

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

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

In the Matter of the Complaint Against)
Kansas Gas Service by Richard Mallatt, Jr.) Docket No. 25-KGSG-213-COM
and Connie B. Shaw

ORDER MAKING PRIMA FACIE DETERMINATION

This matter comes before the State Corporation Commission of the State of Kansas (“Commission”). Having examined the pleadings and records, the Commission finds as follows:

1. On November 12, 2024, Richard Mallatt, Jr., and Connie B. Shaw (“Complainants”) submitted a formal complaint (“Complaint”) against Kansas Gas Service, claiming it disconnected their service and provided an unsatisfactory estimate for work, among other grievances.¹

2. On December 3, 2024, the Commission determined that the Complainants failed to establish a prima facie case for Commission action, because the Complaint failed to set forth concisely and in plain language the facts claimed by the Complainants to constitute a violation.² The Complainants were given thirty (30) days from the date of the Order to supplement their Complaint to explain how and why the alleged disconnection violated any law, regulation, or Commission order.³

3. On December 31, 2024, the Complainants filed an “Answer to Order on Prima Facie Determination.”⁴ The Commission construes the filing as an amended complaint.

¹ Formal Complaint by Richard Mallatt, Jr., and Connie B. Shaw (Nov. 12, 2024) (“Complaint”).

² Order on Prima Facie Determination and Leave to Amend (Dec. 3, 2024).

³ *Id.*

⁴ Amended Application (Dec. 31, 2024).

Therefore, the Commission reviews the amended formal complaint for compliance with K.A.R. 82-1-220(b).

4. Pursuant to K.A.R. 82-1-220(b), a complainant must: (1) fully and completely advise the Commission as to the provisions of law or the regulations or orders of the Commission that have been violated; (2) set forth concisely and in plain language the facts claimed that constitute the violation(s); and, (3) state the relief sought by the complainant.

5. Complainants appear to allege that Kansas Gas Service provided an extremely high estimate to replace a bare steel pipeline to their residence. Based on the Complaint, it is unclear whether the bare steel pipeline is still in use and whether the Complainants are still receiving natural gas from Kansas Gas Service. The amended complaint references the “cold weather rule” but fails to explain how natural gas service was allegedly disconnected unlawfully.⁵ Further, the original complaint and amended complaint appear to allege various tort claims, but the Commission does not have jurisdiction to adjudicate tort claims to the extent they may be alleged.⁶ However, upon review of the original complaint and the amended complaint, the only issue that arguably establishes a *prima facie* case for Commission investigation is the disconnection issue.

6. Therefore, the only issue that complies with the requirements above and establishes a *prima facie* case for Commission action is the disconnection issue.⁷ The Commission concludes the original complaint, and the amended complaint — as to the disconnection issue only — establishes a *prima facie* case and, pursuant to K.A.R. 82-1-220(c), shall be served upon Kansas Gas Service for an answer.

⁵ *See id.*

⁶ *See id.* (The amended complaint lists and describes terms like “civil liberties,” “fraud,” “extortion,” and “elder abuse”).

⁷ *See* K.A.R. 81-1-220(a) (alleging an act by the public utility is unreasonable, unfair, [or] unjust).

THEREFORE, THE COMMISSION ORDERS:

A. The original complaint, and the amended complaint, as to the disconnection issue only, meet the procedural requirements of K.A.R. 82-1-220(b), and shall be served upon Kansas Gas Service for an answer within 10 days of service.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 02/04/2025



Abigail D. Emery
Acting Secretary to the Commission

ARB

CERTIFICATE OF SERVICE

25-KGSG-213-COM

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 02/04/2025.

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