THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

D 0	\sim			
Before	('am	mic	CIAT	arc.
DUIDIO	COIII	\mathbf{c}	\mathbf{o}	icis.

Andrew J. French, Chairperson

Dwight D. Keen Annie Kuether

In the Matter of An Investigation to Determine)	
the Affordable Local Service Rates for Rate-)	Docket No. 25-GIMT-141-GIT
of-Return Regulated Carriers and the Annual)	
Assessment Rate for the Twenty-Ninth Year of)	
the Kansas Universal Service Fund, Effective)	
March 1, 2025)	

ORDER APPROVING TRAFFIC FACTORS FOR MIDCONTINENT COMMUNICATIONS

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, the Commission finds and concludes:

- 1. Pursuant to K.S.A. 66-2008(a), the Commission requires "every telecommunications carrier, telecommunications public utility and wireless telecommunications service provider that provides intrastate telecommunications services and, to the extent not prohibited by federal law, every provider of interconnected VoIP service, as defined by 47 C.F.R. 9.3 to contribute to the [Kansas Universal Service Fund ("KUSF")] based upon the provider's intrastate telecommunications services net retail revenues on an equitable and nondiscriminatory basis." On December 27, 1996, in Docket No. 94-GIMT-478-GIT, the Commission declared that the contribution would be a yearly assessment on each provider's intrastate retail revenues.
- 2. Pursuant to the Commission's Order of January 24, 2012, and Amended Order of February 1, 2012, in Docket No. 12-GIMT-168-GIT, wireless carriers and interconnected voice over internet protocol (VoIP) providers have three options for identifying their Kansas intrastate

retail revenues. First, a provider may utilize the Federal Communications Commission's (FCC) Safe Harbor percentages to allocate intrastate and interstate Kansas revenues. 1 If a wireless carrier or VoIP provider utilizes the Safe Harbor percentages, no filings regarding the methodology are necessary. Second, a wireless carrier or VoIP provider may utilize a traffic study to determine revenue allocations between jurisdictions. If the wireless carrier or VoIP provider uses the traffic study methodology, it must file to request use of the methodology for KUSF purposes and provide the jurisdictional percentages (also known as "traffic factors") to the Commission, at least annually in the annual KUSF docket, and identify the specific timeframes for which the traffic factors apply. This filing requirement applies even if the traffic factors did not change from the prior year. Third, a wireless carrier or VoIP provider may directly assign revenue between jurisdictions.² If the wireless carrier or VoIP provider uses the direct assignment methodology, it does not need to provide the jurisdictional percentages, but it must request approval to use the methodology and inform the Commission at least annually, in the annual KUSF docket, whether it continues to use such methodology. Additionally, if the wireless carrier or VoIP provider uses either the traffic study or direct assignment methodologies, it must provide an affidavit from an officer of the company attesting that it uses the inverse of the intrastate KUSF revenue percentages for interstate, Federal Universal Service Fund (FUSF) remittance purposes. Such affidavit should accompany the filings referenced above.

3. On March 7, 2025, Midcontinent Communications ("Midco") filed their traffic study factors beginning December 1, 2024, and ending on February 28, 2024, for use during the period April 1, 2025, through June 30, 2025. The filing was accompanied by an affidavit signed

¹See Report and Order and Notice of Proposed Rulemaking, 21 FCC Rcd. 7518 ¶65 (June 27, 2006).

²See Implementation Order Adopting Staff Report and Recommendation and requiring VOIP Providers Operating in Kansas to Report and Remit the Kansas Universal Service Fund by January 15, 2009. ¶14, Docket No. 07-GIMT-432-GIT (Sep. 22, 2008).

by Patrick McCann, Vice President and Assistant General Counsel for Midco, advising the Commission of the methodology Midco uses to allocate intrastate revenues for KUSF purposes.

4. The Commission finds Midco's traffic study factors filing is consistent with K.S.A. 66-2008(a) and the order entered by the Commission in Docket No. 94-GIMT-478-GIT, and the factors are appropriate for KUSF remittance purposes.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Midcontinent Communications' traffic study factors, filed on March 7, 2025, for the period of December 1, 2024, through February 28, 2024, are approved beginning with the billing period of April 1, 2025, through June 30, 2025.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).³

BY THE COMMISSION IT IS SO ORDERED.

French,	Chairperson; Keen, Commission	er; Kuether, Commissioner
Dated:	03/13/2025	
-		Abigail DEmany
		Abigail D. Emery Acting Secretary to the Commission

AAL

³K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

25-GIMT-141-GIT

I, the undersigned, cert	fy that a true copy of the attached Order has been served to the following by means of
electronic service on	03/13/2025

JOSEPH R. ASTRAB, CONSUMER COUNSEL CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 joseph.astrab@ks.gov

WENDY HARPER, USF SERVICES MANAGER VANTAGE POINT SOLUTIONS 2930 MONTVALE DRIVE, SUITE B SPRINGFIELD, IL 62704 wendy.harper@vantagepnt.com

COLLEEN JAMISON
JAMISON LAW, LLC
P O BOX 128
TECUMSEH, KS 66542
colleen.jamison@jamisonlaw.legal

AHSAN LATIF, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 ahsan.latif@ks.gov

MOLLY E MORGAN, ATTORNEY FOULSTON SIEFKIN LLP 1551 N. Waterfront Parkway Suite 100 Wichita, KS 67206 mmorgan@foulston.com MARK DOTY GLEASON & DOTY CHTD 401S MAIN ST STE 10 PO BOX 490 OTTAWA, KS 66067-0490 doty.mark@gmail.com

JOHN R. IDOUX, DIRECTOR KANSAS GOVERNMENTAL AFFAIRS
BRIGHTSPEED OF EASTERN KANSAS, LLC
1120 TRYON STREET
SUITE 700
CHARLOTTE, NC 28203
john.idoux@brightspeed.com

JOHN LaPENTA, COUNSEL - STATE REGULATORY
BRIGHTSPEED OF SOUTHERN KANSAS, INC
1120 SOUTH TRYON STREET
SUITE 700
CHARLOTTE, NC 28203
john.lapenta@brightspeed.com

TODD E. LOVE, ATTORNEY CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 todd.love@ks.gov

BRUCE A. NEY, AVP -SENIOR LEGAL COUNSEL AT&T SERVICES, INC. 816 CONGRESS AVE SUITE 1100 AUSTIN, TX 78701-2471 bruce.ney@att.com

CERTIFICATE OF SERVICE

25-GIMT-141-GIT

SHONDA RABB CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 shonda.rabb@ks.gov

DELLA SMITH
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
della.smith@ks.gov

PAMELA SHERWOOD, SENIOR REGULATORY AND COMPLIANCE COURSEL BRIGHTSPEED OF KANSAS, LLC 1120 SOUTH TRYON STREET SUITE 700 CHARLOTTE, NC 28203 pamela.sherwood@brightspeed.com

JAMES P ZAKOURA, ATTORNEY FOULSTON SIEFKIN LLP 7500 COLLEGE BOULEVARD, STE 1400 OVERLAND PARK, KS 66201-4041 jzakoura@foulston.com

/S/ KCC Docket Room

KCC Docket Room