

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of An Investigation to Determine the Affordable Local Service Rates for Rate-of-Return Regulated Carriers and the Annual Assessment Rate for the Twenty-Ninth Year of the Kansas Universal Service Fund, Effective March 1, 2025.

Docket No. 25-GIMT-141-GIT

**NOTICE OF ALLOCATION METHODOLOGY
UTILIZED BY NE COLORADO CELLULAR, INC., D/B/A VIAERO WIRELESS**

COMES NOW NE Colorado Cellular, Inc., d/b/a Viaero Wireless ("Viaero"), by its undersigned counsel, to notify the State Corporation Commission of the State of Kansas ("Commission") of the methodology used by Viaero to allocate revenue to the intrastate jurisdiction for purposes of Year 29 of the Kansas Universal Service Fund ("KUSF"). For its Notice, Viaero states as follows:

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 service and, to the extent not prohibited by federal law, every provider of interconnected VoIP service, as defined by 47 C.F.R. 9.3 (October 1, 2005), to contribute to the [Kansas Universal Service Fund] on an equitable and nondiscriminatory basis." On December 27, 1996, in Docket No. 94-GIMT-478-GIT, the Commission stated the contribution would be an annual assessment on each provider's intrastate retail revenues.

2. In its January 24, 2012 *Order Setting the Kansas Universal Service Fund Assessment Rate for Year Sixteen and Cancelling Hearing* ("Order") in Docket No. 12-GIMT-

168-GIT (“12-168 Docket”), the Commission directed all wireless carriers and interconnected VoIP providers that use the direct assignment or traffic study methodology to update their factors at least annually.

3. On February 1, 2012, the Commission issued its *Amended Order Setting the Kansas Universal Service Fund Assessment Rate for Year Sixteen and Cancelling Hearing* (“Amended Order”) in the 12-168 Docket. In its Amended Order, among other things, the Commission adopted Staff’s recommendation that wireless and VoIP providers are required to submit a pleading to the Commission if the provider elects to use an allocation methodology other than the Safe Harbor. A pleading must also be filed if a company elects a new methodology. Companies are required to provide updates to their methodology and allocation factors at least annually, even if such pleading verifies that no change has occurred. Amended Order at ¶¶ 8-9.

4. In accordance with the Commission’s above-referenced orders in the 12-168 Docket, Viaero files this Notice setting out Viaero's methodology for allocating intrastate revenue for the KUSF (and inversely, federal USF), to be utilized during Year 29 of the KUSF, from March 1, 2025, to February 28, 2026. Viaero will use the traffic allocation set forth in the Confidential Affidavit of Michael Felicissimo.

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WHEREFORE, Viaero respectfully requests that the Commission accept its allocation methodology for KUSF purposes.

Respectfully submitted,

/s/ Mark P. Johnson

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*Attorney for NE Colorado Cellular, Inc.,
d/b/a Viaero Wireless*

February 28, 2025

VERIFICATION

K.S.A. 53-601

STATE OF MISSOURI)
)
COUNTY OF JACKSON) ss:

I, Mark P. Johnson, verify under penalty of perjury that I have caused the foregoing Notice of Allocation Methodology Utilized by NE Colorado Cellular, Inc., d/b/a Viaero Wireless ("Viaero"), to be prepared on behalf of Viaero, and that the contents thereof are true and correct to the best of my knowledge, information and belief.



Mark P. Johnson

February 28, 2025

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Notice of Allocation Methodology Utilized by NE Colorado Cellular, Inc., d/b/a Viaero Wireless was served via electronic mail this 28th day of February, 2025, to the parties appearing on the Commission's service list as last modified on September 18, 2024.

/s/ Mark P. Johnson

Mark P. Johnson

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