

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

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

In the Matter of Initiating a Show Cause)
Proceeding Against Sundowner, Inc. to Obtain)
a Certificate of Public Convenience and) Docket No. 24-SUNW-590-SHO
Necessity to Operate as a Water Utility and to)
Enforce Cold Weather Rules for Meter)
Disconnections within Sundowner, Inc.'s)
Water Distribution System.)

**ORDER GRANTING WELL REHAB, LLC, WALTON PLUMBING AND HEATING,
INC., AND WATERWISE ENTERPRISES, LLC'S PETITION TO INTERVENE**

This matter comes before the State Corporation Commission of the State of Kansas ("Commission") for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

1. On February 26, 2024, Commission Staff (Staff) filed a Report and Recommendation requesting the Commission issue a Show Cause Order to Sundowner, Inc. ("Sundowner"). Sundowner, which operates a water system serving two private home subdivisions in Saline County, Kansas, has been the subject of numerous complaints.¹ In investigating the complaints, Staff discovered that Sundowner does not have a Certificate of Convenience and Necessity (COC) to operate as a public utility.²

2. The Commission issued a Show Cause Order on March 5, 2024.

¹ Staff's Report and Recommendation (Feb. 23, 2024) p. 1.

² *Id.*

3. Sundowner filed an Application for Certificate of Convenience and Necessity and Response to the Show Cause Order on May 10, 2024.³ Sundowner also filed a Motion to File Out of Time its Response to the Show Cause Order, which was due May 9, 2024, but filed May 10, 2024.⁴

4. On October 31, 2024, Sundowner filed a Notice of Waiver of Statutory Deadline that waived the 180-day statutory timeline pursuant to K.S.A. 66-131.⁵

5. On September 26, 2025, Well Rehab, LLC, Walton Plumbing and Heating, Inc., and WaterWise Enterprises, LLC, (collectively referred to as “Petitioners”) filed a Petition to Intervene.⁶ In support of its Petition to Intervene, the Petitioners stated that they each have provided goods and services to Sundowner and has not provided payment for said goods and services.⁷ The Petitioners further explain that they intend to seek an operator with the ability to manage the water system, and will assist the orderly and prompt conduct of the proceedings “by providing an alternative manner” for bringing the water system into compliance and maintaining the water system’s compliance.⁸

6. On October 2, 2025, Sundowner filed a response to the Petitioners’ Petition to Intervene stating the Petitioners have not met the legal requirements for intervention and that the Petitioners fail to assert what information, perspective, or benefit they would bring to the proceeding.⁹

³ Application for Certificate of Convenience and Necessity and Response to the Show Cause Order (May 10, 2024).

⁴ Motion to File Out of Time (May 10, 2024).

⁵ Notice of Waiver of Statutory Deadline (Oct. 31, 2024).

⁶ Petition to Intervene (Sept. 26, 2025).

⁷ *Id.*, ¶ 1-2.

⁸ *Id.*, ¶ 6.

⁹ Sundowner, Inc. Response to Well Rehab, LLC, Walton Plumbing and Heating, Inc., and Waterwise Enterprises, LLC’s Petition to Intervene (Oct. 2, 2025).

7. The Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, if the intervention will not impair the orderly and prompt conduct of the proceedings, and if the party has stated facts demonstrating its legal rights, duties and privileges, immunities or other legal interests may be substantially affected by the proceeding.¹⁰ A Petition to Intervene may be granted at any time upon a determination “that the intervention sought is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.”¹¹ Further, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.¹²

8. The Commission finds and concludes that the Petitioners have met the requirements of K.A.R. 82-1-225 and K.S.A. 77-521 and should be granted intervention in this Docket. Without opining on the merits of the merits of Petitioners claims, the Petitioners assert they may benefit this Docket by providing an “alternate manner” to bring the system in compliance, and any operator will need a Commission-approved COC. The Petitioners will be added to the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered to counsel of record and intervenors’ other designee as follows:

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¹⁰ K.S.A. 77-521; K.A.R. 82-1-225.

¹¹ K.S.A. 77-521(b); K.A.R. 82-1-225(b).

¹² K.S.A. 77-521(c).

THEREFORE, THE COMMISSION ORDERS:

A. Well Rehab, LLC, Walton Plumbing and Heating, Inc., and WaterWise Enterprises, LLC's Petition to Intervene is granted.

B. This Order is procedural and constitutes non-final agency action.¹³

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 10/21/2025



Celeste Chaney-Tucker
Executive Director

ARB

¹³ K.S.A. 77-607(b)(2).

CERTIFICATE OF SERVICE

24-SUNW-590-SHO

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 10/21/2025.

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