

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of the Application of )  
Southwestern Bell Telephone Company d/b/a )  
AT&T Kansas for an Order Confirming )  
Relinquishment of its Eligible ) Docket No. 17-SWBT-158-MIS  
Telecommunications Carrier Designation in )  
Specified Areas, and Notice Pursuant to K.S.A. )  
2015 Supp. 66-2005(d) of Intent to Cease )  
Participation in the Kansas Lifeline Service )  
Program )

**STAFF'S REPLY TO AT&T KANSAS' MOTION FOR ESTABLISHMENT OF A  
PROCEDURAL SCHEDULE**

The Staff of the Kansas Corporation Commission (Staff) states the following in response to the *AT&T Kansas' Motion for Establishment of a Procedural Schedule* (Procedural Motion) filed by Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T or Company) on March 17, 2017:

**BACKGROUND**

1. On March 17, 2017, AT&T filed its Procedural Motion requesting that the Commission establish a procedural schedule as follows: 1) require Staff and AT&T to hold an informal meeting by April 14, 2017, and invite the Citizens Utility Ratepayer Board (CURB) and competitive Eligible Telecommunications Carriers (ETCs), so that the parties can raise and discuss concerns with AT&T's Application to relinquish its ETC designation; 2) end discovery ten (10) days after the meeting; and 3) require the parties to file a joint status report within one month of the meeting proposing a schedule for the remainder of the proceeding.

## RESPONSE

2. Staff asks that the Commission reject AT&T's proposed schedule.

3. First, an "informal meeting" of interested parties will not add any substantive evidence to the record. It will not aid the Commission in making its determination, nor will it aid Staff in completing its investigation. Staff does not believe such an informal meeting is necessary at this stage, as Staff has had multiple discussions with the Company and understands what it is requesting.

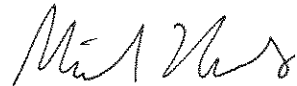
4. Second, Staff does not agree with the proposal to end discovery ten days after the proposed informal meeting. Staff is not attempting to delay this matter; however, implementation of the proposed discovery cut off could potentially hinder Staff's investigation, or for that matter, the information available to any party granted intervenor status. As AT&T pointed out in its March 17, 2017, Response, Staff has issued four sets of data requests to AT&T for a total of eleven data requests. The first set of data requests was issued on October 31, 2016, four days after AT&T made its initial Application. AT&T provided responses to Staff's first set of data requests fifty-one days later on December 21, 2016. Staff believes this example is illustrative of the time it takes to gather the necessary information to complete this investigation. This is a complicated case that could potentially require investigation beyond AT&T's proposed ten day cut-off.

5. Third, it would not be in the public interest to arbitrarily cut off discovery requests and require a report to be filed by a date certain, without certainty surrounding intervention of affected ETCs or CURB. If the Commission ultimately decides to give notice to ETCs pursuant to Staff's February 28, 2017 Report and Recommendation, and/or grant

intervention to an ETC or CURB, those parties may need time to conduct discovery. Therefore, the Commission should not end discovery at this stage.

WHEREFORE, Staff requests that the Commission reject AT&T's Procedural Motion, and adopt the recommendations contained in Staff's Report and Recommendation filed February 28, 2017.

Respectfully Submitted,

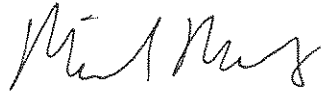


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STATE OF KANSAS            )  
  ) ss.  
COUNTY OF SHAWNEE    )

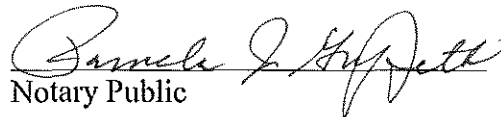
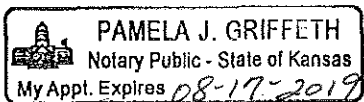
**VERIFICATION**

Michael Neeley, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas, that he has read and is familiar with the foregoing *Staff's Reply to AT&T Kansas' Motion for Establishment of a Procedural Schedule* and that the statements contained therein are true and correct to the best of his knowledge, information and belief.



\_\_\_\_\_  
Michael Neeley # 25027  
Kansas Corporation Commission of the  
State of Kansas

Subscribed and sworn to before me this 23rd day of March, 2017.



\_\_\_\_\_  
Notary Public

My Appointment Expires: August 17, 2019

## CERTIFICATE OF SERVICE

17-SWBT-158-MIS

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff's Reply to AT&T Kansas' Motion For Establishment of a Procedural Schedule was served by electronic service on this 23rd day of March, 2017, to the following:

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**CERTIFICATE OF SERVICE**

17-SWBT-158-MIS

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