

**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 TO DISMISS

Kansas Gas Service, a division of ONE Gas, Inc., (“Kansas Gas Service”), pursuant to K.A.R. 82-1-220, respectfully files its Motion to Dismiss the Formal Complaint filed by Wheat State Investments, LLC, and its owner/property manager Jordan Sanders (collectively “Wheat State”). In support thereof, Kansas Gas Service states the following to the State Corporation Commission of the State of Kansas (“Commission”):

This case is about restoring natural gas service to premises affected by an unknown source of gas. The central issue in this case has been resolved, and Wheat State’s Formal Complaint is now moot. Accordingly, the Commission should dismiss Wheat State’s Formal Complaint and close this docket.

I. CONDENSED PROCEDURAL BACKGROUND

1. On September 24, 2025, 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 28, 2025, the Commission issued its *Order Adopting Staff’s Report and Recommendation*, wherein the Commission directed Kansas Gas Service to, “reestablish gas service for the affected homes immediately.”¹

¹ Order Adopting Staff’s Report and Recommendation, p. 7 (Oct. 28, 2025).

II. WHEAT STATE HAS CONVERTED THE APPLIANCES AT THE PREMISES

4. Wheat State's Formal Complaint centered on restoring natural gas service to 29 premises along SE 10th Street Terrace in Newton, Kansas.² Kansas Gas Service was able to restore service to 15 premises, leaving 14 premises with service temporarily suspended. To reiterate, following its procedures, Kansas Gas Service had temporarily suspended natural gas service to these premises until Wheat State had remediated the source of methane emanating from the area next to, and around, the premises.

5. On October 28, 2025, after the Commission issued its *Order Adopting Staff's Report and Recommendation*, Kansas Gas Service contacted Wheat State to discuss the service restoration process. Kansas Gas Service informed Wheat State of its service restoration procedures, and in particular the need to conduct new leak surveys to restore natural gas service.

6. Wheat State has informed Kansas Gas Service the 14 remaining premises have been converted to electric appliances and natural gas service is no longer required at these premises.

III. MOTION TO DISMISS

7. The Commission should dismiss Wheat State's Formal Complaint because the case has become moot. A case that is moot is properly subject to a motion to dismiss.³

8. A case becomes moot when it can clearly and convincingly be shown, "the actual controversy has ended, the only judgment that could be entered would be ineffectual for any purpose, and it would not impact any of the parties' rights."⁴ Because natural gas service is no

² See Formal Complaint Against Kansas Gas Service by Wheat State Investments, LLC - Jordan Sanders, p. 3 (Sep. 24, 2025).

³ *State v. Roat*, 311 Kan. 581, 584, 466 P.3d 439, 443 (2020), overruled by *State v. Phipps*, 320 Kan. 616, 570 P.3d 1240 (2025) (Clarifying there are no prudential exceptions allowing a state court to review otherwise moot issues).

⁴ *State v. Phipps*, 320 Kan. 616, 618, 570 P.3d 1240, 1245 (2025).

longer required at Wheat State's 14 premises, the actual controversy between Kansas Gas Service and Wheat State has ended. Judgement mandating service be restored would be ineffectual since the properties now use electric appliances. Likewise, dismissing Wheat State's Formal Complaint will not impact the other elements of the Commission's *Order Adopting Staff's Report and Recommendation*. Since there are no further controversies between Wheat State and Kansas Gas Service for the Commission to resolve this Formal Complaint should be dismissed and the docket closed.

WHEREFORE, Kansas Gas Service respectfully requests the Commission dismiss the Formal Complaint of Wheat State Investments, LLC, and its owner/property manager Jordan Sanders, and for such further relief as the Commission deems just and reasonable.

Respectfully submitted,

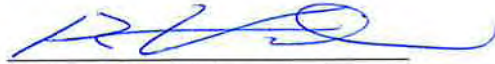
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VERIFICATION

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 *Motion to Dismiss* 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 10/30/25.


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 to Dismiss* was forwarded this 31st day of October, 2025, addressed to:

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