

**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

**KANSAS GAS SERVICE’S REPLY TO THE MOTION FOR EMERGENCY ORDER
FILED BY WHEAT STATE INVESTMENTS, LLC, PURSUANT TO K.S.A. 77-536**

Kansas Gas Service, a division of ONE Gas, Inc., (“Kansas Gas Service”), pursuant to K.A.R. 82-1-220 and K.A.R. 82-1-218, respectfully files its Reply to the *Motion for Emergency Order Pursuant to K.S.A. 77-536* filed by Wheat State Investments, LLC (“Wheat State”). In support thereof, Kansas Gas Service states the following to the State Corporation Commission of the State of Kansas (“Commission”):

1. On October 21, 2025, Wheat State filed a *Motion for Emergency Order Pursuant to K.S.A. 77-536* seeking an order from the Commission:

enjoining KGS from disconnecting customers until a hearing can be held in this matter to more fully determine if the measured levels of methane decay gas are at a dangerous level, and the appropriate means, methods and practices that KGS may implement to address such concerns in a reasonable and just manner without being unjustly discriminatory or unduly preferential toward Wheat State or its residents.¹

2. The Commission should deny Wheat State’s *Motion*. Whether a dangerous condition is present is a judgment call for Kansas Gas Service to make. The issue for the Commission to decide is whether Kansas Gas Service’s actions are unreasonable, unfair, or unjust. They are not. Wheat State’s allegation that Kansas Gas Service is “depriving customers of essential heat and energy services during critical weather conditions”² is simply incorrect.

3. Kansas Gas Service has not “categorically declined”³ to negotiate restoring service at the 14 remaining units. There is nothing to negotiate. Kansas Gas Service is prepared to

¹ Motion for Emergency Order Pursuant to K.S.A. 77-536, p. 3 (Oct. 21, 2025) (Emergency Motion).

² *Id.* at p. 2.

³ *Id.*

resume service at the 14 premises once Wheat State implements an effective remediation method.

4. Kansas Gas Service admits communicating, “the gas would remain disconnected until there were zero readings for methane at the foundation of each [affected] residential property.”⁴ This is not a change in position. This is what Kansas Gas Service’s *Unknown Gas Investigation* procedure requires. 49 C.F.R. 192.605, *adopted by* K.A.R. 82-11-4, requires Kansas Gas Service to, “prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response.”⁵ Kansas Gas Service has simply communicated it will restore service in accordance with its procedures, which state and federal law require Kansas Gas Service to follow. In plain terms, following established procedures is just and reasonable.⁶

5. Wheat State asserts that, since Kansas Gas Service has not taken readings or samples since early September, there is no evidence of systemic leaks or imminent danger preventing service restoration.⁷ Wheat State’s allegations are both irrelevant and contradicted by its own data. On relevance, Kansas Gas Service would not be expected to take additional readings until Wheat State had implemented its remedy and requested service be restored. Kansas Gas Service stopped taking readings shortly after it was released from the scene. The fact that Kansas Gas Service has not taken further readings would be expected from a party released from its obligation to take continuous readings. On data, Wheat State provided Kansas Gas Service with a report from its consultant on a proposed remedy (i.e., vent stacks). As Kansas Gas Service understands the report, the data contained within the report indicates gas is being detected adjacent

⁴ *Id.*

⁵ 49 C.F.R. 192.605(a).

⁶ For clarity, Wheat State’s citations to K.S.A. 55-1,103, and -108 are to gas gathering statutes not applicable here.

⁷ Emergency Motion at p. 2.

to structures and foundations, and at a high enough concentration to pose a legitimate safety concern. Wheat State's own consultant report underscores why an effective remedy needs to be fully implemented before Kansas Gas Service attempts to restore natural gas service.

6. Most disappointing, Wheat State alleges Kansas Gas Service's, "actions may be influenced by improper business motives, including the cost of line inspections or remediation."⁸ Kansas Gas Service categorically rejects this allegation. From the time Kansas Gas Service first detected methane at Wheat State's property through Kansas Gas Service's release from the scene, Kansas Gas Service had a 24/7 presence at the site monitoring gas readings. From the beginning of this situation, and continuing up to today, Kansas Gas Service's focus has been on the safety of its customers, employees, and community. Wheat State's allegation dishonors the continuous work Kansas Gas Service's employees gave to make sure Wheat State's residents and properties were safe. As a final point, Kansas Gas Service is not responsible for any remediation costs at Wheat State's property. The cost of Wheat State's remediation method should not influence how or when natural gas service is restored. This is not Kansas Gas Service's issue to remediate.

7. Wheat State invites the Commission to use its emergency powers to mandate gas service be restored. The Commission should decline the request. The record does not indicate Wheat State has remedied the biogenic gas at its premises. Rather, the record indicates Kansas Gas Service is following its procedures. Any urgency associated with colder weather is an urgency created by Wheat State. Wheat State controls when, and how, a remediation measure is implemented. Kansas Gas Service stands ready to restore service, in accordance with its procedures, once an effective remedy has been deployed by Wheat State and it is safe to do so.

⁸ *Id.* at p. 3.

WHEREFORE, Kansas Gas Service respectfully requests the Commission deny Wheat State's *Motion for Emergency Order Pursuant to K.S.A. 77-536*, and for such further relief as the Commission deems just and reasonable.

Respectfully submitted,

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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 *Reply to the Motion for Emergency Order Filed by Wheat State Investments, LLC* and all the statements therein are true to the best of my knowledge, information, and belief.



Robert Elliott Vincent

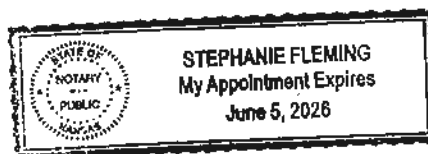
Affiant

SUBSCRIBED AND SWORN to before me on 10/23/25.


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 *Reply to the Motion for Emergency Order Filed by Wheat State Investments, LLC* was forwarded this 24th day of October, 2025, addressed to:

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