

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

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)

MOTION FOR DISCOVERY AND PROTECTIVE ORDER

COMES NOW the Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission”, respectively), and respectfully requests the Commission issue a Protective Order and a Discovery Order in the above-captioned matter. In support of its Motion, Staff states as follows:

1. On February 26, 2024, Staff filed a Report and Recommendation in which it recommended the Commission order Sundowner, Inc. (“Sundowner”) to show cause as to why it should not be required to file an application for a Certificate of Convenience and Necessity (“COC”). Additionally, Staff recommended the Commission notify Sundowner that the rates it was charging for water service were to be considered interim and subject to refund until the Commission reached a decision on the public utility status of the system and a permanent rate could be established.

2. On March 5, 2024, the Commission issued a Show Cause Order in which it adopted Staff’s recommendations, ordering Sundowner to explain why it should not be required to file a COC Application and notifying Sundowner that until a decision could be made on its public utility status, it was to consider its rates interim and subject to refund.

3. On May 10, 2024, Sundowner filed an Application for a COC.

4. To govern the exchange of information as Staff and Sundowner continue to engage in communication and information sharing related to Sundowner's Application, Staff respectfully requests the Commission issue a Discovery and a Protective Order.

WHEREFORE, Staff respectfully requests the Commission issue a Discovery and a Protective Order in the above-captioned matter.

Respectfully submitted,

/s/ Carly R. Masenthin

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CERTIFICATE OF SERVICE

24-SUNW-590-SHO

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion for Discovery and Protective Order was served via electronic service this 5th day of September, 2024, to the following:

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