

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

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

In the Matter of An Investigation to Determine)
the Annual Assessment Rate for the Twenty-) Docket No. 24-GIMT-229-GIT
Eighth Year of the Kansas Universal Service)
Fund, Effective March 1, 2024.)

ORDER APPROVING TRAFFIC FACTORS FOR DISH WIRELESS L.L.C.

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (“Commission”) for consideration and determination. Having reviewed its files and records, the Commission finds and concludes:

1. Pursuant to K.S.A. 66-2008(a), “every telecommunications carrier, telecommunications public utility and wireless telecommunications service provider that provides intrastate telecommunications services and, to the extent not prohibited by federal law, every provider of interconnected VoIP service, as defined by 47 C.F.R. 9.3 to contribute to the [Kansas Universal Service Fund (“KUSF”)] based upon the provider’s intrastate telecommunications services net retail revenues on an equitable and nondiscriminatory basis.” On December 27, 1996, in Docket No. 94-GIMT-478-GIT, the Commission declared that the contribution would be a yearly assessment on each provider’s intrastate retail revenues.

2. Pursuant to the Commission’s Order of January 24, 2012, and Amended Order of February 1, 2012, in Docket No. 12-GIMT-168-GIT, wireless carriers and interconnected voice over internet protocol (VoIP) providers have three options for identifying their Kansas intrastate retail revenues for compliance with the order entered by the Commission in Docket No. 94-GIMT-

478-GIT. First, a provider may utilize the Federal Communications Commission's (FCC) Safe Harbor percentages to allocate intrastate and interstate Kansas revenues.¹ If a wireless carrier or VoIP provider utilizes the Safe Harbor percentages, no filings regarding the methodology are necessary. Second, a wireless carrier or VoIP provider may utilize a traffic study to determine revenue allocations between jurisdictions. If the wireless carrier or VoIP provider uses the traffic study methodology, it must file an application to request use of the methodology for KUSF purposes and provide the jurisdictional percentages (also known as "traffic factors") to the Commission. At least annually in the annual KUSF docket, a wireless carrier or VoIP provider must identify the specific timeframes for which the traffic factors apply. The requirement to file an application to approve the use of a methodology applies even if the traffic factors did not change from the prior year. Third, a wireless carrier or VoIP provider may directly assign revenue between jurisdictions.² If the wireless carrier or VoIP provider uses the direct assignment methodology, it does not need to provide the jurisdictional percentages, but it must request approval to use the methodology and inform the Commission at least annually, in the annual KUSF docket, whether it continues to use such methodology. Additionally, if the wireless carrier or VoIP provider uses either the traffic study or direct assignment methodologies, it must provide an affidavit from an officer of the company attesting that it uses the inverse of the intrastate KUSF revenue percentages for interstate, Federal Universal Service Fund (FUSF) remittance purposes. Such affidavit should accompany the filings referenced above.

3. On October 30, 2024, DISH Wireless L.L.C. ("DISH"), filed their traffic study factors for use during the period March 1, 2024, and ending February 28, 2025. The filing was

¹See Report and Order and Notice of Proposed Rulemaking, 21 FCC Rcd. 7518 ¶65 (June 27, 2006).

²See Implementation Order Adopting Staff Report and Recommendation and requiring VOIP Providers Operating in Kansas to Report and Remit the Kansas Universal Service Fund by January 15, 2009. ¶14, Docket No. 07-GIMIT-432-GIT (Sep. 22, 2008).

accompanied by an affidavit signed by Trip von Minden, Vice President of Tax for DISH, advising the Commission of the methodology DISH uses to allocate intrastate revenues for KUSF purposes. DISH indicates in their factors are derived using a combined methodology, previously approved by the Commission, that is based upon DISH's own monthly traffic study and the inverse of FCC Safe Harbor for KUSF purposes. Staff has reviewed DISH's traffic factors and indicates the factors are consistent with prior reported traffic factors derived from the same combined methodology.

4. The Commission concludes that DISH's traffic study factors filed October 30, 2024, comply with K.S.A. 66-2008(a) and the order entered by the Commission in Docket No. 94-GIMT-478-GIT and should be approved for KUSF remittance purposes.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. DISH Wireless L.L.C.'s traffic study factors filed on October 30, 2024, are approved for use during the period of March 1, 2024, through February 28, 2025, are approved.

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).³

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/19/2024



Lynn M. Retz
Executive Director

BWB

³K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

24-GIMT-229-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 11/19/2024.

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