

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of a General Investigation Into)
Depreciation Rates Applicable to Rural) Docket No. 24-GIMT-459-GIT
Incumbent Local Exchange Carriers.)

ORDER GRANTING MOTION FOR LEAVE TO FILE OUT OF TIME

This matter comes before the State Corporation Commission of the State of Kansas (“Commission”). Having reviewed the files and records, the Commission finds the following:

1. On January 4, 2024, the Commission issued its Order Opening General Investigation and Setting Comment Deadlines (“Order”) into depreciation rates applicable to Rural Incumbent Local Exchange Carriers (“RLECs”).¹ The Order provided all interested RLECs 90 days to file comments suggesting specific depreciation rate changes and 180 days for Commission Staff (“Staff”) to file responsive comments and recommendations.²

2. On March 29, 2024, the RLECs requested a 30-day extension, to May 3, 2024, to file their comments, and a corresponding 30-day extension to Staff, to August 1, 2024, to file its comments and recommendations.³ The Commission granted the RLECs’ request on April 4, 2024, setting a new date for the RLECs’ comments to be filed on May 3, 2024.⁴ The Commission additionally extended Staff’s deadline for Responsive Comments to August 1, 2024.

3. On May 3, 2024, the RLECs requested a three-week extension, to May 24, 2024, to file their comments. The Commission granted the RLECs’ request on May 9, 2024, setting a

¹ Order Opening General Investigation and Setting Comment Deadlines (Jan. 4, 2024).

² *Id.*, ¶ 5.

³ Motion for Extension of Time to File Comments (Mar. 29, 2024).

⁴ Order Granting Motion for Extension of Time to File Comments (Apr. 4, 2024).

new date for the RLECs' comments to be filed on May 24, 2024, and additionally extending Staff's deadline for Responsive Comments to August 22, 2024.⁵

4. On August 22, 2024, Staff requested a two-week extension to file their Responsive Comments. The Commission granted Staff's request on August 29, 2024, setting a new date for Staff's comments to be filed on September 5, 2024.⁶

5. On September 6, 2024, Staff filed a Motion for Leave to File Out of Time requesting the Commission accept Staff's late filed Report and Recommendation ("R&R").⁷ Staff was unable to finalize the R&R due to the press of other business.⁸

6. K.A.R. 82-1-217(b) permits the Commission to extend any deadline for good cause. The Commission finds that allowing Staff leave to file its R&R out of time will not affect or prejudice any party. Therefore, pursuant to K.A.R. 82-1-217(b), the Commission grants the Staff's Motion for Extension.

THEREFORE, THE COMMISSION ORDERS:

A. Pursuant to K.A.R. 82-1-217(b), Staff's Motion for Leave to File Out of Time is granted, and Staff's Report and Recommendation is accepted for filing.

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).⁹

C. The Commission retains jurisdiction over the subject matter and parties to enter further orders as it deems necessary.

⁵ Order Granting RLECs' Second Motion for Extension of Time to File Comments (May 9, 2024).

⁶ Order Granting Motion for Extension (Aug. 29, 2024).

⁷ Staff's Motion for Leave to File Out of Time (Sep. 6, 2024).

⁸ *Id.*

⁹ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner.

Dated: 09/12/2024



Lynn M. Retz
Executive Director

ARB

CERTIFICATE OF SERVICE

24-GIMT-459-GIT

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 09/12/2024.

AARON BAILEY, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
aaron.bailey@ks.gov

MARK DOTY, ATTORNEY
GLEASON & DOTY CHTD
401 S MAIN, SUITE 102
OTTAWA, KS 66067
doty.mark@gmail.com

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

CARLY MASENTHIN, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
carly.masenthin@ks.gov

/S/ KCC Docket Room
KCC Docket Room