

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

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

Doc. No. 12-GIMT-170-GIT
or

JAN 14 2013

**REPLY BRIEF OF THE
CITIZENS' UTILITY RATEPAYER BOARD**

COMES NOW the Citizens' Utility Ratepayer Board (CURB) and files the following reply brief in this docket in response to the questions posed by the Kansas Corporation Commission's (KCC or Commission) November 15, 2012 Order Requesting Additional Briefing (Commission's Order) in this proceeding. Various parties filed initial briefs on December 17, 2012. CURB's reply brief will respond to certain priority issues in those initial briefs.¹

I. Introduction

1. On November 18, 2011, the FCC issued a *Report and Order* addressing comprehensive reform of the Federal Universal Service Fund (FUSF) and Intercarrier Compensation (ICC), herein referred to as the FCC's Order.² The Commission's Order seeks briefing on certain legal and policy issues of the FCC Order and related impacts on Kansas and the Kansas Universal Service Fund (KUSF).

¹ CURB did not file initial briefs on December 17, 2012. Because of the twelve page limitation on reply briefs, CURB's Reply Brief addresses only certain priority issues and its failure to address an issue does not necessarily represent concurrence with any position taken by other parties.

² *Connect America Fund (WC Docket No. 10-90); A National Broadband Plan for Our Future (GN Docket No. 09-51); Establishing Just and Reasonable Rates for Local Exchange Carriers (WC Docket No. 07-135); High Cost Universal Service Support (WC Docket No. 05-337); Developing a Unified Intercarrier Compensation Regime (CC Docket No. 01-92); Federal-State Joint Board on Universal Service (CC Docket No. 96-45); Lifeline and Link-Up (WC Docket No. 03-109). Report and Order and Further Notice of Proposed Rulemaking (Nov. 18, 2011). (FCC Order).*

2. CURB has previously addressed some of these related legal and policy issues in its Comments and Reply Comments in Docket No. 11-GIMT-420-GIT (Docket 420).³ Consistent with CURB's comments in Docket 420, it is critical to emphasize the continued importance of affordable and universal basic local service for residential consumers, and this should continue to be an overarching priority for any actions taken by the Commission in this and related proceedings.

3. The Commission is one of numerous petitioners asserting the unlawful nature of rulings of the FCC Order that is subject to review by the 10th Circuit Court of Appeals, and other petitions for reconsideration by the FCC are also unresolved at this time.⁴ Subject to these outstanding matters, CURB's brief will focus primarily on those issues and related changes that can be implemented by the Commission without conflicting with the FCC's Order. For the most part, CURB does not believe that FCC reforms should trigger or require any substantive increases in the KUSF or related increased KUSF payments to carriers, although the Commission may have to implement certain additional policy to address these matters. However, the initial underlying legal position of CURB is that neither the FCC nor the states have statutory authority to provide universal service support for broadband.⁵ Subject to this overriding legal concern, CURB will address the issues raised by the Commission in this docket.

³ *In the Matter of a Review of the Kansas Universal Service Fund, including the Forward-Looking High-Cost Model Used to Determine Cost-Based Kansas Universal Service Fund Support for Price Cap Carriers And Competitive Eligible Telecommunications Carriers Offering Service in Price Cap Carrier Study Areas, the Level of Participation of Interconnected VOIP and Wireless Service Providers, the Effect of Federal Universal Service Fund Reform, the Definition of Universal Service, and Other Matters. Docket No. 11-GIMT-420-GIT (Docket 420).* If some of CURB's comments from Docket 420 are appropriate for some of the issues in this proceeding, then CURB may cite to (or summarize) those prior comments instead of repeating those comments in their entirety.

⁴ The RLECs December 17, 2012 Brief (RLECs Brief) has asked the Commission to take administrative notice of certain attached documents related to the Commission and petitioners filings before the 10th Circuit Court of Appeals. Request for the Commission to Take Administrative Notice, December 17, 2012, pp. 1-2; RLECs Brief, ¶¶ 3-4, 6-7, 9, 21, 29, 45, 51-52, 54-55.

⁵ Comments of CURB in Docket. 420, June 22, 2011, ¶¶ 10 – 13; *See also*, NASUCA NPRM Initial Comments, pp. 27-28.

II. Responses to Specific Issues Raised in the KCC Order

(a) Identify any potential conflicts existing between the FCC Order and K.S.A. 66-2005(c) and offer suggestions to remedy any identified conflicts;

4. The RLECs state that 66-2005(c) is not otherwise preempted by the FCC's Order, except the opening phrase "subject to commission's approval..." should be stricken because intrastate access reductions are now mandated by the FCC's Order with no provision for Commission approval.⁶ CenturyLink states there is no conflict between the FCC Order and K.S.A. 66-2005(c).⁷ However, if the FCC order is preemptive of K.S.A. 66-2005(c) as argued by CenturyLink and the RLECs, then it should be viewed as consistently preemptive in all respects: (a) requiring ongoing intrastate access reductions; and (b) not requiring offsetting increases in local rates or increased payments by the KUSF. Therefore, rather than selectively striking portions of K.S.A. 66-2005(c) as proposed by the RLECs, perhaps the entire statute should be stricken if it is determined to be effectively preempted by the FCC's Order.

5. CURB agrees that the FCC's Order (if upheld) does preempt K.S.A. 66-2005(c) and requires continued reduction of interstate and intrastate access rates as it relates to its overall objective of promoting broadband universal service.⁸ However, the FCC's Order is also preemptive of K.S.A. 66-2005(c) in that it does not require that intrastate access reductions be offset in a neutral manner by increases in residential and business local service rates or the KUSF (or some combination). It is not reasonable for the RLECs and CenturyLink to assert partial or selective "preemption" by the FCC for intrastate access reductions, but then assert state authority for arbitrarily retaining that part of K.S.A. 66-2005(c) related to offsetting increases in local service rates or the KUSF that favors their interests.

⁶ RLECs Brief, pp. 6-7.

⁷ CenturyLink Brief, pp. 7-8.

⁸ In the FCC Order "... the FCC "explicitly supercede[d] the traditional access charge regime ... [brought] all traffic within the section 251(b)(5) regime." FCC Order ¶ 764 ("citing 47 U.S.C. § 251(b)(5). See, Cox Brief, p. 3.

6. The parties may infer that retaining that portion of K.S.A. 66-2005(c) regarding offsetting and neutral increases in local service rates and the KUSF is reasonable because this authority has not been specifically usurped by the FCC or that this portion of the Kansas statute is not inconsistent with Federal law. However, CURB respectively disagrees with those simplistic arguments. This is because the FCC's Order cannot be viewed in a vacuum, and selective components of the FCC's Order cannot be reasonably combined with selective components of Kansas law because this creates inconsistent and arbitrary policy between the state and federal jurisdictions, does not promote universal service, and unduly favors the interests of the RLECs and CenturyLink over other carriers in the market.

7. There is a delicate balancing act in establishing fair and reasonable regulatory policy among all carriers in the market. The FCC's Order proposes inter-related policies addressing comprehensive reform for numerous issues (including provision of broadband as a universal service), and it does not propose or guarantee revenue neutrality for any carrier as sought by the RLECs and CenturyLink (via retention of that part of K.S.A. 66-2005(c) that requires rebalancing of local service rates or increases in KUSF payments). Selectively retaining this part of K.S.A. 66-2005(c) upsets the other objectives of the FCC's Order, or at the very minimum has not been proven by the RLECs and CenturyLink to be consistent with the objectives of the FCC's Order.

8. Contrary to the positions of the RLECs and CenturyLink, much has changed since K.S.A. 66-2005(c) was first implemented. State and federal regulation of services have been greatly reduced or eliminated, competition in Kansas has significantly increased, intrastate access rates have been significantly reduced, technology used to provide telecom services has significantly changed, and "broadband" was not included or considered as a universal service by

the FCC or the Commission at that time. Even AT&T admits that the current statutory definitions were implemented during a time of older technology (TDM or analog POTS) instead of today's wireless and/or Internet Protocol (IP) networks.⁹

9. Thus, the FCC's Order does not anticipate or require revenue neutrality for any carrier (including rate-of-return carriers) in the interstate or state jurisdiction, so K.S.A. 66-2005(c) legacy language regarding rebalancing of local rates or increasing KUSF payments to preserve revenue neutrality for certain Kansas carriers (the RLECs and CenturyLink) is outdated and is not supported by the broad scope of changes proposed by the FCC's Order.

10. CURB agrees with Sprint, K.S.A. 66-2005(c) should not be interpreted as requiring increases in local rates or additional KUSF payments to make up for intrastate access rate reductions required by the FCC's Order. The FCC's Order is now tied to different policy and objectives (including the overall policy of broadband universal service) versus the objectives when K.S.A. 66-2005(c) was originally implemented.¹⁰ K.S.A. 66-2005(c) was never intended to be a permanent and global solution for all subsequent FCC policy, and the revenue neutrality portion of the statute is no longer reasonable, viable, or even endorsed by the FCC in any manner. In fact, the FCC is reducing legacy federal support to carriers and replacing this with other recovery mechanisms, and there is no requirement that states implement additional or duplicate measures.

(b) Identify any potential conflicts existing between the FCC Order and K.S.A. 66-1,187(p) and (q) and offer suggestions to remedy any identified conflicts;

11. CenturyLink states that the statutory definitions of "universal service" and "enhanced universal service" in K.S.A. 66-1,187 (p) and (q), respectively, are not in conflict with the FCC

⁹ AT&T Brief, p. 2.

¹⁰ Additional Briefing of Sprint Nextel, Verizon and TW Telecom of Kansas City LLC (Sprint Brief), pp. 9-10.

Order and they could identify only two places in the Telecommunications chapter of Kansas Statutes referencing these definitions as having no further implications.¹¹ Although not cited by CenturyLink, the RLECs correctly point out that K.S.A. 66-2008(d) explicitly authorizes KUSF support for only those “universal services and enhanced universal services” defined in K.S.A. 66-1,187 (p) and (q).¹² This is a significant oversight by CenturyLink because the size of the KUSF and the amount of KUSF payments are significantly impacted by the type and number of services included in the definition of universal services.

12. It appears that the RLECs conclude that even if specific services are not specifically defined and included in the Kansas statutes, eligibility for support under the state definitions is authorized by Section 254(f) which resolves any conflict.¹³ Sprint also appears to conclude that the definitions of “universal and enhanced universal service” in Kansas statutes must be read in a manner consistent with the FCC Order, and it appears Sprint does not believe there is any conflict between Kansas statutes and the FCC Order.¹⁴ Although it is unclear, it appears that CenturyLink and the RLECs may believe that the current universal service definitions in K.S.A. 66-1,187 are technology neutral and may infer that broadband service is included in these definitions.

13. CURB respectively disagrees with CenturyLink and the RLECs. CURB refers to its legal arguments provided in Docket 420, that neither the FCC nor the states have statutory authority to provide universal service for broadband services because it is not currently defined as a “telecommunications service” provided by “telecommunications carriers” subject to universal service under the Federal Telecom Act, but rather broadband services are defined as an

¹¹ CenturyLink, pp. 8-9.

¹² RLECs Brief, ¶ 23.

¹³ RLECs Brief, ¶ 24.

¹⁴ Sprint Brief, ¶ 21.

advanced or information service which are often provided by “non-telecommunications carriers” that are not eligible for FUSF support.¹⁵

14. CURB agrees with AT&T that the definitions of “universal and enhanced universal service” in K.S.A. 66-1,187 (p) and (q) reflect older legacy technology and do not reflect the FCC’s objective of a transition to an IP network (and broadband-related services).¹⁶ Similarly, CURB agrees with Cox that if broadband is intended to be included in state universal service definitions, then the definitions should be updated and amended by the Kansas legislature.¹⁷ However, even if Kansas universal service definitions (1) are interpreted by the Commission to include broadband service, (2) are preempted by the FCC Order to include broadband service, or (3) are legislatively amended to include broadband service, CURB does not believe this requires any further rebalancing or increases in local rates or increases in payments from the KUSF. The FCC has a plan to provide federal support for broadband services, the FCC Order does not require additional support from the Commission (or States), the federal support has not been shown by any Kansas carrier to be inadequate or require supplementing by the Commission, and the Commission (and States generally) does not regulate broadband services for price, terms or conditions - - so it is not reasonable or feasible for the Commission to provide support or subsidies to an unregulated service.

(c) Address the argument in the Prehearing Brief of Sprint Nextel and Verizon filed on April 16, 2012, that “to the extent the KCC interprets Kansas law as ‘requiring’ the KCC to augment the rural LECs’ KUSF support in this manner, this would violate Section 254(f) of the Telecommunications Act.”

¹⁵ Comments of CURB in Docket 420, June 22, 2011, ¶¶ 10 – 13; *See also*, NASUCA NPRM Initial Comments, pp. 27-28. CURB will not repeat all of its legal arguments in this Reply Brief, but instead incorporates by reference its complete arguments in Docket 420.

¹⁶ AT&T Brief, ¶ 3.

¹⁷ Cox Brief, p. 4.

15. CURB generally agrees with related comments in the prior briefs of Sprint, Verizon, TW Telecom, and Cox, which indicate that increasing the rural LECs' KUSF support to offset reductions in the FUSF is contrary to the FCC's reforms and Section 254(f).¹⁸

(d) Address whether it would be legal for the Commission under K.S.A. 66-2008(e), to “provide support ‘based on’ a percentage of the carrier’s costs and expenses, and require rate-of-return carriers to make up the difference through alternative sources of revenue (e.g., revenue from unregulated services), cost savings, or if end-user rates are unreasonably low, end-user rate increases” under K.S.A. 66-2008(e) as argued in the Prehearing Brief of Cox.

16. CenturyLink merely repeats that K.S.A. 66-2008(e) refers to KUSF support based on a ROR carrier's “embedded costs”¹⁹ and the RLECs refer to any percentage limitation of costs as being “arbitrary” and indicate Kansas legislature would have included such cost limitation in the statute if this was the intent. CURB disagrees with CenturyLink and the RLECs, as their arguments are overly simplistic and do not address existing practices that already adjust and reduce a ROR carrier's costs in KUSF revenue requirement proceedings.

17. There is nothing in K.S.A. 66-2008(e) that prevents the Commission from “beginning” with embedded cost revenue requirements of rate-of-return (ROR) carriers and adjusting these costs in a proper and reasonable manner via a specific limitation on carrier's costs and expenses or by specific rate-case type adjustments. CenturyLink and the RLECs appear to incorrectly interpret K.S.A. 66-2008(e) as meaning that “embedded costs” submitted by ROR carriers for KUSF support have to be accepted as submitted without any related adjustments, because the Legislature did not specifically spell out each and every adjustment or adjustment method in the statute. In fact and in practice, just the opposite is true. Although a ROR carrier has to submit its KUSF support calculations based on embedded costs, those costs (and related KUSF support)

¹⁸ Cox Brief, pp. 5-6; Sprint Brief, ¶ 24.

¹⁹ CenturyLink Brief, p. 10.

are usually subject to significant reductions via adjustments proposed by Commission Staff (and other intervening parties where applicable) and adopted by the Commission - - and there are numerous documented examples.

18. For example, Pioneer Telephone Association, Inc. (Pioneer) submitted embedded costs showing that its annual KUSF support should be increased \$3.8 million, and in August 2011 the Commission approved a stipulation between Pioneer and Staff that limited Pioneer's increase to \$1.75 million.²⁰ Also, most recently, Gorham Telephone Company (Gorham) submitted embedded costs showing that its annual KUSF support should be \$1.07 million, and in December 2012 the Commission approved a stipulation between Gorham and Staff that significantly reduced Gorham's KUSF support to \$744,357.²¹ As another example, the Georgia Public Service Commission uses certain cost control measures when calculating costs of carriers in its annual review of requests for Universal Access Funds (UAF).²²

19. Clearly, it is not the intent of legislation (and there is no such legislation) to address the specific and detailed adjustments and related methodology that can be used by the Commission in traditional rate cases or in the review of the embedded cost revenue requirements filed by carriers to support KUSF support. This level of detailed discretion is properly reserved for the Commission. Because of a history of significant reduction in embedded costs of ROR carriers in KUSF audits, CURB believes it would be reasonable to establish some limitation on carrier's costs and expenses. For example, the FCC has historically disallowed and placed limitations on recovery of corporate operations expenses of ROR carriers for purposes of recovery of high cost loop support (HCLS), and this measure is now also effective for interstate common line support

²⁰ Direct Testimony of Commission Staff witness Ms. Sandra Reams in the annual KUSF Assessment proceeding, Docket No. 12-GIMT-168-GIT, p. 14.

²¹ Direct Testimony of Commission Staff witness Ms. Sandra Reams in the annual KUSF Assessment proceeding, Docket No. 13-GIMT-130-GIT, p. 16.

²² CURB Comments, June 22, 2011, p. 16, KCC Docket No. 420.

(ICLS) effective January 1, 2012..²³ In addition, the FCC's Order imposes new measures intended to incent carriers towards cost control and efficiency, and there is no reasonable basis why similar measures cannot and should not be adopted for state purposes.²⁴

20. Cox states that the Commission could also develop new rules to ensure that carriers do not include costs associated with operating broadband services in their "intrastate revenue requirements" because these costs are not regulated.²⁵ CURB agrees with Cox and addressed this issue in further detail in its Comments in Docket 420, when it indicated that "indirect support" for costs of broadband are currently included in some carriers request for KUSF support and these nonregulated costs should not be recovered from the KUSF. Even if "broadband" is considered to be a "universal service" for Kansas subject to preemption under the FCC's Order, these broadband costs will be supported by new FCC support and should not result in increased KUSF support paid to Kansas carriers.

21. In a recent proceeding before the Public Service of Commission of Utah (Utah Commission), Manti Telephone Company (Manti) requested a significant increase in Utah Universal Service Fund (UUSF) payments based on inclusion of certain nonregulated fiber and broadband costs in its embedded cost revenue requirements.²⁶ Testimony of both the Utah Office of Consumer Services (OCS) and the Utah Division of Public Utilities (DPU) opposed recovery of these significant nonregulated broadband costs from the UUSF.

²³ FCC Order, ¶ 196.

²⁴ FCC Order, ¶¶ 195-204. In addition, if an individual company can demonstrate that it needs temporary and/or partial relief from one or more of these reforms in order for its customers to continue receiving voice service in areas where there is no terrestrial alternative, the FCC will consider a waiver request for additional support. "However we do not expect to routinely grant requests for additional support, and any company that seeks additional funding will be subject to a thorough total company earnings review." FCC Order, ¶202.

²⁵ Cox Brief, p. 10.

²⁶ Public Service Commission of Utah, *In the Matter of the Application for the Increase of Rates and Charges by Manti Telephone Company*, Docket No. 08-046-01.

22. The Utah Commission issued a Confidential Report and Order in December 28, 2012 (and Confidential erratum Order on January 2, 2013). While this current Utah Commission Order is confidential, CURB believes that a subsequent “public” version of this order (if it becomes available) may be of significant interest to the Commission in addressing the treatment of nonregulated broadband costs and related issues in future KUSF revenue requirement cases of ROR carriers in Kansas. At the minimum, CURB would recommend that the Commission review the public versions of testimonies of all parties in this Utah proceeding as it relates to this important issue.

(e) **Please provide legal analysis on whether the KUSF can be modified to conform to the FCC reforms by:**

(1) Eliminating support for areas where an unsubsidized competitor provides services;

23. The RLECs and CenturyLink point to the FCC Order’s preemption of Kansas law in areas favorable to the companies (or indicate the FCC’s Order should be read in concert with existing Kansas statutes). Regardless of any preemption, CURB believes the KUSF can be modified in this respect. However, the Commission Staff Report indicates that this provision does not currently impact Kansas ILEC, and CURB interprets that to mean that there are currently no unsubsidized competitors providing the designated services, so this issue may be moot at this point.²⁷

(2) Limiting total FUSF support to \$250 per month per line; and

24. CURB believes that the KUSF can be modified in this respect and refers to related CURB comments at item (d) above, and there is no reason why reasonable FCC measures that

²⁷ Commission Staff Report, September 26, 2012, pp. 22-23.

promote and incent cost control and efficiency of ROR carriers cannot be adopted for state purposes.

(3) Limiting excessive capital investment and corporate operations expense. (Can similar caps apply to the determination of an RLEC's intrastate revenue requirement (e.g., can corporation operations expense be capped at 80% of the allowed corporate operational expense used to determine a carrier's intrastate revenue requirement? Can capital investment be capped, and if so, how should the cap be determined and implemented)?

25. CURB believes the KUSF can be modified in this respect and refers to related CURB comments at items (d) and (e)(2) above.

(f) Does Kansas law require the KUSF to provide support to offset the reduction in intrastate access rates?

26. CURB addresses this issue in items (a) and (b) above.

(g) The FCC created ARC and CAF to allow carriers to recover the reduction in lost intrastate access revenues. Is the KUSF required to provide recovery to a carrier in addition to ARC and CAF? Please explain your answer with regard to:

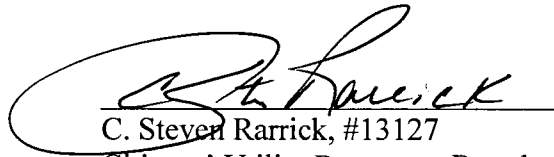
- 1) Rate-of-return carriers;
- 2) Price cap carriers;
- 3) Electing carriers:

27. The KUSF is not required to provide recovery to a carrier in addition to the FCC created ARC and CAF and this issue is further addressed in item (a) above.

III. Conclusion

28. CURB appreciates the opportunity provided in this docket to submit this reply brief on behalf of Kansas small business and residential ratepayers, and urges the KCC to adopt CURB's positions in this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Steven Rarrick", is written over a horizontal line. The signature is stylized and cursive.

C. Steven Rarrick, #13127

Citizens' Utility Ratepayer Board

1500 SW Arrowhead Road

Topeka, KS 66604

Tel: (785) 271-3200

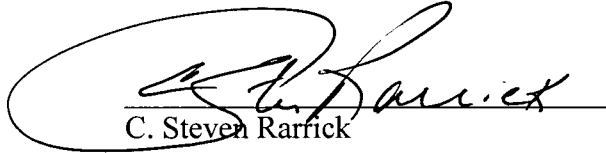
Fax: (785) 271-3116

VERIFICATION

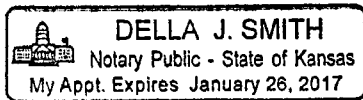
STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

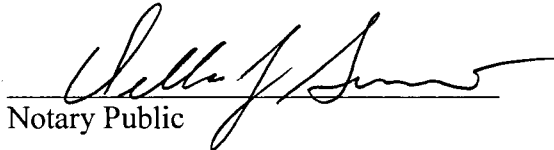
C. Steven Rarrick, of lawful age, being first duly sworn upon his oath states:

That he is an attorney for the Citizens' Utility Ratepayer Board; that he has read the above and foregoing document, and, upon information and belief, states that the matters therein appearing are true and correct.


C. Steven Rarrick

SUBSCRIBED AND SWORN to before me this 14th day of January, 2013.




Notary Public

My Commission expires: 1/26/2017

CERTIFICATE OF SERVICE

12-GIMT-170-GIT

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 14th day of January, 2013, to the following parties who have waived receipt of follow-up hard copies:

ROBERT A. FOX, SENIOR LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027
b.fox@kcc.ks.gov

BRIAN G. FEDOTIN, ADVISORY COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027
b.fedotin@kcc.ks.gov

JAMES G. FLAHERTY, ATTORNEY
ANDERSON & BYRD, L.L.P.
216 SOUTH HICKORY
PO BOX 17
OTTAWA, KS 66067
jflaherty@andersonbyrd.com

ROSE MULVANY HENRY, ATTORNEY
BRADLEY ARANT BOULT CUMMINGS LLP
1600 DIVISION ST STE 700
PO BOX 340025
NASHVILLE, TN 37203-0025
rhenry@babbc.com

GLENDA CAFER, ATTORNEY
CAFER LAW OFFICE, L.L.C.
3321 SW 6TH STREET
TOPEKA, KS 66606
glenda@caferlaw.com

TERRI PEMBERTON, ATTORNEY
CAFER LAW OFFICE, L.L.C.
3321 SW 6TH STREET
TOPEKA, KS 66606
terri@caferlaw.com

JACKIE MCCARTHY, DIR OF STATE REGULATORY AFFAIRS
CTIA-THE WIRELESS ASSOCIATION
1400 16TH STREET NW, STE. 600
WASHINGTON, DC 20036
jmccarthy@ctia.org

CERTIFICATE OF SERVICE

12-GIMT-170-GIT

KURT DAVID, CFO
EAGLE COMMUNICATIONS, INC.
2703 HALL, STE. 15
P.O. BOX 817
HAYS, KS 67601
kdavid@eaglecom.net

THOMAS E. GLEASON JR, ATTORNEY
GLEASON & DOTY CHTD
PO BOX 6
LAWRENCE, KS 66044-0006
gleason@sunflower.com

JAMES M. CAPLINGER, ATTORNEY
JAMES M. CAPLINGER, CHARTERED
823 W 10TH STREET
TOPEKA, KS 66612
jim@caplinger.net

COLLEEN R. HARRELL
JAMES M. CAPLINGER, CHARTERED
823 W 10TH STREET
TOPEKA, KS 66612
colleen@caplinger.net

MARK E. CAPLINGER
MARK E. CAPLINGER, P.A.
7936 SW INDIAN WOODS PL
TOPEKA, KS 66615-1421
mark@caplingerlaw.net

DAVID HAGA, ASSISTANT GENERAL COUNSEL
MCI COMMUNICATIONS SERVICES
D/B/A VERIZON BUSINESS SERVICES
1320 N COURTHOUSE RD
ARLINGTON, VA 22201
david.haga@verizon.com

LYLE WILLIAMSON, DIRECTOR - STATE GOVERNMENT RELATIONS
MCI COMMUNICATIONS SERVICES
D/B/A VERIZON BUSINESS SERVICES
8350 E CRESCENT PKWY, STE 200
GREENWOOD VILLAGE, CO 80111-2858
lyle.williamson@verizon.com

LUKE A. SOBBA, ATTORNEY
MORRIS LAING EVANS BROCK & KENNEDY CHTD
SUITE 1310
800 SW JACKSON
TOPEKA, KS 66612-1216
lsobba@morrisolaing.com

CERTIFICATE OF SERVICE

12-GIMT-170-GIT

RACHEL LIPMAN REIBER, ATTORNEY
RACHEL LIPMAN REIBER LLC
11032 S WHITETAIL LN
OLATHE, KS 66061-8409
rachelreiber@att.net

SUSAN B. CUNNINGHAM, COUNSEL
SNR DENTON US LLP
7028 SW 69TH ST
AUBURN, KS 66402-9421
susan.cunningham@snrrenton.com

BRUCE A. NEY, GENERAL ATTORNEY
SOUTHWESTERN BELL TELEPHONE CO.
D/B/A AT&T KANSAS
220 SE 6TH AVE RM 515
TOPEKA, KS 66603-3596
bruce.ney@att.com

DIANE C. BROWNING, ATTORNEY
SPRINT COMMUNICATIONS COMPANY L.P.
KSOPHN0314-3A459
6450 SPRINT PKWY
OVERLAND PARK, KS 66251
diane.c.browning@sprint.com

MICHAEL J. FOSTER, CHIEF EXECUTIVE OFFICER
TWIN VALLEY TELEPHONE, INC.
22 SPRUCE
PO BOX 395
MILTONVALE, KS 67466
mike.foster@tvtinc.net

DEBORAH KUHN, Assistant General Counsel
VERIZON
205 N MICHIGAN AVE., 7th Floor
CHICAGO, IL 60601
deborah.kuhn@verizon.com

ARCHIE MACIAS, GENERAL MANAGER
WHEAT STATE TELEPHONE COMPANY, INC.
PO BOX 320
UDALL, KS 67146
agmacias@wheatstate.com

DOUG KITCH, CPA
ALEXICON TELECOMMUNICATIONS CONSULTING
3210 EAST WOODMEN RD
STE 210
COLORADO SPRINGS, CO 80920
doug@alexicon.net

CERTIFICATE OF SERVICE

12-GIMT-170-GIT

BECKY SCOTT
ELKHART TELEPHONE COMPANY, INC.
610 S COSMOS
PO BOX 817
ELKHART, KS 67950
bscott@epictouch.com

BRUCE SHORT, DIRECTOR OF TELECOMMUNICATIONS
EMPIRE DISTRICT ELECTRIC COMPANY
720 S SCHIFFERDECKER AVE
JOPLIN, MO 64801-3525
bshort@empiredistrict.com

SCOTT SEAB, REGULATORY COUNSEL
LEVEL 3 COMMUNICATIONS, LLC
1025 ELDORADO BLVD
BROOMFIELD, CO 80125
scott.seab@level3.com

LISA A. GILBREATH, ATTORNEY
SNR DENTON US LLP
4520 MAIN STREET STE 1100
KANSAS CITY, MO 64111-7700
lisa.gilbreath@snrdenton.com

SHARON THOMAS, CONSULTANT
TECHNOLOGIES MANAGEMENT, INC.
2600 MAITLAND CENTER PARKWAY
SUITE 300
MAITLAND, FL 32751
tmi@tmic.com

TORRY R. SOMERS, ASSOCIATE GENERAL COUNSEL
UNITED TELEPHONE CO. OF KANSAS D/B/A CENTURYLINK
6700 VIA AUSTI PKWY
LAS VEGAS, NV 89119
torry.r.somers@centurylink.com

CHARLES H. CARRATHERS
VERIZON
HQE03H52
8350 E CRESCENT PKWY STE 200
GREENWOOD VILLAGE, CO 80111-2858
chuck.carrathers@verizon.com


CURT STAMP, DIRECTOR REGULATORY AFFAIRS - OK/KS/AR
COX KANSAS TELCOM, L.L.C. D/B/A COX COMMUNICATIONS, INC
6301 WATERFORD BLVD STE 200
OKLAHOMA CITY, OK 73118-1161
curt.stamp@cox.com

CERTIFICATE OF SERVICE

12-GIMT-170-GIT

GREG T DIAMOND, CORPORATE
COUNSEL-REGULATORY
LEVEL 3 COMMUNICATIONS, LLC
1505 5TH AVE STE 501
SEA TLE, WA 98101-1678
greg.diamond@level3.com

PAMELA SHERWOOD, VICE PRES REGULATORY
TW TELECOM OF KANSAS CITY LLC
4625 W 86TH ST STE 500
INDIANAPOLIS, IN 46268-7804
Fax: 303-542-4403
pamela.sherwood@twtelecom.com



Della Smith
Administrative Specialist