

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

Before Commissioners: Susan K. Duffy, Chair
Dwight D.C Keen
Andrew J. French

In the Matter of the Application of Tri-County)
Telephone Association for Boundary)
Modification to its Council Grove Exchange.) Docket No. 20-TRCT-400-CXB

ORDER AMENDING CERTIFICATE OF CONVENIENCE AND AUTHORITY

NOW, the above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission). The Commission after giving due consideration to the Application and being fully advised in the premises, finds that:

1. The Application of Tri-County Telephone Association, (Tri-County) in the above-captioned docket was filed with this Commission on March 17, 2020. A public hearing was not held on the instant Application.

2. The Commission's authority to supervise telecommunications public utilities derives from K.S.A. 66-1,188. The Commission's Authority to issue certificates and de-certify public utilities derives from K.S.A. 66-131. Pursuant to 66-131, the Commission must review all certificate applications to determine whether the public convenience will be promoted by granting the request.

3. Tri-County requests permission to transact the business of a telephone public utility in the following described territory:

Beginning at a point $\frac{1}{4}$ mile north and $\frac{1}{4}$ mile west of the southeast corner of Section 2, T15S, R8E; thence east $1\frac{1}{4}$ miles; thence south $\frac{3}{4}$ mile; thence east 1 mile; thence south $\frac{1}{2}$ mile to the southeast corner of Section 7, T15S, R8E; thence west $2\frac{1}{4}$ miles; thence north $1\frac{1}{4}$ miles to the point of the beginning.

4. On March 17, 2020, United Telephone Company of Kansas d/b/a CenturyLink. made a companion filing in Docket No. 20-UTDT-398-CXB requesting to cease transacting the business of a telephone public utility in the territory described in paragraph 3 above.

5. With the granting of this Application, the total area certified to Applicant for its Council Grove, Kansas exchange will be described as follows:

COUNCIL GROVE EXCHANGE

Beginning at a point $\frac{1}{4}$ mile east and $\frac{1}{4}$ mile south of the northwest corner of Section 12, T15S, R7E, Morris County, Kansas; thence east approximately $1\frac{3}{4}$ miles; thence north $\frac{3}{4}$ mile; thence east approximately 3 miles to a point $\frac{1}{2}$ mile south of the northeast corner of Section 4, T15S, R8E; thence south $\frac{5}{8}$ mile; thence east $1\frac{1}{4}$ miles; thence north $\frac{3}{8}$ mile; thence east $1\frac{3}{4}$ mile; thence south $\frac{1}{2}$ miles; thence east 1 miles; thence north $\frac{1}{2}$ miles; thence east $1\frac{1}{4}$ miles; thence south $\frac{1}{4}$ mile; thence east $1\frac{3}{4}$ miles; thence north $\frac{3}{4}$ mile, thence east $2\frac{1}{2}$ miles to a point $\frac{1}{2}$ mile east and $\frac{1}{4}$ mile south of the northwest corner of Section 6, T15S, R10E, Wabaunsee County, Kansas, thence south $5\frac{3}{4}$ miles to the center of the south line of Section 31, T15S, R10E, Lyon County, Kansas; thence west $\frac{1}{2}$ mile; thence south $4\frac{1}{4}$ miles; thence west $1\frac{1}{8}$ miles to a point $\frac{1}{8}$ mile west and $\frac{1}{4}$ mile south of the northeast corner of Section 26, T16S, R9E, Morris County, Kansas; thence north $\frac{1}{2}$ mile; thence west $\frac{5}{8}$ mile; thence south $2\frac{1}{2}$ miles; thence west $1\frac{1}{2}$ miles; then south $\frac{3}{4}$ mile; thence west $\frac{3}{4}$ mile; thence south 3 miles; thence west 3 miles; thence south $2\frac{3}{4}$ miles to a point $\frac{3}{4}$ mile south of the northwest corner of Section 1, T18S, R8E, Chase County, Kansas; thence east $1\frac{3}{4}$ miles; thence south $1\frac{3}{4}$ miles; thence west $5\frac{1}{2}$ miles; thence north $1\frac{1}{4}$ miles; thence west approximately $3\frac{1}{4}$ miles to a point $\frac{1}{4}$ mile south and $\frac{1}{4}$ mile east of the northwest corner of Section 12, T18S, R7E; thence north 4 miles to a point $\frac{1}{4}$ mile south and $\frac{1}{4}$ mile east of the northwest corner of Section 24, T17S, R7E, Morris County, Kansas; thence east $\frac{1}{2}$ mile; thence north $1\frac{1}{4}$ miles; thence east approximately $\frac{3}{4}$ mile; thence north $1\frac{1}{4}$ miles; thence west approximately $1\frac{1}{4}$ miles to a point $\frac{1}{4}$ mile north and $\frac{1}{4}$ mile east of the southwest corner of Section 1, T17S, R7E; thence north 3 miles; thence west $\frac{3}{8}$ mile; thence north 2 miles; thence west $\frac{5}{8}$ mile; thence north $1\frac{1}{2}$ miles; thence west $\frac{1}{2}$ mile; thence north $1\frac{3}{4}$ miles to a point $\frac{1}{2}$ mile east and $\frac{1}{2}$ mile north of the southwest corner of Section 27, T15S, R7E, thence east $1\frac{3}{4}$ miles; thence north $3\frac{1}{4}$ miles to the point of the beginning.

6. In researching this transfer, Staff detected the description change would involve moving the existing LATA boundary, and moving the territory from the 785 Area Code to the 620 Area Code, as part of the transfer of territory to Tri-County. Staff contacted the Federal Communications Commission (FCC) with the authority to change LATA boundaries and inquired whether moving the LATA would be acceptable. The FCC responded with correspondence on June 9, 2010, that a LATA adjustment would not create a significant issue. The FCC indicated the transfer would have USF implications however, and Tri-County would be required to file for a Study Area Waiver. Tri-County has represented to Staff that it intends on filing for a waiver with the FCC.

7. The Commission finds that public convenience will be promoted by granting the instant Application authorizing Tri-County to transact the business of a telephone public utility in the territory described in paragraph 3 above.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application filed by Tri-County Telephone Association on March 17, 2020, is hereby granted and Tri-County is authorized to transact the business of a telephone public utility in the territory described in paragraph 3 above.

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).¹

C. The Commission retains jurisdiction over Tri-County Telephone Association and the subject matter of this Docket for the purpose of entering such further Order, or Orders, as it may deem necessary.

¹ K.S.A. 66-118b; K.S.A. 77-503 (c) and K.S.A. 77-531(b).

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 08/06/2020

A handwritten signature in cursive script, reading "Lynn M. Retz", positioned above a horizontal line.

Lynn M. Retz
Executive Director

wah

CERTIFICATE OF SERVICE

20-TRCT-400-CXB

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

electronic service on 08/06/2020.

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/S/ DeeAnn Shupe

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