BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

In the Matter of the Complaint Against)	
Totah Communications Inc. by Joseph A.)	Docket No. 23-TTHT-028-COM
LaFon)	

UNOPPOSED JOINT MOTION TO DISMISS

COMES NOW, the Staff of the Kansas Corporation Commission (Staff and Commission, respectively) and Totah Communications, Inc. (Totah), and move the Commission to dismiss the Formal Complaint in this matter due to the out-of-agency settlement between Totah and Joseph A. LaFon (Complainant). In support thereof, Staff and Totah state the following:

- 1. On July 12, 2022, Complainant filed a Formal Complaint against Totah alleging that his landline phone would not ring when incoming calls were received over a 4+ year period. Complainant sought a refund. On July 21, 2022, the Commission issued an *Order on Prima Facie Determination* finding that the Formal Complaint met the procedural requirements of K.A.R. 82-1-220(b) and should be served upon Totah for a response within 10 days.
- 2. Totah filed its Answer to the Complaint on July 29, 2022. Complainant responded on August 10, 2022. Totah filed a Supplemental Response to Complaint on August 17, 2022. Finally, Complainant filed a Response to Totah's Supplemental Response on August 25, 2022.
- 3. Staff did not file any formal pleadings in the Docket, but has been working with Totah and the Complainant in an attempt to resolve the matter.
- 4. Subsequently, Totah and the Complainant have resolved the matter through an outof-agency settlement.
- 5. Staff and Totah have communicated with the Complainant via e-mail who indicates that he has accepted the settlement and the matter may be dismissed, but he preferred not to have to file any more pleadings.

6. Therefore, Staff and Totah are jointly requesting dismissal of this matter based upon the out-of-agency resolution that has occurred, and the Complainant's non-opposition to dismissal. Totah notes that by settling with the Complainant, it is not admitting to any failure of service obligations and its agreement to settle is based solely on its desire to avoid any further administrative expense.

WHEREFORE, Staff and Totah respectfully request that the Commission dismiss the Formal Complaint in this matter.

Respectfully submitted,

/s Michael Neeley

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CERTIFICATE OF SERVICE

23-TTHT-028-COM

I, the undersigned, certify that a true and correct copy of the above and foregoing Unopposed Joint Motion to Dismiss was served via First Class US Mail and electronic service this 10th day of November, 2022, to the following:

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1s/ Ann Murphy

Ann Murphy