THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Shari Feist Albrecht, Chair
Jay Scott Emler
Dwight D. Keen

In the Matter of the Complaint Against Kansas Gas Service, a Division of ONE Gas by Michael Clagg and Jerri Clagg.	)))	Docket No. 18-KGSG-460-COM

ORDER ADOPTING STAFF'S MEMORANDUM

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined Litigation Staff's Memorandum submitted in this matter and being duly advised in the premises, the Commission makes the following findings and conclusions:

I. BACKGROUND

1. Michael Clagg and Jerri Clagg (Complainants) filed a Formal Complaint against Kansas Gas Service, a Division of ONE Gas, Inc. (KGS).[1] According to Complainants, KGS determined a gas meter at Complainants' property ceased recording gas service for approximately 16 months.[2] KGS subsequently billed Complainants for an estimate of gas usage.[3] The Complainants' primary concerns center on two issues. First, Complainants assert they should not be required to pay the estimated charges because KGS owns the gas facilities and equipment that failed.[4] Second, Complainants assert the bill rendered is a "guestimate" and dispute the accuracy of the estimated gas usage.[5]

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[1] *See* Complaint Against Kansas Gas Service, a Division of ONE Gas by Michael and Jerri Clagg (Apr. 23, 2018) (Formal Complaint).
[2] *See id.* at p. 3.
[3] *See id.*
[4] *See id.*
[5] *See id.*

2. On June 22, 2018, Litigation Staff for the Commission prepared a Memorandum analyzing the Formal Complaint for compliance with Commission regulations.[6]

3. Litigation Staff reviewed the Formal Complaint's underlying facts and allegations. While making no recommendation regarding the validity or truthfulness of the Complainant's claims, Litigation Staff determined the Formal Complaint satisfied the procedural requirements of the Commission's rules of practice and procedure.[7]

4. Litigation Staff recommended the Commission accept the Formal Complaint and serve the Formal Complaint on KGS for an Answer as required by K.A.R. 82-1-220.

II. FINDINGS AND CONCLUSIONS

5. The Commission is satisfied jurisdiction to conduct the requested investigation exists pursuant to K.S.A. 66-1,200, *et seq.*[8] The Commission may investigate Formal Complaints regarding rates, rules, regulations, or practices of gas and electric public utilities.[9]

6. Litigation Staff's Memorandum dated June 22, 2018, attached hereto as Attachment "A" is hereby adopted by the Commission and incorporated by reference into this Order.

7. The Commission finds and concludes the Complainant has satisfied the procedural requirements for the filing of Formal Complaints as detailed in K.A.R. 82-1-220.

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[6] *See* Memorandum Dated June 11, 2018. (Staff Memo).
[7] *See id.* at p. 3.
[8] Specifically, the Commission is granted broad authority to review formal complaints. *See* K.S.A. 66-1,205(a) ("Upon a complaint in writing made against any natural gas public utility governed by this act that any rates or rules and regulations of such natural gas public utility are in any respect unreasonable, unfair, unjust, unjustly discriminatory or unduly preferential, or both, or that any rule and regulation, practice or act whatsoever affecting or relating to any service performed or to be performed by such natural gas public utility for the public, is in any respect unreasonable, unfair, unjust, unreasonably inefficient or insufficient, unjustly discriminatory or unduly preferential, or that any service performed or to be performed by such natural gas public utility for the public is unreasonably inadequate, inefficient, unduly insufficient or cannot be obtained, the commission may proceed, with or without notice, to make such investigation as it deems necessary."); *See also* K.S.A. 66-101e.
[9] *See* K.S.A. 66-101d, 101g; K.S.A. 66-1,201, 204, 207.

8. The Commission finds and concludes the Formal Complaint shall be served upon KGS for an answer.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) The Formal Complaint submitted by Michael Clagg and Jerri Clagg is hereby accepted.

(B) Kansas Gas Service, a Division of ONE Gas, Inc. is directed to submit an Answer to the Formal Complaint in accordance with the time period prescribed by K.A.R. 82-1-220.

(C) Parties have 15 days, plus three days if service is by mail, from the date of service of this Order to petition the Commission for reconsideration or request a hearing, as provided in K.S.A. 77-542.

(D) The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 06/28/2018

Lynn M. Retz
Secretary to the Commission

REV

ATTACHMENT "A"

STATE OF KANSAS

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SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

MEMORANDUM
LEGAL DIVISION

TO: Chair Shari Feist Albrecht
Commissioner Jay Scott Emler
Commissioner Dwight D. Keen

FROM: Robert Elliott Vincent, Senior Litigation Counsel

DATE: June 22, 2018

SUBJECT: 18-KGSG-460-COM
In the Matter of the Complaint Against Kansas Gas Service, a Division of ONE Gas by Michael Clagg and Jerri Clagg

EXECUTIVE SUMMARY:

Michael Clagg and Jerri Clagg ("Complainants") filed a Formal Complaint against Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS").[1] The Formal Complaint satisfies the procedural requirements of the State Corporation Commission of the State of Kansas' ("Commission's") rules of practice and procedure. Legal Staff recommends the Commission accept the Formal Complaint, and serve the Formal Complaint on KGS for an Answer.

BACKGROUND & ANALYSIS:

On April 23, 2018, Complainants filed a Formal Complaint against KGS.[2] According to Complainants, KGS determined a gas meter at Complainants' property ceased recording gas service for approximately 16 months.[3] KGS subsequently billed Complainants for an estimate of gas usage.[4] The Complainants' primary concerns center on two issues. First, Complainants assert they should not be required to pay the estimated charges because KGS owns the gas facilities and equipment that failed.[5] Second, Complainants assert the bill rendered is a "guestimate" and dispute the accuracy of the estimated gas usage.[6] Upon the filing of a Formal Complaint, the Commission must determine whether the allegations, if true, would establish a *prima facie* case for action by the Commission and whether the Formal Complaint conforms to the Commission's regulations.[7]

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[1] *See* Complaint Against Kansas Gas Service, a Division of ONE Gas by Michael and Jerri Clagg (Apr. 23, 2018) (Formal Complaint).
[2] *See id.*
[3] *See id.* at p. 3.
[4] *See id.*
[5] *See id.*
[6] *See id.*
[7] K.A.R. 82-1-220(c).

K.A.R. 82-1-220(b) requires Formal Complaints to satisfy three procedural requirements:

> (1) Fully and completely advise each Respondent and the Commission as to the provisions of law or the regulations or orders of the Commission that have been or are being violated by the acts or omissions complained of, or that will be violated by a continuance of acts or omissions;
>
> (2) set forth concisely and in plain language the facts claimed by the Complainant to constitute the violations; and
>
> (3) state the relief sought by the Complainant.

A review of the Formal Complaint shows Complainants have satisfied these procedural requirements. Though not explicitly detailed, the Complainants' narrative provides enough detail to determine the KGS tariff provisions relevant to this proceeding. Specifically, Complainants dispute their responsibility of payment and the accuracy of estimated gas usage. KGS's Schedule GTC 4 – Billing and Payment, and various provisions therein contain the Company's approved estimating and billing procedures. Accordingly, the Complainants have substantially complied with detailing what provisions of law, regulations or orders of the Commission that have been or are being violated by the acts or omissions complained of.[8]

The Complainants provide an account of the events leading up to the filing of the Formal Complaint. In this case, the Complainants concisely and in plain language assert KGS's estimated usage and billing practices violate KGS's Commission-approved tariffs.

The Complainants requested their estimated bill of $449.07 be eliminated.[9] Accordingly, the Complainants have stated relief sought as required by Commission regulation.

Because the Formal Complaint has satisfied all necessary procedural requirements, a determination of *prima facie* is possible at this time. No recommendation regarding the validity or truthfulness of the Complainant's claim(s) is made, nor should they in any way be assumed or concluded with the filing of this memorandum. The only recommendations made within this memorandum are the Commission should find: the Formal Complaint satisfies the procedural requirements of K.A.R. 82-1-220, and a determination of *prima facie* is possible. Upon review, Litigation Staff believes Complainants have provided sufficient detail and substantially required with K.A.R. 82-1-220 to establish a *prima facie* case for Commission action. Litigation Staff recommends the Commission serve the Formal Complaint on KGS for an Answer.

[8] KGS's Schedule GTC 4 was last approved by Commission order in Docket No. 16-KGSG-491-RTS.
[9] *See* Formal Complaint, p. 3.

RECOMMENDATION:

Legal Staff recommends the Commission find the Formal Complaint satisfies the procedural requirements of the Commission's rules of practice and procedure. Likewise, Legal Staff recommends the Commission accept the Formal Complaint, and serve the Formal Complaint on KGS for an Answer as required by K.A.R. 82-1-220.

CERTIFICATE OF SERVICE

18-KGSG-460-COM

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 06/29/2018.

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/S/ DeeAnn Shupe
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