BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

In The Matter of the Joint Petition of Rural)
Telephone Service Company, Inc. d/b/a Nex-Tech)
and Gorham Telephone Company for an Order) Docket No. 18- RRLT-236-CXB
Modifying the Boundaries of the Galatia and Gorham)
Local Exchange Areas)

JOINT PETITION OF RURAL TELEPHONE SERVICE COMPANY D/B/A NEX-TECH AND GORHAM TELEPHONE COMPANY FOR AN ORDER MODIFYING THE BOUNDARIES OF THE GALATIA AND GORHAM LOCAL EXCHANGE AREAS

Come now Rural Telephone Service Company, Inc. d/b/a Nex-Tech. ("Nex-Tech") and Gorham Telephone Company ("Gorham;" jointly, the "Petitioners") and request that the State Corporation Commission of the State of Kansas ("Commission") issue an Order modifying its prior Orders specifying and defining the boundaries of two Kansas local exchange areas, to-wit: Nex-Tech's Galatia exchange and Gorham's Gorham exchange. In support thereof the Petitioners state

- 1. The Petitioners are Kansas local exchange carriers and rural telephone companies as defined in K.S.A. 2017 Supp. 66-1,187, each providing local exchange and exchange access service pursuant to certificates issued by the Commission.
- 2. Nex-Tech's incumbent study area includes the Galatia exchange area, and Gorham's incumbent study area includes the adjacent Gorham exchange area.
- 3. Gorham has been advised, in the course of submitting required broadband service information to the Federal Communications Commission ("FCC"), that there are discrepancies between its understanding of its Gorham exchange area and the exchange area defined in records reviewed by the Universal Service Administrative

Company ("USAC"). Gorham is unaware of the reason or reasons such discrepancy may have developed.

- 4. In good faith reliance on its own understanding of the Gorham exchange area boundaries, Gorham has installed and operated facilities in order to provide local exchange telecommunications service to a single residential consumer location shown on records reviewed by USAC to be within Nex-Tech's Galatia exchange.
- 5. Due to the location of the Smoky Hill River, which Gorham understood to be the relevant exchange area boundary, and due further to the existence of facilities installed by Gorham, it is economically efficient for Gorham rather than Nex-Tech to be the incumbent local exchange provider and Carrier of Last Resort for the small area in question.
- 6. Similarly, there is another small area between the Smoky Hill River and the current defined exchange area boundary, which could be more efficiently served by Gorham, and another which could be more efficiently served by Nex-Tech. Neither of these areas has residential or business locations at this time, so no consumers would be affected by the transfer of these portions of service areas from one Petitioner to the other.
- 7. In order to provide consistency across relevant documents and information, to complete submission of required information to the FCC, and to avoid public confusion, it would be in the public interest that the ordered definitions of the respective exchange areas conform to the Petitioners' actual operations in the respective areas within which they provide service to consumers.
- 8. There are no consumers receiving local exchange service through resale or subject to interconnection agreement that would be affected by the proposed modification of exchange area boundaries.

9. The Petitioners submit herewith, as Exhibits, their agreed proposed metes and bounds definitions of the Galatia and Gorham exchange areas.

WHEREFORE the Petitioners pray that the Commission issue its Order herein modifying any and all prior Orders setting the boundaries of the Galatia and Gorham exchange areas and adopting as such boundaries the descriptions in the accompanying Exhibits, and that the costs of this proceeding should be assessed by agreement of the Petitioners to Gorham.

Respectfully submitted,

Thomas E. Gleason, Ir. #7741

GLEASON & DOTY, CHARTERED

PO Box 6

Lawrence, KS 66044-0006

(785) 842-6800 voice

(785) 856-6800 fax

gleason@sunflower.com

Attorney for Gorham Telephone Company

Mark E. Caplinger, #12550

Mark E. Caplinger, PA

7936 SW Indian Woods Place

Topeka, KS 66615

(785) 478-9916

mark@caplingerlaw.net

Attorney for Rural Telephone Service

Company, Inc. d/b/a Nex-Tech

VERIFICATION

STATE OF KANSAS)
COUNTY OF DOUGLAS)
Thomas E. Gleason, Jr., of lawful age, being first duly sworn upon oath, states:
I am an attorney for Gorham Telephone Company, Inc. I have read the above
and foregoing Joint Petition, and upon information and belief, state that the matters
therein appearing are true and correct.
Thomas E. Gleason, Jr. SUBSCRIBED AND SWORN to before me this 17th day of November, 2017. Aux X. Gordung Notary Public My Commission Expires:
8-29-2020

NOTARY PUBLIC - State of Kansas ANN L. GARDNER My Appt. Exp. ダースタースをひとり

EXHIBIT A

GALATIA EXCHANGE

Beginning at a point ½ mile north and ¼ mile west of the southeast corner of Section 13, T15S, R15W, Russell County, Kansas; thence south 2 miles; thence east 4 ½ miles; thence south 1 mile; thence east 1 ¼ miles to the center of Section 36, T15S, R14W, Russell County, Kansas; thence southeast to the center of Section 1, T16S, R14W, Barton County, Kansas; thence south 2 % miles; thence west 1 ¼ miles; thence north % mile; thence west 1 ¾ miles; thence south ¾ mile; thence west 2 ¼ miles to a point ¼ mile east and ¼ mile south of the northwest corner of Section 19, T16S, R14W; thence south 3 miles; thence west ¾ mile; thence south 1 mile; thence west 1 mile; thence south 1 mile; thence west 1 34 miles; thence north 1 mile; thence west 58 mile; thence north 1 mile to a point 14 mile south and ½ mile east of the northwest corner of Section 4, T17S, R15W; thence west ¾ miles; thence north 2 miles; thence west 1 ½ miles; thence north 4 ¼ miles to a point ¼ mile east of the northwest corner of Section 6, T16S, R15W, Barton County, Kansas; thence west approximately 2 \% miles to the southwest corner of Section 35, T15S, R16W, Ellis County, Kansas; thence north approximately \% mile to the Smoky Hill River; thence in a northeasterly direction along said river to a point ½ mile north of the south line of Section 15, T15S, R15W, Russell County, Kansas; thence east approximately 2 ½ miles to the point of beginning.

EXHIBIT B

GORHAM EXCHANGE

Beginning in the center of Section 20, T12 S, R15W, in Russell County, Kansas, thence south 3 miles, thence east 2 miles, thence south 4 ½ miles, thence east 3¼ mile, thence south 4 ½ miles to a point 1¼ mile east of the southwest corner of Section 23, T14 S, R15 W, thence west 1½ mile, thence south approximately 3 ¾ miles to the Smoky Hill River, thence south westerly along the center of said river to a point 1¼ mile west of the east line of section 26, T15 S, R16 W, thence North approximately 4 miles to a point 1½ mile north and 1¼ mile west of the southeast corner of Section 2, T15 S, R16 W, thence east 1¼ mile, thence north 1 ½ miles, thence east 1 mile, thence north 2 ½ miles, thence west 1½ mile, thence north 3 miles, thence west 3¼ mile, thence north 2 ½ miles, thence west 1¼ mile, thence north 2 miles, thence west 1 mile, thence south 1½ mile, thence west 1¼ miles to a point 1¼ mile east and 1½ mile north of the southwest corner of section 9, T13 S, R16 W, thence north 4 miles, thence east 5 ¼ miles to the point of beginning.