MINUTES OF THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

MAR 3 0 2011

Before Commissioners:	Ward Loyd
In the Matter of a Review of the Kans Lifeline Service Program (KLSP) to Determine the Impact of the Increase Statewide Affordable Residential Rat Lifeline Subscribers and Whether the Monthly Credit Should Be Modified.	Docket No. 11-GIMT-635-GIT in the) e to)
advised in the premises, it is the decis	for consideration before the Commission. Being duly sion of this Commission to open this docket, assess costs, ne, as set forth in the attached orders, subject to further
	For the Commission:
Attest: Susan K. Duffy Executive Director	Thomas E Wright, Chairman Ward Loyd, Commissioner
Approved: Colleen R. Harrell Litigation Counsel	<u>ell</u>

THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:	Thomas E. Wrigh Ward Loyd	it, Chairman
In the Matter of a Review of the Kan Lifeline Service Program (KLSP) to Determine the Impact of the Increase Statewide Affordable Residential Ra Lifeline Subscribers and Whether the	in the) te to) e \$7.77)	Docket No. 11-GIMT-635-GIT
Monthly Credit Should Be Modified.		

ORDER GRANTING CURB'S PETITION TO INTERVENE

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records and being fully advised in the premises, the Commission finds and concludes as follows:

- 1. On March 10, 2011, Staff filed a report recommending the Commission open a docket to review the Kansas Lifeline Service Program.
- 2. On March 14, 2011, the Citizens' Utility Ratepayer Board (CURB) filed a petition to intervene in Staff's recommended docket. CURB represents residential and small commercial ratepayers, pursuant to K.S.A. 66-1223, and notes that "[t]he rates paid and the service received by those customers will or may be affected by any Commission order or activity in this proceeding."
- 3. Pursuant to K.A.R. 82-1-225(a) the presiding officer in a matter shall grant a petition for intervention if:
- (1) The petition is submitted in writing to the presiding officer with copies mailed to all parties named in the presiding officer's notice of the hearing, at least three days before the hearing;

- (2) the petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and
- (3) the presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.
- 4. The Commission notes that a notice of hearing has not been issued in the matter, CURB properly mailed copies of the petition to intervene to Staff counsel. Further, CURB's petition states facts demonstrating that CURB's constituents' legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding.
- 5. The Commission finds and concludes that all conditions for granting intervention under K.A.R. 82-1-225(a) have been fulfilled. The petition to intervene demonstrates that CURB's constituents will be affected by the proceeding, and due to the infant nature of the proceeding, granting the petitions to intervene will not impair the orderly and prompt conduct of the proceedings, and the interests of justice will be served by the intervention.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

- A. The Petition to Intervene filed by CURB is granted.
- B. The parties have fifteen days, plus three days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2010 Supp. 77-529(a)(1).
- C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Wright, Chmn.; Loyd, Com.

ORDERED MAILED

MAR 3 1 2011

Seven Kangy EXECUTIVE

Susan K. Duffy Executive Director

crh

Dated:

MAR 3 0 2011

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The Docket Room hereby certified that on this _____ day of ______, 20 _____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.

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PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

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JEFF WICK, CHIEF OPERATING OFFICER NEX-TECH, INC. 2418 VINE STREET PO BOX 339 HAYS, KS 67601

KIM ROBERT SCOVILL, SR. DIRECTOR, GOVERNMENT AFFAIRS NEXTGEN COMMUNICATIONS, INC. 275 WEST STREET, SUITE 400 ANNAPOLIS, MD 21401

ORDER MAILED MAR 3 1 2011

The Docket Room hereby certified that on this day of , 20 , it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.

NO. CERT. COPIES NO. PLAIN COPIES

NAME AND ADDRESS

DAVID LAFRANCE, REGULATORY AND EXTERNAL AFFAIRS NEXTLINK WIRELESS, INC. 13865 SUNRISE VALLEY DRIVE HERNDON, VA 20171

STEVEN FENKER, VICE PRESIDENT NEXUS COMMUNICATIONS, INC. 3629 CLEVELAND AVENUE, #C PO BOX 247168 COLUMBUS, OH 43224

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SKIP PARSONS, CUSTOMER SERVICES NORLIGHT, INC. 8829 BOND STREET OVERLAND PARK, KS 66214-1707

JOSEPH T. KOPPY, PRESIDENT NOS COMMUNICATIONS, INC. D/B/A 011 COMM., INTL PLUS, INTERNET BUSINESS ASSN., IVAN 250 PILOT RD STE 300 LAS VEGAS, NV 89119-3514

DENNIS W. DOYLE, GENERAL MANAGER ONE POINT TECHNOLOGIES, INC. D/B/A BLUE VALLEY TELE-COMMUNICATIONS 1559 PONY EXPRESS HIGHWAY HOME, KS 66438-9000

LYNNE MARTINEZ, DIRECTOR GOVERNMENT AFFAIRS PAC-WEST TELECOMM, INC. 4210 CORONADO AVENUE STOCKTON, CA 95204-2341

JUDITH MESSENGER, SR. MGR. REG. & PUBLIC POLICY PAETEC COMMUNICATIONS, INC. ONE PAETEC PLAZA 600 WILLOWBROOK OFFICE PARK FAIRPORT, NY 14450

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NAME AND ADDRESS

KATHY BILLINGER, GENERAL MANAGER PEOPLES TELECOMMUNICATIONS, LLC 208 N BROADWAY P O BOX 450 LA CYGNE, KS 66040

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1801 CALIFORNIA STREET

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MARY ANN MITCHELL, VICE PRESENT ROSEBUD TELEPHONE, LLC 501 WEST MAIN STREET PO BOX 597 ROSEBUD, TX 76570

LARRY E SEVIER, CEO/GENERAL MGR RURAL TELEPHONE SERVICE COMPANY, INC. 145 N MAIN P O BOX 158 LENORA, KS 67645

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NAME AND ADDRESS

STEVE RICHARDS, GENERAL MANAGER S & T COMMUNICATIONS LLC 320 KANSAS AVENUE PO BOX 99 BREWSTER, KS 67732

JANET BATHURST, GENERAL MANAGER S&A TELEPHONE COMPANY, INC. 413 MAIN STREET PO BOX 68 ALLEN, KS 66833

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ANDREW KARL, MANAGER OF REGULATORY COMPLIANCE SAGE TELECOM, INC. 3300 E RENNER ROAD STE 350 RICHARDSON, TX 75082-2800

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STEVE DAVIS, GENERAL MANAGER SOUTH CENTRAL COMMUNICATIONS, INC. PO DRAWER B, 101 W KANSAS MEDICINE LODGE, KS 67104-0802

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NAME AND ADDRESS

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DATE

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

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CYNDI GALLAGHER, DIRECTORY-KANSAS REGULATORY TCG KANSAS CITY, INC. 220 E 6TH STREET **ROOM 500 TOPEKA, KS 66603**

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MARK M. GAILEY, PRESIDENT & GENERAL MANAGER TOTAH COMMUNICATIONS, INC. 101 MAIN STREET PO BOX 300 OCHELATA, OK 74051-0300

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RICHARD B. SALZMAN, EXECUTIVE VICE PRESIDENT TRACFONE WIRELESS, INC. 9700 N.W. 112TH AVENUE MIAMI, FL 33178

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NAME AND ADDRESS

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DANIEL P. FRIESEN, OWNER WILDFLOWER TELECOMMUNICATIONS, LLC 102 NORTH MAIN PO BOX 258 BUHLER, KS 67522

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