

**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 Addressing the COVID-19)
pandemic in the State of Kansas.) Docket No. 20-GIMX-393-MIS

ORDER LIFTING STAY OF ALL DOCKETS

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

1. On March 12, 2020, Governor Kelly issued an emergency declaration for the State of Kansas in response to COVID-19, declaring:

I hereby suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the order or rules and regulations of any state agency which implements such statute, if strict compliance with the provisions of such statutes, order or rule and regulation would prevent, hinder, or delay in any way necessary action in coping with the disaster as set forth in KSA 48-925(c)(1).

2. On March 17, 2020, Governor Kelly ordered the State government shut down from March 23, 2020 through April 6, 2020. As a result of both proclamations, during the government closure, the Commission exercised its emergency powers under K.S.A. 77-536(b) to stay all open dockets and suspend all deadlines in all open Commission dockets until the state government shutdown is lifted or until the Commission directs otherwise.

3. On April 9, 2020, the Commission modified its Emergency Order Staying All Dockets as follows:

- All hearing dates will remain suspended while the Stay at Home restrictions are in place or until the Commission rules otherwise;

- All statutory deadlines for Commission orders will remain suspended while the Stay at Home restrictions are in place or until the Commission rules otherwise;
- The Commission would accept new filings or applications beginning April 6, 2020.

4. On April 14, 2020, the Commission clarified that its April 9, 2020 Order extends all filing and regulatory deadlines in place on March 23, 2020, by an additional 30 days from the date Governor Kelly's Stay at Home restrictions are lifted or until the Commission directs otherwise.

5. On April 30, 2020, Governor Kelly issued Executive Order 20-28. Section 1(i) of her Executive Order provides, Executive Order 20-16, establishing a statewide "stay at home" order in conjunction with KEFF for COVID-19 response efforts shall expire in conjunction with EO 20-24¹ at 11:59 pm on May 3, 2020.

6. Since the Commission's Emergency Order Staying All Dockets, issued March 19, 2020, and all extension or clarifications of that Order only extended the stay until the Stay at Home restrictions are lifted, and the Governor has lifted the stay at home order effective May 4, 2020, the Commission lifts its stay of all dockets, filings, and regulatory deadlines.

7. Deadlines in all dockets open on March 23, 2020, are automatically extended by 30 days, from the issuance of this Order, until June 14, 2020. Dockets opened after March 23, 2020 are not automatically extended. If parties need additional time to file pleadings, they should file requests for extension as necessary.

8. For procedural schedules in place on or before March 23, 2020, all deadlines will automatically be extended by 30 days. Parties are free to file proposed amended procedural schedules. Prehearing conferences and evidentiary hearings will need to be rescheduled.

¹ Executive Order 20-24 extended Executive Order 20-16 to May 3, 2020.

9. The Commission can stay, but not extend statutory timeline to file petitions for reconsideration. Therefore, statutory deadlines such as the time to file petitions for reconsideration, will restart from the point where they were when stayed on March 23, 2020. For example, in a docket where a petition for reconsideration would have been due on March 25, 2020, absent the stay, a party seeking to file a petition for reconsideration has those remaining two days from the issuance of this order to file the petition for reconsideration. Timing of petitions for judicial review are governed by the courts, not the Commission.

10. COVID-19 related conservation issues will continue to be governed by the Commission's April 23, 2020 Special Order Regarding Conservation Matters.

THEREFORE, THE COMMISSION ORDERS:

A. Based on Section 1(i) of Executive Order 20-28, the Commission lifts its stay of all dockets, effective immediately. Non-statutory deadlines in all dockets open on March 23, 2020, are automatically extended until June 14, 2020. If parties need additional time to file pleadings, they should file requests for extension as necessary.

B. Statutory deadlines such as the time to file petitions for reconsideration, which were stayed on March 19, 2020, are not extended until June 14, 2020. Instead, the 15-day statutory timeline resumes from where it left off before the stay was entered.

C. This Order is being served by electronic means, posted on the Commission's website, www.kcc.ks.gov, and the Kansas Public Square website, publicsquare.ks.gov. Based on the Governor's State of Emergency Proclamation, the Commission believes these methods of service are appropriate under these unprecedented circumstances.


D. Parties have 15 days from the date this Order was issued to petition for reconsideration.²

E. 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: 05/14/2020



Lynn M. Retz
Executive Director

BGF

² K.S.A. 66-118b; K.S.A. 77-529(a)(1).