

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

In the Matter of the Recommendation to Initiate)
A Show Cause Proceeding as to why)
Sundowner, Inc. should not be Required to)
Obtain a Certificate of Public Convenience) Docket No. 24-SUNW-590-SHO
and Necessity to Operate as a Potable Water)
Utility, and an Emergency Order Enforcing)
Cold Weather Rules for Meter Disconnections)
within Sundowner, Inc.'s Water Distribution)
System.)

MOTION TO FILE OUT OF TIME

COMES NOW, C. Edward Watson, II of Foulston Siefkin LLP on behalf of Sundowner, Inc. and respectfully requests the Commission to grant an order for Sundowner to file its Application for Certificate of Convenience and Necessity (“Application”) which also serves as its Response to the Show Cause Order (“Response”) out of time. In support of its Motion, Sundowner states as follows:

1. On February 26, 2024, Commission Staff filed a Report and Recommendation, requesting the Commission issue a Show Cause Order against Sundowner.
2. On March 5, 2024, the Commission entered a Show Cause Order requiring Sundowner to explain why it should not be required to apply for a Certificate of Convenience and Necessity and restore service to all disconnected customers.
3. On April 3, 2024, Sundowner filed a Motion for Extension of Time to Respond to the Show Cause Order, which the Commission approved by order on April 11, 2024.
4. On April 25, 2024, Sundowner filed a second Motion for Extension of Time to request a two-week extension until May 9, 2024, which was also approved by the Commission.

5. Over the course of the previous two-week extension, Sundowner has continued to gather requested documents and other information necessary to address the concerns raised by the Staff.

6. Due to the Tuesday afternoon, May 7, 2024, unexpected death of Counsel's mother, while counsel was travelling out of town, Sundowner was unable to timely file its Application and Response to the Show Cause order by 5:00 p.m. on May 9, 2024, as previously ordered by the Commission.

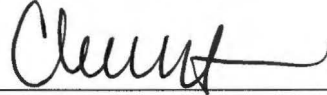
7. On Wednesday, May 8, 2024, Counsel's colleague, Molly Morgan, contacted Carly Masenthin, counsel for Commission Staff, by email to inform Commission Staff of the unexpected circumstances and possible delay. Ms. Masenthin acknowledged receipt of the email and that she would inform the Commission Staff of the circumstances.

8. This Motion is not being filed for the purposes of unreasonable delay, and Counsel is simultaneously filing its Application for Certificate of Convenience and Necessity and Response to the Show Cause Order.

9. Granting this Motion to Sundowner will not negatively impact Sundowner's customers, as Sundowner already restored service to all customers who were disconnected on the date the Show Cause Order was issued and continues to cooperate with Commission Staff to ensure that Sundowner is meeting all of the statutory and regulatory requirements applicable to water public utilities.

WHEREFORE, Sundowner, Inc. respectfully request the Commission accept Sundowner's Response to the Show Cause Order out of time.

Respectfully submitted,



C. Edward Watson, II #23386
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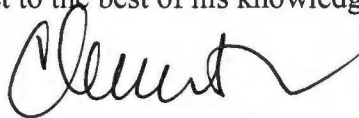
ATTORNEYS FOR
SUNDOWNER, INC.

VERIFICATION

STATE OF KANSAS)
)
COUNTY OF SEDGWICK)

ss:

C. Edward Watson, II being duly sworn upon his oath deposes and says that he is the attorney for Sundowner, Inc.; that he is familiar with the foregoing Motion to File Out of Time; and that the statements therein are true and correct to the best of his knowledge and belief.



C. Edward Watson, II

SUBSCRIBED AND SWORN to before me this 10th day of May, 2024.



Notary Public

My Appointment Expires: 12/07/2024

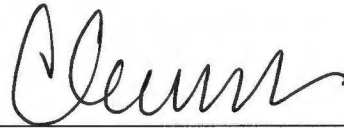
CERTIFICATE OF SERVICE

I, the undersigned, certify that a true copy of the attached Motion for Extension of Time has been served to the following by means of electronic service on May 10, 2024.

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