# BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

In the Matter of Virgin Mobile USA LP's, ) Petition for Limited Designation as an Eligible )Docket No. 10-VMBZ-657-ETC Telecommunications Carrier )

## **PETITION FOR RECONSIDERATION**

Come now Totah Communications, Inc. ("Totah"), and Wilson Telephone Company ("Wilson," together the "movants") and request reconsideration of the statutory denial of their motion filed herein June 4, 2015 to the extent such request may be a prerequisite to judicial review. In support thereof the petitioners and movants state as follows:

1. On June 4, 2015 the movants filed their motion requesting that the commission reopen this proceeding, permit them to intervene and thereupon rescind so much of the Commission's Order of November 2, 2011 as purported to redefine each of the movants' study areas without notice to the respective movants.

2. Although Commission Staff and Virgin Mobile filed responses to the Movants' motion and petition of June 4, 2015, the Commission has taken no action thereon within thirty days. Pursuant to K.S.A. 77-529(b) it is arguable that the motion and associated relief, including a request for modification of a prior Order, were denied by operation of law; if so, pursuant to K.S.A. 77-529 a petition for "reconsideration" may be required as a prerequisite to judicial review.

3. In the absence of an Order making specific findings and conclusions of law, the movants/petitioners request reconsideration generally of

the statutory denial through inaction of all aspects of the movants/petitioners' motion, petition and associated relief that have been denied by operation of statute, including the motion to reopen the proceeding, the petition for leave to intervene and the request for rescission of the prior Order redefining the movants/petitioners' respective study areas and communication of such rescission to the Federal Communications Commission with a request for concurrence, all for the reasons set forth in the Motion of June 6, 2015.

WHEREFORE these movants/petitioners request that the Commission reconsider its denial by operation of law of all relief requested in the Motion of June 4, 2015, including reopening this Docket, granting the movants' intervention, and thereon review and rescission only of so much of the Order of November 2, 2011 as redefines the respective study areas of the movants/petitioners, and thereupon forwarding to the Federal Communications Commission notice of such rescission with the request that the FCC concur therein by restoring the prior study area definition of each of the movants.

Respectfully submitted,

Thomas E. Gleason, Jr. #07741 GLEASON & DOTY, CHARTERED P.O. Box 6 Lawrence, KS 66044 (785) 842-6800 ph (785) 856-6800 fax gleason@sunflower.com Attorney for movants

#### VERIFICATION

### STATE OF KANSAS, DOUGLAS COUNTY, ss:

Thomas E. Gleason, Jr., of lawful age, being first duly sworn, on his oath states: he is the attorney for the movants identified herein; that he has read the above and foregoing Petition; that the statements, allegations and matters contained therein are true and correct.

Thomas E. Gleason, Jr. im

Subscribed and sworn to before me this <u>20</u> day of July, 2015.

My Appointment Expires: 3/3/15

DOTARY PUBLIC	KATRINA R. CHATMAN
STATE OF KANSAS	My Appt. Exp. 913/15

#### CERTIFICATE OF SERVICE

Thomas E. Gleason, Jr. certifies that the above and foregoing Petition was served on the following by mailing a copy thereof to each on the <u>2044</u> day of July, 2015:

Peter Lurie, Sr. Vice President Virgin Mobile USA, L.P. 10 Independence Blvd Warren, NJ 07059

John M Beahn, Counsel to Virgin Mobile USA LP Skadden Arps Slate Meagher & Flom LLP 1440 New York Avenue, NW Washington, DC 20005 Elaine Divelbliss Legal and Business Affairs C/O Sprint Regulating Reporting Virgin Mobile USA, LP 6391 Sprint Parkway Overland Park, KS 66251

Diane Browning Virgin Mobile USA, LP 6450 Sprint Pkwy Overland Park, KS 66251

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Michael Neeley, Litigation Counsel Kansas Corporation Commission 1500 SW Arrowhead Road Topeka, KS 66604-4027

Vean. Thomas E. Gleason, Jr.