

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

Before Commissioners: Susan K. Duffy, Chair
Shari Feist Albrecht
Dwight D. Keen

In the Matter of the Application of Atmos)
Energy Corporation for Adjustment of its) Docket No. 19-ATMG-525-RTS
Natural Gas Rates in the State of Kansas.)

**ORDER GRANTING STAFF'S MOTION FOR LEAVE
TO FILE POST-HEARING BRIEF OUT OF TIME**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the pleadings and record, the Commission makes the following findings:

1. On July 25, 2019, the Commission issued an Order Setting the Procedural Schedule for this Docket. Staff's Post-Hearing Brief was due at 5:00 p.m. on January 15, 2020.¹
2. Staff's Post-Hearing Brief, filed on January 15, 2020, was not signed by counsel.² Therefore, on January 16, 2020, Staff filed its Motion for Leave to File Post-Hearing Brief Out-of-Time.
3. Staff's Motion for Leave to File Post-Hearing Brief Out-of-Time states that because the parties were timely served a signed copy of its Post-Hearing Brief, no party was harmed or will be prejudiced by the Commission allowing Staff leave to file its Post-Hearing Brief out-of-time.³ On November 5, 2019, Staff filed a similar Motion regarding Mr. Gatewood's testimony.
4. Under K.A.R. 82-1-217, when a party is required to act before the Commission within a specified time, and fails to do so, the Commission may, in its discretion, extend the time

¹ Order Setting the Procedural Schedule, July 25, 2019, ¶ 5.

² Motion for Leave to File Post-Hearing Brief Out-of-Time, Jan. 16, 2020, ¶ 2.

³ *Id.*, ¶ 3.

for good cause shown.⁴ Staff attempted, but failed to successfully file their Post-Hearing Brief by the time required. It has shown good cause that the time should be extended due to its good faith effort to comply. The Commission finds that allowing Staff leave to file its Post-Hearing Brief out-of-time will not affect or prejudice any party. Therefore, the Commission grants Staff's Motion for Leave to File Post-Hearing Brief Out-of-Time.

THEREFORE, THE COMMISSION ORDERS:

A. Pursuant to K.A.R. 82-1-217(b), Staff's Motion for Leave to File Post-Hearing Brief Out-of-Time is granted, and Staff's Post-Hearing Brief is accepted for filing.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁵

C. The Commission retains jurisdiction over the subject matter and parties to enter further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 01/23/2020



Lynn M. Retz
Executive Director

BGF

⁴ K.A.R. 82-1-217(b).

⁵ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

19-ATMG-525-RTS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

electronic service on 01/23/2020.

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