



roaming, devaluing the \$9.25 Federal Lifeline benefit; and (3) Infiniti Mobile was unable to demonstrate its ability, both financially and technically, to serve Lifeline consumers in Kansas.<sup>3</sup>

4. On November 3, 2016, Infiniti Mobile requested an Extension of Time of an additional 30 days to respond to Staff's R&R to coordinate with underlying carriers, legal counsel, tax professionals, and its management to provide the necessary information to demonstrate its Application is in the public interest.<sup>4</sup> Infiniti Mobile represents Staff does not object to the requested extension.<sup>5</sup>

5. On November 10, 2016, the Commission granted Infiniti Mobile's Motion for Extension of Time, extending the deadline to respond to Staff's R&R to November 23, 2016.<sup>6</sup>

6. On November 22, 2016, the Commission received a letter from Infiniti Mobile requesting withdrawal of its Application without prejudice.

7. The Commission finds withdrawal of Infiniti Mobile's ETC Application, without prejudice, to be appropriate at this time. Since there are no outstanding issues remaining in this Docket, it should be closed.

**THEREFORE, THE COMMISSION ORDERS:**

- A. Infiniti Mobile's ETC Application is dismissed without prejudice.
- B. This docket is closed.
- C. The parties have fifteen days from the date this Order was served, plus three days if served by mail, to petition for reconsideration.<sup>7</sup>

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<sup>3</sup> Notice of Filing of Staff Report and Recommendation, Oct. 24, 2016, pp. 1–2.

<sup>4</sup> IM Telecom, LLC d/b/a Infiniti Mobile's Motion for Extension of Time to File Comments to Staff's Report and Recommendation, Nov. 3, 2016, ¶ 5.

<sup>5</sup> *Id.*, ¶ 7–8.

<sup>6</sup> Order Granting Motion for Extension of Time, Nov. 10, 2016, ¶ A.

<sup>7</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

D. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it deems necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: DEC 06 2016

  
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Amy L. Green  
Secretary to the Commission

BGF/amt

**EMAILED**

DEC 06 2016

**CERTIFICATE OF SERVICE**

16-IMTT-362-ETC

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

Electronic Service on DEC 06 2016.

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***EMAILED***

DEC 06 2016