

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Audit of IdeaTek)
Telcom, LLC by the Kansas Universal)
Service Fund (KUSF) Administrator) Docket No. 25-WLDT-100-KSF
Pursuant to K.S.A. 66-2010(b) for KUSF)
Operative Year 27, Fiscal Year March 2023)
– February 2024.)

PETITION TO INTERVENE

COME NOW the identified rural telephone companies¹ (“RLECs”) and petition the Commission to be allowed to intervene in this docket, as explained below.

1. The RLECs, pursuant to K.A.R. 82-1-225(a) and K.S.A. 77-521(a), petition the Commission to intervene in this docket. K.S.A. 77-521(a) states:

The presiding officer shall grant a petition for intervention if:

- (1) the petition is submitted in writing to the presiding officer, with copies served upon all parties named in the presiding officer's notice of the hearing, at least three business 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 intervener 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.

¹ Columbus Communications Services, LLC, Golden Belt Telephone Association, Inc., H&B Communications, Inc., Haviland Telephone Co., Inc., Home Telephone Co., Inc., JBN Telephone Co., Inc., LaHarpe Telephone Co., Inc., Madison Telephone, LLC, Mutual Telephone Company, Pioneer Telephone Association, Inc., Rural Telephone Service Co., Inc. d/b/a Nex-Tech, S&T Telephone Cooperative Association, Inc., Southern Kansas Telephone Co., Inc., Totah Communications, Inc., Twin Valley Telephone, Inc., Wamego Telephone Co., Inc., Wheat State Telephone, Inc., Wilson Telephone Co., Inc., and Zenda Telephone Co., Inc.

The language of the Commission's regulation governing intervention, K.A.R. 82-1-225(a), is essentially identical to K.S.A. 77-521(a).

2. Condition (a)(1) has been met in that no notice of hearing has been issued in this docket.

3. With respect to condition (a)(2), the RLECs state that as contributors to the KUSF and recipients of KUSF support, the RLECs have a significant interest in this proceeding. As contributors the RLECs have an interest in assuring that contribution assessment rules are applied equally to all providers required to pay into the KUSF.

4. With respect to condition (a)(3), the RLECs state that because they have demonstrated that they have a significant interest in this proceeding, and because no hearing date has been set or procedural schedule issued, the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the RLECs to intervene in this matter.

5. The RLECs qualify for intervention in this docket as a matter of right and, as a result, the Commission shall grant intervention.

All Carriers Contributing to the KUSF Must Follow the True-Up Process to Correct Errors

6. With respect to VPS audit report findings 1, 2, and 4, the RLECs agree that if IdeaTek incorrectly applied the KUSF assessment to revenue items clearly not subject to the KUSF assessment, collected the improper assessment from customers, and remitted the total amount to the KUSF, then IdeaTek should be required to: (a) first file with the KUSF administrator true-up reports for the affected periods correcting the application of the KUSF assessment, (b) issue the required refund to its affected customers, (c) receive from the KUSF the

appropriate amount of refund, and (d) provide the KUSF administrator proof that the refunds were issued in any manner that satisfies the KUSF administrator and the Commission.

7. Ultimately the over-collection issue is remedied through the true-up process much in the way someone due a tax refund would receive such refund from the state or federal government – file the return before the refund is issued. The long-standing true-up process ensures all providers comply with the KUSF statute when collecting and remitting assessments. Moreover, it is the most transparent, efficient, and fair method for correcting both big and small mistakes. The true-up process cannot be bypassed simply due to the size of the mistake or because a provider wrongly believes it has a better internal solution.

Certain Revenues Assessable or Not Assessable for KUSF Purposes

8. With respect to IdeaTek’s arguments on whether certain revenues are assessable for KUSF purposes as opposed to FUSF purposes (*i.e.*, late fees, compliance fees, regulatory fees, and manual billing processing fees), the RLECs are uncertain as to what falls within the categories of “compliance fees” and “regulatory fees.” The fees which RLECs are allowed to charge subscribers are highly regulated and do not include either category of fees. Notwithstanding this lack of clarity on what are in these fees and how they are calculated, for any fees the Commission determines are not assessable to IdeaTek’s end users for KUSF purposes, the RLECs ask only that the Commission determines this applicability on a competitively neutral basis.

Manual Billing Processing Fee

9. In its June 30, 2025, audit report, VPS recommended that IdeaTek be directed to file audit True-ups for FYs 26, 27, and 28, to include its Late Fees, Compliance Fees, Regulatory Fees, and Manual Billing Processing Fees in its reporting.

10. In its response to the audit report, IdeaTek states that it does not report revenue from late fees, compliance fees, regulatory fees, and manual billing processing fees because it argues that “these fees are not assessable for KUSF purposes” for certain reasons.² IdeaTek explains that it charges a “Manual Payment Processing Fee” to “customers who choose not to enroll in autopay that utilizes IdeaTek’s online portal.”³ The fee “recovers the increased cost of billing and collection incurred by IdeaTek due to the customer choosing this payment option.”⁴

11. Notwithstanding the question of whether revenue derived from the Manual Payment Processing Fee is KUSF assessable, charging such a fee likely?? violates the Commission’s 2010 Kansas Telephone Billing Practices’ prohibition against charging additional fees for paper bills.⁵ Specifically, Section I, B of the Commission’s Billing Practices states that “A provider may offer discounts to those subscribers that choose to use an alternate means of billing, but may not assess an additional charge to those customers that elect paper billing.”⁶

12. The Commission’s Billing Practices are a set of wide-ranging requirements pertaining to customer bills, including, among other things, how fees must be reflected on the subscriber’s bill, conditions for payment, and circumstances for disconnecting service. The Billing Practices apply to telecommunications public utilities, telecommunications carriers, local exchange carriers, and to all entities designated as ETCs. During the last billing practice standard docket, Docket No. 06-GIMT-187-GIT, the Commission held the Billing Practices are applicable

² Docket No. 25-WLDT-100-KSF, Response Of IdeaTek Telcom, LLC To Audit Report, ¶16, p. 5-6 (June 24, 2025) (IdeaTek Response).

³ IdeaTek Response at ¶19, p.7.

⁴ *Id.*

⁵ General Investigation Into the Commission's Telecommunications Billing Practices Standards, Docket No. 06-GIMT-187-GIT, Final Order (July 16, 2010).

⁶ *See* General Investigation Into the Commission's Telecommunications Billing Practices Standards, Docket No. 06-GIMT-187-GIT, ¶¶114-115 (July 16, 2010).

to wireless ETCs as well⁷ IdeaTek has been designated as an ETC in certain areas. Accordingly, the Billing Practices apply to IdeaTek.

13. Additionally, IdeaTek pledged compliance with the Commission's Billing Practices when it applied for and was granted its CLEC certificate of convenience and authority in Docket No. 06-WLDT-1005-COC.⁸ As a result, the Billing Practices apply to IdeaTek.

14. It is the RLECs' position that fees for Manual Billing Processing should not be assessable for KUSF purposes because these fees are prohibited by the Kansas Telecommunications Billing Practice Standards, applicable to IdeaTek both as a result of its ETC designation and its holding of a CLEC certificate of convenience. Rather, either the KUSF administrator or the Commission Staff as the Commission deems appropriate should conduct a historical accounting of IdeaTek's collection of the fee and recommend corrective actions.

WHEREFORE the identified RLECs request the Commission grant intervention as a matter of right as described above, consider the RLECs' arguments as presented, above, and investigate IdeaTek's charging of the Manual Billing Processing Fee as violative of the Kansas Telecommunications Billing Practice Standards, and for such other and further relief as the Commission deems just and equitable.

Respectfully submitted,

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⁷ See March 13, 2007, Order Addressing Jurisdiction, in Docket No. 06-GIMT-187-GIT, along with the April 30, 2007, Order Denying Petitions for Reconsideration in the same docket.

⁸ See March 9, 2006, Application, Docket No. 06-WLDT-1005-COC.

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VERIFICATION

I, the undersigned, hereby certify under penalty of perjury pursuant to K.S.A. 53-601 that I am an attorney for the companies listed above and that the foregoing is true and correct.
Executed on August 12, 2025.

Mark Doty

Mark Doty

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the above and foregoing was sent via electronic mail August 12, 2025 addressed to the following:

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