

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

MAY 14 2012

In the Matter of a General Investigation into the)
Kansas Universal Service Fund Pursuant to) Docket No. 12-GIMT-170-GIT
K.S.A. 2010 Supp. 66-2008(c).)

by
State Corporation Commission
of Kansas

**PETITION FOR LIMITED RECONSIDERATION
OF THE MAY 9, 2012 AND MAY 11, 2012 ORDERS REGARDING
TRANSITIONAL INTRASTATE ACCESS RATES**

COMES NOW Southwestern Bell Telephone Company d/b/a AT&T Kansas ("SWBT") and, pursuant to K.S.A. 66-118b and K.A.R. 82-1-235, petitions the Kansas Corporation Commission ("Commission") for limited reconsideration of a portion of its May 9, 2012, Order Regarding Transitional Intrastate Access Rates (hereinafter the "*May 9th Order*") and its May 11, 2012 Amended Order Regarding Transitional Intrastate Access Rates (hereinafter the "*May 11th Amended Order*") (collectively the "*Orders*"). In support of its Petition, AT&T shows the Commission as follows:

BACKGROUND

1. On May 9, 2012 the Commission issued its *May 9th Order* directing that on or before May 15, 2012 "all incumbent LECs, including AT&T" are to file their proposed intrastate access tariff revisions and supporting documentation, consistent with the FCC's November 2011 Order. That filing is to include, among other things, documentation to support the tariffed rates. "To assist in this process, Staff attached 'Attachment 1' to its Report and Recommendation to be utilized by the incumbent LECs."

2. The *May 9th Order* also directed that "all competitive LECs shall file their proposed intrastate access tariffs no later than June 8, 2012." There was also no

requirement that the competitive LECs file any additional documentation supporting their tariffed rates.

3. On May 11, 2012, the Commission issued its *May 11th Amended Order* setting forth May 22nd as the amended date for filings by the ILECs and AT&T. The *May 11th Amended Order* also adds the requirement for competitive LECs to file supporting documentation with their proposed tariffs on June 8, 2012.

REQUEST FOR LIMITED RECONSIDERATION

A. Filing Date

4. On October 7, 2011, AT&T Kansas became an "Electing Carrier" pursuant to the provisions of K.S.A. 2011 Supp. 66-2005(x).¹ As an electing carrier, AT&T Kansas "shall be subject to nondiscriminatory regulation by the commission in the same manner as and subject to no more regulation than other telecommunications carriers operating in the state . . ." K.S.A. 2011 Supp. 66-2005(x)(2).

5. In treating AT&T Kansas in the same manner as an ILEC and imposing the relatively short May 22nd filing deadline, rather than treating it as the "other telecommunications carriers operating in the state," the competitive LECs with the June 8th filing deadline, the Commission's *Orders* violate the provisions of K.S.A. 2011 Supp. 66-2005(x)(2). As an electing carrier, AT&T Kansas is entitled to make its filings on June 8, 2012, the same date required for filings by the competitive LECs.

6. Accordingly, in accordance with K.S.A. 2011 Supp. 66-2005(x)(2), AT&T Kansas requests the Commission reconsider those portions of its *Orders* imposing a

¹ See also *In the Matter of the Notice of Election by Southwestern Bell Telephone Company, Pursuant to 2011 Kan. Sess. Laws Ch. 54 (K.S.A. 66-2005(x))*, Docket No. 12-SWBT-014-MIS, Order Designating Southwestern Bell Telephone Company d/b/a AT&T Kansas An Electing Carrier, dated Aug. 17, 2011.

May 22nd filing date on AT&T Kansas and find that AT&T Kansas' filings are due June 8, 2012, the same date as the competitive LECs.

B. Use of Staff Attachment 1

7. The Commission's *Orders* require all LECs to file "documentation to support their rates" when the required tariff filings are made. To assist the ILECs, the Commission adopted the use of Staff's "Attachment 1" which is a Kansas specific spreadsheet for the calculation of intrastate access rate reductions.

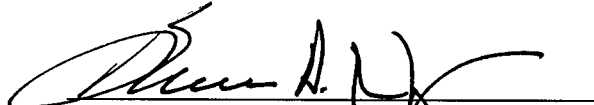
8. On April 19, 2012, three days before Staff submitted its Report and Recommendations to the Commission, including the Kansas specific Attachment 1, the FCC issued an Order adopting standardized spreadsheets for carriers to use to, among other things, calculate their intrastate access reductions.² The FCC explained that these standardized spreadsheets "display basic data on rate development in a consistent manner, thereby facilitating review of the ILEC rate revisions by the [FCC] and interested parties." See FCC's April 19, 2012 Order at ¶1.

9. In light of the Commission's compressed filing deadlines and in the interest of uniformity, AT&T Kansas requests the Commission reconsider that part of its *Orders* requiring the use of Staff's Attachment 1 and allow all LECs to use the FCC approved standardized spreadsheets when submitting the supporting documentation for their respective proposed intrastate access tariff rates.

² Order, *In the Matter of Material to be Filed in Support of 2012 Annual Access Tariff Filings*, WCB/Pricing File No. 12-08, DA 12-575 (Rel. April 19, 2012).

WHEREFORE, AT&T Kansas respectfully requests an Order of the Commission granting AT&T Kansas' Petition for Limited Reconsideration of its Orders as set forth above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce A. Ney", written over a horizontal line.

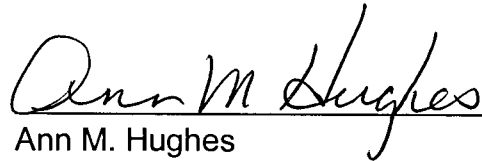
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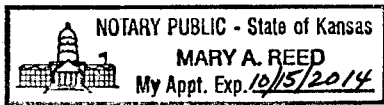
VERIFICATION

STATE OF KANSAS)
) SS:
COUNTY OF SHAWNEE)

I, Ann M. Hughes, of lawful age, and being first duly sworn, now state: I am Director – Regulatory, and have read the above Petition for Limited Reconsideration of the May 9, 2012 and May 11, 2012 Orders Regarding Transitional Intrastate Access Rates, and verify the statements contained herein to be true and correct to the best of my knowledge and belief.


Ann M. Hughes

Subscribed and sworn to before me this 14th day of May, 2012.




Notary Public

My Appointment Expires: October 15, 2014

CERTIFICATE OF SERVICE

I hereby certify that a correct copy of the above Petition for Limited Reconsideration of the May 9, 2012 and May 11, 2012 Orders Regarding Transitional Intrastate Access Rates was sent via electronic mail transmission to the addresses below on this 14th day of May, 2012 to:

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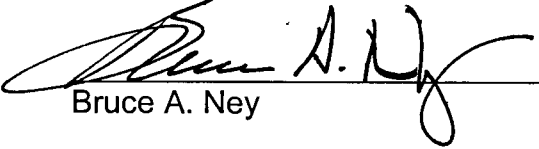
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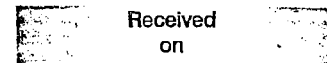
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May 14, 2012

Patrice Petersen-Klein
Executive Director
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Kansas 66604-4027



MAY 14 2012

Re: KCC Docket No. 12-GIMT-170-GIT

by
State Corporation Commission
of Kansas

Dear Ms. Petersen-Klein:

Enclosed you will find an original and seven copies of the Petition for Limited Reconsideration of the May 9, 2012 and May 11, 2012 Orders Regarding Transitional Intrastate Access Rates, for filing in the above referenced docket.

Sincerely,

Bruce A. Ney
General Attorney

Enc.

cc: Parties of Record, served electronically