

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of a Petition to Eliminate Any)
Commission Requirement to Distribute) Docket No. 24-GIMT- 380 -MIS
Annually a Printed Directory.)

**REQUEST FOR A GENERAL INVESTIGATION AND TO
ELIMINATE ANY COMMISSION REQUIREMENT TO
DISTRIBUTE ANNUALLY A PRINTED DIRECTORY**

COME NOW the Rural Local Exchange Carriers (“RLECs”)¹ and for their request for the Commission to open a general investigation docket to eliminate any existing Commission requirement to distribute annually a printed directory, state as follows:

1. In the face of ever-increasing costs – and with no additional revenue streams to be able to meet those costs – the RLECs generally request the Commission eliminate any requirement currently existing that mandate RLECs physically print and distribute a telephone directory to all subscribers. Instead, the RLECs request they be allowed to provide directories in any format an individual RLEC deems most cost-effective, including electronic or web-based, and provide a simple paper/PDF copy to subscribers upon request.

2. In 1967 the Commission, via Lloyd W. Shank, with a title of Director and Acting Chief Engineer issued a “Directive” to telephone companies in Kansas concerning dated directories. The language of the “Directive” states that a “Commission Conference was held on

¹ The “RLECs” are the following companies: Blue Valley Tele-Communications, Inc., Columbus Communications Services, LLC, Craw-Kan Telephone Cooperative, Inc., Cunningham Telephone Co., Inc., Golden Belt Telephone Association, Inc., Gorham Telephone Co., Inc., H&B Communications, Inc., Haviland Telephone Co., Inc., Home Telephone Co., Inc. JBN Telephone Company, Inc., KanOkla Telephone Association, LaHarpe Telephone Co., Inc., Madison Telephone, LLC, Moundridge Telephone Co., Inc., Peoples Telecommunications, LLC, Pioneer Telephone Association, Inc., Rainbow Telecommunications Association, Inc., Rural Telephone Service Co., Inc. d/b/a Nex-Tech, S&A Telephone Co., LLC, S&T Telephone Cooperative Association, Inc., South Central Telephone Association, Inc., Southern Kansas Telephone Co., Inc., Totah Communications, Inc., Tri-County Telephone Association, Inc., Twin Valley Telephone, Inc., United Telephone Association, Inc., Wamego Telecommunications Co., Inc., Wilson Telephone Co., Inc., and Zenda Telephone Co., Inc.

April 27, 1967, and it was determined that all telephone companies operating in the State of Kansas issue at least annually a dated telephone directory.” See Exhibit A. There is no Kansas statute requiring the Directive, and it has not been codified in the Commission’s rules. Also, the RLECs are not aware of the Commission’s process for formulating the Directive, as it appears to be the only one that has ever been issued by the Commission.

3. A copy of the Directive is also attached to a telecommunications company’s first attempt to be relieved of the directory requirement. See Southwestern Bell Telephone Co. d/b/a AT&T’s (“SWBT”) Petition filed October 10, 2011, in Docket No. 11-SWBT-270-MIS. In that docket, SWBT asked to be allowed a waiver of or exemption from the Directive. This docket never reached a decision on the merits of SWBT’s petition – the Commission added requirements to the settlement agreement negotiated between SWBT and Staff, requirements with which SWBT did not agree and so SWBT attempted to withdraw its petition. The Commission denied SWBT’s request to withdraw its petition, SWBT appealed the denial to Shawnee County District Court and SWBT and the Commission ultimately reached an agreement for SWBT to be allowed to withdraw its petition at the Commission in exchange for SWBT dismissing the district court case.

4. CenturyLink next requested to be allowed to be relieved of the requirement to print and distribute physical directories in Docket No. 16-UTDT-568-MIS. In that docket the Commission approved CenturyLink and Staff’s five-year plan to roll out the relief over CenturyLink’s entire service area. The last CenturyLink report tracking the number of customer complaints and customer requests for physical directories was filed in that docket on July 7, 2021. Over the five-year tracking period, CenturyLink recorded no customer complaints, with just over 100 requests for printed directories across CenturyLink’s customer base of, at that time,

21,000 end users. Given the lack of complaints in that docket and the overall burden of record keeping, the petitioning RLECs do not think it would be necessary to impose similar tracking requirements on the RLECs. RLECs individually have much smaller service areas and fewer customers than CenturyLink and, correspondingly, we believe RLECs would have the same number of customer complaints (zero) and even fewer requests for physical directories.

5. With respect to current costs to produce printed directories, for most RLECs the cost is several thousand dollars per year. Elimination of a directory requirement would result in an immediate costs savings for RLECs, especially in the face of uncertain and burdensome costs that appear likely to flow from the Kansas 911 Coordinating Council's contract with AT&T Corp. to implement NG911 in Kansas. Those costs are currently estimated by the 911 CC to be anywhere from \$1400 - \$5000 or more per month per RLEC with no source of cost recovery identified other than end users.

6. The RLECs are aware that the state of Nebraska recently granted relief from publishing and distributing printed directories. See Exhibit B, attached. In that matter, Windstream Nebraska, Inc. petitioned the Nebraska Public Service Commission to be relieved from adopted regulations requiring the printing and distributing of directories to all access line customers, but also printing in those directories information regarding Telecommunications Relay Services (providing telecommunications services to the deaf and hard-of-hearing communities) and the Nebraska equivalent of the Telecommunications Access Program which assists in providing compatible devices for those populations.

7. In the Nebraska proceeding, Windstream's initial petition noted that it would ensure that customers had access to an online directory via a commercial website www.therealyellowpages.com , and that customers could call Windstream to request a printed

directory at no cost. Windstream also proposed that it would inform customers that it would “inform customers of the availability of the online directory via bill message for six months following the approval of the application, via an online notice posted in Windstream’s online customer portal, and through a bill message distributed to all customers on an annual basis thereafter.”

8. The RLECs note that The Real Yellow Pages is a paid site; that is, a directory for a particular area will not appear on and be searchable on that site unless and until the telecommunications company pays The Real Yellow Pages to appear and provides directory information to The Real Yellow Pages. Such a solution would merely replace one unrecoverable cost with another.

WHEREFORE, the RLECs request the Commission (1) eliminate any requirement currently existing that mandate RLECs physically print and distribute a telephone directory to subscribers; and (2) allow RLECs to provide directories in any format or manner an individual RLEC deems most cost-effective, including electronic or web-based, and provide a simple paper/PDF copy to subscribers upon request, and for such other and further relief as the Commission deems just and equitable.

Respectfully submitted,

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Madison Telephone, LLC
Mutual Telephone Company
Peoples Telecommunications, LLC
Pioneer Telephone Association, Inc.
Rainbow Telecommunications Assoc., Inc.
S&A Telephone Co., LLC
S&T Telephone Coop. Assoc., Inc.
South Central Telephone Assoc., Inc.
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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 November 6, 2023.

Colleen R. Jamison

Colleen R. Jamison

EXHIBIT A

STATE CORPORATION COMMISSION
OF KANSAS

DIRECTIVE

May 1, 1967

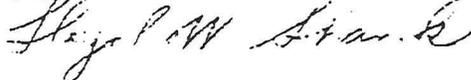
SUBJECT: Issuance of
Telephone Directories

TO ALL TELEPHONE COMPANIES:

Commission Conference was held on April 27, 1967 and it was determined that all telephone companies operating in the State of Kansas issue at least annually a dated telephone directory.

Yours very truly,

STATE CORPORATION COMMISSION



Lloyd W. Shank
DIRECTOR AND ACTING CHIEF ENGINEER

EXHIBIT B

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Windstream)	Application No. C-5480
Nebraska, Inc., seeking a)	
waiver of 291 Neb. Admin.)	
Code § 5-002.22A, § 5-010.09,)	ORDER GRANTING WAIVER OF
and § 10-006.07, in order to)	COMMISSION REGULATIONS
provide customer directories)	
digitally rather than through)	
paper printing.)	Entered: March 14, 2023

BY THE COMMISSION:

On January 19, 2023, Windstream Nebraska, Inc. ("Windstream") filed an application seeking a waiver of certain Commission regulations relating to the requirement to provide printed telephone directories and notices. Specifically, Windstream seeks a waiver of 291 Neb. Admin. Code § 5-002.22A, requiring directories to be provided to all access line customers; 291 Neb. Admin. Code § 5-010.09, requiring that telephone companies provide printed information regarding relay ("TRS") services; and 291 Neb. Admin. Code § 10-006.07, requiring that telecommunications companies provide printed information regarding Nebraska Telephone Assistance Program ("NTAP") and directory services in telephone directories. Notice of the application appeared in The Daily Record, Omaha, Nebraska, on January 26, 2023. No interventions or protests were filed; therefore, this application is processed administratively pursuant to the Commission's Rule of Modified Procedure.

O P I N I O N A N D F I N D I N G S

Windstream is a provider of telecommunications services, headquartered in Little Rock, Arkansas, and certificated in Nebraska as a local exchange carrier and eligible telecommunications carrier. Windstream is generally subject to the Rules and Regulations of the Commission in Title 291, Chapters 5 and 10. Pursuant to these regulations, Windstream currently publishes and delivers to its customers a single hard copy directory listing residential and business subscribers, along with yellow page listings. Windstream now requests a waiver of this requirement.

The Commission has the authority to interpret the scope and meaning of its rules and regulations pursuant to Neb. Rev. Stat. § 75-118.01. The Commission has been asked to determine whether

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the provisions of its regulations may be satisfied by the availability of online telephone directories and information regarding TRS, directory services, and NTAP, as well as the free delivery of printed directories upon request. This approach differs from the traditional practice of saturation delivery of printed directories to every access line subscriber.

291 Neb. Admin. Code. § 5-002.22A requires that "One exchange alphabetical directory for each access line shall be made available, without charge, to all access line customers." The Commission has previously found that this rule does not specifically require that printed directories be delivered to all access line consumers.¹ Rather, § 5-002.22A requires that a directory be available to or readily obtainable by all access line consumers. Additionally, all access line subscribers must have the ability to readily obtain a paper copy free of charge. Consumers must also know how and where to obtain paper copies of the directories. A company seeking a waiver of the requirement to provide printed directories must ensure that consumers have access to readily obtainable paper copies.

In the above-captioned application, Windstream proposes that it will ensure its customers will be able to access information online at the following website: www.TheRealYellowPages.com. Windstream further states that customers will also be able to contact Windstream at the phone number (800) 347-1991 to request a printed hard copy of the most recent printed directory, at no cost to the customer. Windstream also states that if this application is granted, it will inform customers of the

¹ See Commission Docket No. C-4952, *In the Matter of the Application of Citizens Telecommunications Company of Nebraska for a determination that Neb. Admin. Code, Title 291, Chapter 1, §019.91 et seq.; Title 291, Chap. 5, §002.224 and §010.09; Title 291, Chap. 10, §006.0744 be clarified or waived entirely or partially to permit compliance by digitally published directories, including online, rather than traditional paper publication*, Order (Mar. 6, 2018); Commission Docket No. C-4858/DR-0007, *In the Matter for Declaratory Order of Qwest Corporation d/b/a Centurylink QC, United Telephone Company of the West d/b/a Centurylink and Dex Media, Inc. seeking a determination that Neb. Admin. Code, Title 291, Chap. 10, §019.01 et seq.; Title 291, Chap. 5, §002.22A and §010.09; and Title 291, Chap. 10, §006.074 be clarified or waived entirely or partially to permit compliance by digitally published directories, including online, rather than traditional paper printing and publication*, Order on Reconsideration (Apr. 18, 2017).

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availability of the online directory via bill message for six months following the approval of the application, via an online notice posted in Windstream's online customer portal, and through a bill message distributed to all customers on an annual basis thereafter.

Based upon the information and commitments provided by Windstream, the Commission finds that a waiver of 291 Neb. Admin. Code § 5-002.22A is appropriate in this circumstance. The Commission finds that the measures proposed by Windstream will ensure that directories continue to be available to consumers through both online and printed means.

In granting this waiver, the Commission requires that Windstream inform customers of the availability of the online directory through use of a bill message for six months following the approval of the application. Windstream must also inform customers of the availability of printed directories through use of an online notice posted in Windstream's online customer portal, and through a bill message distributed to all customers on an annual basis. The content of the messages to be distributed to consumers through bill messages and Windstream's online portal must be approved in writing by Commission staff prior to distribution. Windstream must therefore submit its proposed language to Commission staff on or before April 14, 2023, for review.

The Commission also finds that it is important for the notice provided to customers to be continuous. Accordingly, the Commission finds that notice provided for six months in one calendar year is not sufficient. The Commission finds that Windstream must notify subscribers of the availability of printed directories by use of a bill message distributed to all subscribers on an annual basis going forward.

Windstream also requests a waiver of the Commission's requirements that it provide printed information to subscribers regarding TRS, NSTEP, and NTAP pursuant to 291 Neb. Admin Code §§ 5-010.09 and 10-006.07. Each of these sections specifically requires that telecommunications companies provide to its customers printed information on the availability of these programs. However, the Commission has previously granted waivers of these requirements on the condition that subscribers continue to receive this important information. We therefore find that

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Windstream may be granted a limited waiver of 291 Neb. Admin Code §§ 5-010.09 and 10-006.07, on the following conditions:

1. Windstream shall continue to be responsible for providing its subscribers with printed information describing the Lifeline/NTAP program and the information contemplated by 291 Neb. Admin. Code § 10-006.07. This Order does not diminish Windstream's requirement to comply with 291 Neb. Admin. Code § 10-006.08, under which Windstream must "advertise the availability of [NTAP] services through a bill insert or prominent bill message on an annual basis." Windstream must continue this practice of notifying subscribers of its NTAP service offering.
2. Windstream shall continue to be responsible for providing its access line subscribers with information describing the Telecommunications Relay program and the information contemplated by 291 Neb. Admin. Code § 5-010.09 in the printed directory provided upon request, or in an alternative written format such as a bill message or insert on an annual basis.

We further note that this order does not grant a waiver of the requirement to make directories available to all consumers upon request. Windstream must either seek a waiver from the Commission or petition the Commission to change 291 Neb. Admin. Code § 5-02.22A, prior to any decision to stop printing directories altogether. We further require Windstream to provide the Commission with reasonably advanced notice of its filing so that in the event the request is granted, consumers have at least six months' advance notice prior to the discontinuance.

The Commission retains jurisdiction over this matter to ensure that directory listings are made available to all access line customers. If the Commission later determines that directories are not being made available as 291 Neb. Admin. Code § 5-02.22A requires, the Commission may revisit this issue either through an investigation or a rulemaking.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the opinions and findings described herein be, and hereby are, adopted.

IT IS FURTHER ORDERED that Windstream Nebraska, Inc. submit to Commission staff on or before April 14, 2023 the proposed language to be used in its bill messages and online portal regarding the availability of printed directories and information regarding TRS, NTAP, and directory services.

IT IS FURTHER ORDERED that the waivers of the Commission's rules and regulations described above shall not become effective unless and until the proposed language submitted by Windstream in this matter is approved in writing by Commission staff.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 14th day of March, 2023.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:






Chair

ATTEST:


Executive Director