

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of the Complaint of Ideatek                     )  
Telcom, LLC Against Nex-Tech and Rural                     )  
Telephone Service Company Regarding                     ) Docket No. 19- RRLT-277-COM  
Disconnection of Service, Request for Interim                     )  
Ruling and Request for Expedited Review.                     )

**MOTION TO DISMISS COMPLAINT**

Ideatek Telcom, LLC (“Ideatek”), hereby moves the State Corporation Commission of the State of Kansas (“Commission”) for an Order dismissing this complaint docket. In support of its Motion, Ideatek states the following:

1. On January 18, 2019, Ideatek filed its Complaint and Request for Expedited Review and Request for Interim Ruling. On January 30, 2019, Ideatek filed its Amended Complaint and Request for Expedited Review and Request for Interim Ruling (“Complaint”).
2. Rural Telephone Service Co., d/b/a Nex-Tech (“Nex-Tech”) filed its Initial Response to the Complaint on January 22, 2019, and on February 6, 2019, filed a motion requesting until February 15, 2019 to file its full response.
3. On February 1, 2019, the Examiner Order on Request for Expedited Review and Other Procedural Rulings (“Examiner Order”) was issued which, among other things, set a scheduling conference for February 13, 2019.
4. On February 11, 2019, Independent Telecommunications Group, Columbus et al., (“ITG”) filed a Petition for Leave to Intervene, and on February 12, 2019, the State Independent Alliance (“SIA”) filed a Petition to Intervene.
5. After the scheduling conference held at the Commission’s offices on February 13, 2019, the parties met to discuss the potential for resolving the dispute by settlement. Ultimately, an agreement in principal was reached between Nex-Tech and Ideatek.

6. On February 15, 2019, Ideatek filed a Motion to Suspend Proceeding for three weeks to allow the parties time to finalize the specific terms of the agreement. That Motion was granted by Order issued February 21, 2019.

7. Ideatek and Nex-Tech have finalized their agreement as anticipated, making this docket no longer necessary. As such, Ideatek hereby requests that its Complaint be dismissed, and that the docket be closed at this time.

8. Ideatek and Nex-Tech have agreed to equally share the Commission's cost assessment for this docket.

9. As represented in Ideatek's Motion to Suspend Proceeding and in ITG's Response to the Motion to Suspend Proceeding filed February 15, 2019, the parties to this docket and the entities who have petitioned for intervention do not object to this dismissal.

WHEREFORE, for the reasons set forth above, Ideatek respectfully requests the Commission grant its Motion to Dismiss Complaint, assess its costs in the docket equally to Ideatek and Nex-Tech, and close this docket.

Respectfully submitted,

/s/ Glenda Cafer

Glenda Cafer (Ks. #13342)  
Telephone: (785) 271-9991  
Terri Pemberton (KS. #23297)  
Telephone: (785) 232-2123  
CAFER PEMBERTON LLC  
3321 SW 6<sup>th</sup> Avenue  
Topeka, Kansas 66606  
[glenda@caferlaw.com](mailto:glenda@caferlaw.com)  
[terri@caferlaw.com](mailto:terri@caferlaw.com)

**COUNSEL FOR IDEATEK TELCOM, LLC**

## **CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the above pleading was electronically served this 13<sup>th</sup> day of March, 2019 to:

Mark Caplinger  
Attorney at Law  
7936 SW Indian Woods Place  
Topeka, Kansas 66615  
[mark@caplingerlaw.net](mailto:mark@caplingerlaw.net)

Michael Neeley, Litigation Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Ks. 66606  
[m.neeley@kcc.ks.gov](mailto:m.neeley@kcc.ks.gov)

Walker Hendrix, Litigation Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Ks. 66606  
[m.neeley@kcc.ks.gov](mailto:m.neeley@kcc.ks.gov)

Daniel P. Friesen  
Ideatek Telcom, LLC  
CIO / Managing Partner  
111 Old Mill Ln  
Buhler, KS 67522-0407  
[daniel@Ideatek.com](mailto:daniel@Ideatek.com)

/s/ Glenda Cafer

Glenda Cafer