

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

MAY 11 2012

In the Matter of a General Investigation into)
the Kansas Universal Service Fund pursuant)
to K.S.A. 2010 Supp. 66-2008(c).)

by
State Corporation Commission
Docket No. 12-GIMT-170-G/K
of Kansas

**PETITION FOR LIMITED RECONSIDERATION OF THE
COMMISSION'S MAY 9, 2012 ORDER REGARDING TRANSITIONAL
INTRASTATE ACCESS RATES REQUIRING INTRASTATE
TARIFF INFORMATION TO BE FILED BY MAY 15, 2012**

COME NOW the following groups and rural local exchange carriers (collectively the RLECs) and file their Petition for Limited Reconsideration of the Commission's May 9, 2012 Order Regarding Transitional Intrastate Access Rates. In support of their Petition, the RLECs show the Commission as follows:

1. The following RLECs submit this Petition:

Independent Telecommunications Group, Columbus et al. (Columbus):

Columbus Telephone Co., Inc.	Moundridge Telephone Co., Inc.
Cunningham Telephone Co., Inc.	Totah Communications, Inc.
Gorham Telephone Co. Inc.	Twin Valley Telephone, Inc.
H & B Communications, Inc.	Wamego Telecommunications Co., Inc.
Home Telephone Co., Inc.	Wilson Telephone Co., Inc.
LaHarpe Telephone Co. Inc.	Zenda Telephone Co., Inc.

State Independent Alliance (SIA):

Bluestem Telephone Company	Rainbow Telecommunications Association, Inc.
Blue Valley Tele-Communications, Inc.	Rural Telephone Service Company, Inc.
Craw-Kan Telephone Cooperative, Inc.	S&A Telephone Company, Inc.
The Golden Belt Telephone Association, Inc.	The S&T Telephone Cooperative Association, Inc.
Haviland Telephone Company, Inc.	South Central Telephone Association
J.B.N. Telephone Company, Inc.	Sunflower Telephone Company, Inc.
KanOkla Telephone Association	The Tri-County Telephone Association, Inc.
Madison Telephone, LLC	United Telephone Association, Inc.
MoKan Dial, Inc.	Wheat State Telephone, Inc.
Peoples Telecommunications, LLC	
The Pioneer Telephone Association, Inc.	

Southern Kansas Telephone Company and Mutual Telephone Company.

2. The Commission opened this docket on September 13, 2011, “in part to explore the impact that the Federal Communications Commission’s (FCC) Universal Service Fund (USF) and intercarrier compensation (ICC) reforms could have on Kansas and the Kansas Universal Service Fund (KUSF).”¹

3. On May 9, 2012, the Commission issued its Order Regarding Transitional Intrastate Access Rates (May 9 Order). In that order, the Commission ordered all incumbent LECs to file proposed intrastate access tariff revisions and supporting documentation, “on or before May 15, 2012.” The order’s issuance on May 9, 2012, allowed only three complete working days prior to the May 15, 2012, ordered due date.

4. The Commission has asserted in its Tenth Circuit petition for judicial review that the FCC lacks authority to impose terms and rates for intrastate access. It was not evident to the RLECs that the Commission, contrary to its own assertion, simultaneously would rely on the challenged FCC Order to impose on RLECs significant new administrative requirements for compliance with that challenged order.

5. The May 9 Order attached a Staff report and recommendation, which the May 9 Order adopted and made a part of the order. The Staff report and recommendation was dated April 22, 2012, but it was only released simultaneously with the May 9 Order. As a result, the companies affected by the May 9 Order were given no advance notice of any recommendation for a required May 15 filing deadline.

6. Since the RLECs had no notice of Staff’s report and recommendation no company, consultant, or service support entity had any opportunity to schedule this substantial work for

¹ March 21, 2012 Order Requesting Prehearing Briefs, para. 1.

completion prior to May 15, three business days after receipt of the Order. This period would not allow even the minimum time often allowed for response to a Staff data request. There were no communications or notices from Staff or the Commission prior to Staff's April 22 report and recommendation, or during the seventeen days between that report and recommendation and the Commission's Order.

7. Staff has asserted, and the Commission has concluded, that additional time will be required beyond the ordinary thirty days for tariff filings to review the accuracy of LEC compliance submissions. Paradoxically, an arbitrary advancement of the compliance date could increase the likelihood of errors, increasing rather than decreasing the burden on Staff.

8. The RLECs do not object to, or seek reconsideration of, the portion of the Order requiring provision of information to Staff. Throughout the course of this docket, the RLECs have endeavored to be as cooperative as possible. The workload and burdens imposed on the industry and on the Commission's Staff as a result of the FCC's order are real and not imagined. But one simple fact remains: meeting the May 15, 2012, filing deadline imposed May 9, 2012 by the Commission is simply not possible.

9. Initial reading of the May 9 Order led to a preliminary belief that minimal tariff revision, if any, would be required. More thorough review of this Order and of the underlying November, 2011 FCC Order led to the understanding that substantial tariff revisions will be required. These revisions cannot be completed within the time allowed in the May 9 Order.

10. The RLECs have not had sufficient time even to analyze whether mandated tariff revisions will affect the accuracy of the company-specific rate, volume and revenue information required by the Commission's order. In at least some cases it appears preparation and submission

of the ordered company-specific information cannot be performed until the necessary tariff revisions have been completed.

11. Staff's report and recommendation details similar requirements imposed in other states. In Missouri, companies were ordered April 4 to provide tariffs no later than May 1, allowing 26 days to complete work. In Maryland, companies were ordered March 29 to provide tariffs no later than May 1, allowing 32 days to complete work. In Pennsylvania, companies were ordered April 3 to provide tariffs no later than May 14, allowing 41 days to complete work. Had Staff's recommendation been adopted by the Commission shortly after the date of Staff's report and recommendation – April 22 – it would have provided the companies and consultants 20-plus days to provide the information; less than the other states cited but still more than the currently-ordered three business days.

12. The RLECS will work diligently to provide the requested info, but in some cases the concentration of companies' compliance in the hands of a relatively few consulting firms will mean that not all the required data can be determined, compiled, and submitted by the date ordered. Consultants and companies can provide individual company responses as they are completed, and as suggested, can earlier provide lists of the RLECs that will satisfy requirements through concurrence with the Blue Valley tariff when it has been revised.

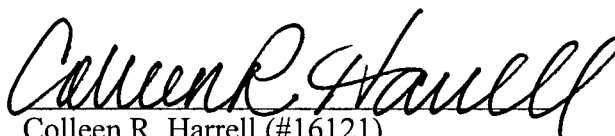
13. The RLECs have conferred with AT&T as another carrier subject to the provisions of the May 9 Order, and are advised AT&T has no objection to this petition for limited reconsideration. CenturyLink has been contacted but as yet has not responded to the RLECs. Efforts to discuss this issue with staff counsel have been unsuccessful in the limited time available.

WHEREFORE, for the above reasons the RLECs request the Commission reconsider that portion of its May 9 Order ordering companies to provide tariff revisions and supporting

documentation on three working days' notice; request the Commission instead order that the tariff revisions and supporting documentation be provided by May 25, 2012, or as soon thereafter as compliance reasonably can be achieved subject to the assurance from the RLECs that as supporting documentation becomes available prior to May 25 it will be provided to Staff; and that the Commission grant such other and further relief as it deems just and equitable.

Respectfully submitted,

JAMES M. CAPLINGER, CHARTERED



Colleen R. Harrell (#16121)

James M. Caplinger (#04738)

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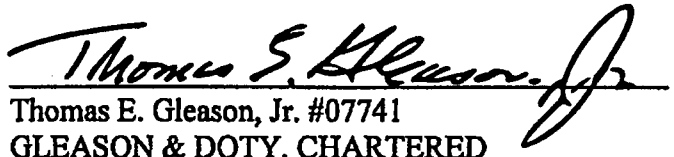
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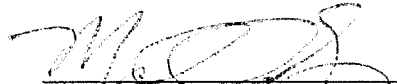
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VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

I, Colleen R. Harrell, of lawful age, being first duly sworn upon her oath states:

That she is an attorney for the State Independent Alliance, that she has read the above and foregoing Petition for Limited Reconsideration, and upon information and belief, states that the matters therein appearing are true and correct.

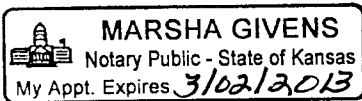

Colleen R. Harrell

SUBSCRIBED AND SWORN to before me this 11th day of May, 2012.


Notary Public

My Commission Expires:

March 2, 2013



CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was mailed via electronic mail on this 11th day of May, 2012 to the following, with no "hard" copy to follow:

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May 11, 2012

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Received
on

MAY 11 2012

In re: Docket No. 12-GIMT-170-GIT

by
State Corporation Commission
of Kansas

Dear Ms. Petersen-Klein:

We are enclosing the original and seven copies of a Petition for Limited Reconsideration of the Commission's May 9, 2012 Order Regarding Transitional Intrastate Access Rates Requiring Intrastate Tariff Information to be Filed by May 15, 2012 in the above-referenced docket.

If the Commission or Staff have any questions with regard to the filing, please contact this office.

Sincerely,


Colleen R. Harrell

CRH/mg
enclosures