ms. Gilbert:

Enclosed please find the *Answer to the Complaint of Virginia L. Mendez* for filing in the above-referenced matter.

Sincerely,

Walker Hendrix

WH/sef

Encl.

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Complaint Against)
Kansas Gas Service and Northern Pipeline) Docket No. 16-KGSG-102-COM
Construction Co. ("NPL"), by Virginia L.)
Mendez.)

ANSWER

COMES NOW, Kansas Gas Service, a Division of ONE Gas, Inc., and files an Answer to the Complaint of Virginia L. Mendez as provided in K.A.R. 82-1-220 (c) and requests a dismissal of the Complaint. In support of the Answer, it is stated:

1. Kansas Gas Service is a natural gas public utility operating in the State of Kansas pursuant to certificates of convenience and necessity issued by the Commission. Kansas Gas Service's principal place of business in the state of Kansas is located at 7421 West 129th Street, Overland Park, Kansas 66213.

2. On August 27, 2015, Virginia L. Mendez ("Complaint") filed a formal complaint with the Commission. The Complainant raises a number of issues that could not be confirmed. Much of the complaint is based on conversations with other people, overheard comments and statements and facts not supported by an independent investigation of Kansas Gas Service. Although the Complainant may have sincere beliefs about the conditions she raises in her complaint, no evidence of an unsafe condition has been shown to exist in the Boswell Court area running north of SW 24th Street in Topeka, Kansas. Additionally, it should be noted that the Commission's Division of Pipeline Safety has examined the area after several phone calls were placed by the Complainant to the Commission's Public Affairs Office and Consumer Protection and has not found any evidence of a pipeline safety violation. One of the Complainants principal concerns involves a mature tree at 2240 Boswell Court, which is not on the Complainant's

property at 2229 Boswell Court. The tree has substantial growth and appears to be under some natural stress, given its age and overall condition, but contrary to the allegations of the Complainant, the tree was not damaged by NPL, and it is not something on which the Complainant may assert a legal claim. Even if a claim could be made for the tree (a contention that Kansas Gas Service does not support), legal action would need to be brought in the civil courts and would not fall within the jurisdiction of the Kansas Corporation Commission.

3. In addressing the complaint, Kansas Gas Service will set forth the actions that were taken to address Complainant's concerns. On July 31, 2015, Kansas Gas Service responded to a leak order that was initiated by the Complainant, who indicated she had smelled a gas odor at five locations while walking her dog. On arrival, Kansas Gas Service personnel were directed to an address across the street from Complainant's address at 2229 Boswell Court, where she thought gas was building up in a neighboring house. Upon checking across the street, Kansas Gas Service found that the meter was off and plugged at the suspected address. A complete gas investigation at the address was conducted and no leaks were found. Kansas Gas personnel also conducted a search for possible gas leaks with the use of a flame ionization unit at Complainant's address, 2229 Boswell Court, and at 2317 and 2313 Boswell Court as well as at the Stout Elementary School at 2303 SW College Avenue. As a result of a thorough leak investigation involving three employees over a time interval from 7:20 to 9:35 a.m. in the neighborhood, no evidence of gas leaks was discovered on July 31, 2015.

4. On August 3, 2015, Kansas Gas Service responded to a call made by Complainant involving the discovery of dead bird in an area where construction activity had taken place at a neighboring location where the main had been replaced. On arrival, the bird apparently had been removed, but Complainant's presumption was to the effect that the bird had been exposed to

natural gas and succumbed. In order to alleviate concerns involving escaping natural gas, Kansas Gas Service conducted a thorough search of the neighborhood and undertook a survey of all the houses in the area in question, all sewer drains, crawl space vents and around the houses, but the rover detector did not pick up any trace of gas in the ambient air. During this visit, the Complainant also asserted that a large tree had been compromised as a result of root damage caused by excavation for the main and associated service lines. She indicated that she was able to move the tree and it was falling. The surveyor examined the tree and indicated to the Complainant that he was not able to budge the tree into any movement.

5. Kansas Gas Service responded to a call on August 4, 2015, that was made to the Public Affairs Office and indicated there were areas of dead vegetation in the Boswell Court area. Kansas Gas Service dispatched two employees to check two addresses showing dead vegetation: 2244 Boswell Court and 2301 Boswell Court. The areas of dead vegetation were identified and gas detection equipment showed no gas readings at those locations.

6. On August 5, 2015, a Kansas Gas Service regulatory specialist contacted the Complainant regarding her concerns and attempted to determine what action might be taken to alleviate her worry about gas leaks in her neighborhood. The Complainant indicated that ground probes would reassure her as well as removal of the tree at 2240 Boswell Court. In response to this phone call, another field investigation was scheduled for August 7, 2015.

7. On August 7, 2015, Kansas Gas Service dispatched a leak inspector, a leak survey truck and a Leak truck technician to the Boswell Court area. Both sides of SW Boswell Court running north from SW 24th Street were leak surveyed by the truck and no indications of gas were found. The Kansas Gas Service employees then did a thorough leak survey of the

Complainant's property, including three bar hole tests, which resulted in no detection of natural gas. Additionally, the meter was tested and a survey was conducted around the perimeter of the house and no leaks were detected.

8. Despite the extensive testing on Complainant's property, she continued to phone the Kansas Gas Service Call Center as well as the Commission's Public Affairs Office to complain about the safety of the gas piping in her neighborhood and the tree on her neighbor's property. Attempts were made to reassure the Complainant about the safety of the distribution system in her neighborhood. With respect to the tree, the Complainant was advised that she did not have an interest in the tree, and the party owning property where it is located would have to make a claim against Kansas Gas Service. If a proper claim were made, Kansas Gas Service would review the claim and make a determination regarding any liability it may have.

9. Because Kansas Gas Service and the Public Affairs Office were without a way to satisfy the Complainant's continuing complaints, she was advised that her only recourse was to file a formal complaint. The Public Affairs Office provided the formal complaint form, and the Complainant filed her complaint on August 26, 2015. It appears that the basis for Complainant's filing stems from the replacement of two miles of cast iron main in the area where she lives. Service lines were also replaced as part of the process. As she indicates, extensive excavation activities occurred in the neighborhood. Given the need to replace the cast iron main and the associated service lines, there was digging taking place throughout the neighborhood. Some locations required additional excavation to assure proper installation of the new main and the service lines. However, the Complainant's concerns and issues all stem from her recollection of discussions she attributes to company employees and her neighbors. She provides no factual basis to support her claims. Kansas Gas Service has investigated this matter thoroughly and has

not been able to confirm the accuracy of her allegations. Accordingly, her complaint should be dismissed.

10. The Complainant bases most of her concerns on discussions with her neighbors. She indicates that the A.J. Stout School was evacuated as a result of a strong gas odor. The school was evacuated on February 2, 2015, when a pressure relief valve caused gas to emit from the meter set. Kansas Gas Service notified the Superintendent and discontinued service to the school, while the meter set was repaired. The children returned to the school the same day.

11. The address at 2313 Boswell Court had two leak responses. The regulator was found leaking on December 13, 2014, and was fixed within hour of the time service person arrived. A Class 3 corrosion leak on a bare steel service line was reported on August 23, 2012. The entire service line was replaced on November 7, 2012, with eighty-five feet of polyethylene pipe. Both events were properly addressed under pipeline safety procedures. Complainant's description in her complaint is incomplete and incorrectly suggests that some ongoing problem exists at this location.

12. Complainant spends considerable time in her complaint discussing the tree at 2240 Boswell Court. As indicated, the tree does not present a claim on which Complainant can base an action. The tree is not located on her property, and she has no ownership right to make a claim. The tree has aged over time and exists in a mature condition. The existing condition of the tree did not result from the installation of the main and the new service line. (See, pictures attached of the tree). Contrary to the statements in the complaint, the tree does not appear to be in a condition of imminent collapse. However, any liability for the trees condition is not a matter to which the Commission can address in this docket.

13. Complainant recites additional hearsay information regarding the use of duct tape to connect joints of pipe on Jewell Street. There is no credible evidence to support this statement, and it is false. The Commission Division of Pipeline Safety has conducted an examination of the pipeline installations in the Boswell Court area and has not determined there is any factual basis to support this statement. Complainant also recites general statements provided by others related to apartments in Sacramento, Cincinnati and New York that she contends were destroyed after NPL worked on the lines in those cities. There is absolutely no support for these statements. The entire Boswell Court area has now been tested for gas four different times. No leaks were detected. Complainant's property was thoroughly tested with a rover, flame ionization unit, truck survey, and bar hole tests. Despite these efforts, the Complainant has not been satisfied and seeks out information from her neighbors to create new situations on which she may complain.

14. At this point in time, there is no other reasonable way to convince the Complainant that the gas service in her neighborhood is without concern. However, if there is a leak or odor report or other evidence of a problem, Kansas Gas Service is required to investigate it and to make any repairs that may be required. But, currently, there is no indication of a dangerous or hazardous condition that needs to be addressed to satisfy existing pipeline safety requirements and federal and state law. As a result, the complaint should be dismissed.

WHEREFORE, Kansas Gas Service, a division of ONE Gas, Inc., submits its Answer, request the complaint be dismissed and for such other relief as the Commission may deem appropriate.

Respectively submitted by:



Walker Hendrix #08335
Judy Jenkins #23300
7421 W. 129th St.
Overland Park, KS 66212
ATTORNEYS FOR
Kansas Gas Service, a
Division of ONE Gas, Inc.

ATTACHMENT












VERIFICATION

STATE OF KANSAS)
) ss
COUNTY OF JOHNSON)

Walker Hendrix of lawful age, being first duly sworn upon oath, deposes and states:
That he is an attorney for Kansas Gas Service, a division of ONE Gas, Inc.; that he has read the
above and foregoing *Answer* and that the statements therein contained are true according to his
knowledge, information and belief.



Walker Hendrix

Subscribed and sworn before me this 24th day of September, 2015.



Notary Public

My Appointment Expires: 06/05/18




CERTIFICATE OF SERVICE

I Hereby Certify that on this 24th day of September, 2015, a true and correct copy of the above and foregoing *ANSWER* was deposited in the United States mail, first-class postage prepaid or electronically submitted, properly addressed to:

SAMUEL FEATHER, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
s.feather@kcc.ks.gov

VIRGINIA LEE MENDEZ
VIRGINIA L. MENDEZ
2229 SW BOSWELL CT
TOPEKA, KS 66611


Walker Hendrix