

COLLEEN R. JAMISON
JAMISON LAW, LLC

April 16, 2024

Lynn M. Retz, Executive Director
Kansas Corporation Commission
1500 SW Arrowhead Rd.
Topeka, KS 66604

RE: Nex-Tech Wireless, LLC
Expansion of Lifeline-only ETC designation

Dear Ms. Retz:

Attached for filing please find Nex-Tech Wireless, LLC's amended application for expansion of its Lifeline-only eligible telecommunications carrier designation. The amended corrects an exhibit reference at paragraph 28 and includes only the proposed expansion areas in Exhibit B.

If you have any questions, please let me know.

Sincerely,

JAMISON LAW, LLC

Colleen R. Jamison

Colleen R. Jamison

Att. Steve Chernoff
cc: Daron Jamison

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

In the Matter of the Application of)	
Nex-Tech Wireless, L.L.C.)	
For Expanded Designation as an Eligible)	Docket No. 24-NTWZ-672-ETC
Telecommunications Carrier Pursuant to)	
Section 214(e)(2) of the Communications)	
Act of 1934, as Amended)	

**AMENDED APPLICATION TO EXPAND DESIGNATION AS AN LIFELINE-ONLY
ELIGIBLE TELECOMMUNICATIONS CARRIER**

By this Application, Nex-Tech Wireless, L.L.C. (“NTW”), pursuant to § 214(e)(2) of the Communications Act of 1934 (“Act”), as amended, and the rules and regulations of the Kansas Corporation Commission (“Commission”) respectfully requests expanded Eligible Telecommunications Carrier (“ETC”) designation solely to participate in the federal Universal Service Fund (“USF”) Lifeline program.

I. INTRODUCTION AND SUMMARY

1. The legal name, address and telephone number of NTW and its designated contact person is as follows:

Jon Lightle
Nex-Tech Wireless
3001 New Way
Hays, KS 67601
Phone: 785-621-3619

2. The name, address, and telephone number of the attorney representing NTW in this proceeding is as follows:

Colleen R. Jamison
JAMISON LAW, LLC
P.O. Box 128
Tecumseh, KS 66542

Phone: 785-331-8214

3. Copies of all correspondence, pleadings, orders, and testimony should be directed to the foregoing.

4. NTW is a limited liability company formed under the laws of Kansas with its principal place of business located at 3001 New Way, Hays, Kansas. NTW is comprised of three members: Nex-Tech, LLC, a wholly owned subsidiary of Rural Telephone Service Company, Inc. ("Rural Telephone") of Lenora, Kansas, GBT Communications, Inc., a wholly owned subsidiary of Golden Belt Telephone Association, Inc. ("Golden Belt Telephone") of Rush Center, Kansas, and TC Wireless LLC, a wholly owned subsidiary of Tri-County Telephone Association, Inc. ("Tri-County Telephone") of Council Grove, Kansas. Rural Telephone, Golden Belt Telephone, and Tri-County Telephone are rural incumbent local exchange carriers ("RLECs") regulated by the COMMISSION as public utilities. Each of these companies has established a subsidiary to operate business units outside the ILEC service areas. The member-owners of Nex-Tech Wireless are these unregulated subsidiaries. NTW was formed to develop a PCS wireless telecommunications network, which is comprised of a state-of-the art wireless voice and data system. NTW is currently licensed to provide wireless telecommunications services to consumers in parts of the Denver, Omaha, Wichita, and Kansas City MTA markets, encompassing all or part of 44 counties in Kansas, pursuant to various spectrum licenses throughout the area issued by the FCC.

5. NTW is incorporated in the State of Kansas and is in good standing with the Secretary of State of Kansas. See attached **Exhibit A**.

6. In 2005, the Commission designated NTW as an ETC for purposes of receiving Federal high-cost and Lifeline support in certain exchanges within the Southwestern Bell

Telephone, L.P. (“SWBT”) study area and throughout the entire study areas of Golden Belt Telephone, Mutual Telephone, Rural Telephone and S&T Telephone Cooperative Association.¹ In 2007, the Commission granted NTW an expansion of its ETC service area to include the Sharon Springs, Leoti, and Tribune wire centers of the Sunflower Telephone Co., Inc. (“Sunflower Telephone”) study area.² The following year, NTW was granted an expansion of its ETC service area to include the Gorham Telephone Company, Inc., H&B Communications, Inc. and Wilson Telephone Company, Inc. study areas and in additional wire centers of Sunflower Telephone and SWBT, as well as in several wire centers of United Telephone Company of Kansas d/b/a Embarq (“Embarq”).³ Later in 2008, NTW’s ETC service area was again expanded to include the Geneseo wire center served by Home Telephone Company.⁴ In 2011, NTW was designated in the entire Cunningham study area, certain wire centers served by South Central Telephone Association, Inc. and Twin Valley Telephone, Inc., as well as additional wire centers served by SWBT and Embarq.⁵

7. NTW seeks expanded Lifeline-only ETC designation status from the Commission throughout the incumbent local exchange carrier (“ILEC”) areas identified in **Exhibit B** hereto. Grant of this application will serve the public interest by enabling NTW to provide significant

¹ See Nex-Tech Wireless, LLC, Docket No. 06-NTHT-061-ETC, Order Approving Application (Dec. 12, 2005) (“*2005 NTW Order*”).

² See Nex-Tech Wireless, LLC, Docket No. 07-NTWZ-966-ETC, Order Granting Nex-Tech Wireless, LLC’s Application for Eligible Telecommunications Carrier Designation (July 11, 2007) (“*2007 NTW Order*”).

³ See Nex-Tech Wireless, LLC, Docket No. 08-NTWZ-827-ETC, Order Granting Request of Nex-Tech Wireless for ETC Designation for FUSF and KUSF Support (July 25, 2008) (“*2008 NTW Order*”).

⁴ See Nex-Tech Wireless, LLC, Docket No.08-NTWZ-1076-ETC, Order Approving ETC Application (Oct. 17, 2008) (“*Second 2008 NTW Order*”).

⁵ See Nex-Tech Wireless, LLC, Docket No.11-NTWZ-077-ETC, Order Granting NTW Request for ETC Designation in Certain Kansas Exchanges and Study Areas as Modified (Feb. 17, 2011) (“*2011 NTW Order*”).

discounts off the cost of monthly service to eligible subscribers in additional rural areas where NTW offers wireless service.

II. THE KANSAS CORPORATION COMMISSION HAS AUTHORITY TO GRANT THE EXPANDED ETC DESIGNATION REQUESTED BY NTW

8. The Commission has primary responsibility for designation of ETCs pursuant to Section 214(e)(2) of the federal Communications Act (47 U.S.C. § 214(e)(2)).

III. NTW MEETS THE STATUTORY AND REGULATORY PREREQUISITES TO BE DESIGNATED AS AN ETC IN THE ADDITIONAL PROPOSED AREAS

9. As demonstrated herein, NTW satisfies each of the state and federal statutory and regulatory requirements for Lifeline-only ETC designation in its proposed expanded ETC area.

A. NTW Will Provide Service as a Common Carrier

10. In order to be designated as an ETC, a company must be a “common carrier” as defined in 47 U.S.C. § 153(11). NTW provides “mobile service” as defined at 47 U.S.C. § 153(27). NTW currently provides interstate telecommunications services as defined in 47 U.S.C. § 254(d) and 47 C.F.R. § 54.703(a). Wireless telecommunications providers are eligible to be designated as ETCs. *Federal-State Joint Board on Universal Service, First Report and Order*, 12 FCC Rcd 8776, 8858-59 (1997) (“*First Report and Order*”). NTW is a telecommunications carrier as defined in 47 U.S.C. § 153(44) and 47 C.F.R. § 51.5(a) and is a telecommunications carrier for the purposes of Part 54 of the FCC’s rules. 47 U.S.C. §§ 54.1 *et seq.* Therefore, NTW is considered a common carrier under the Act.

B. NTW Will Provide the Supported Services Through Its Own Facilities.

11. In accordance with Section 214(e)(1)(A) of the Act,⁶ NTW will provide the supported services specified in Section 54.101(a) of the FCC's Rules⁷ in the expanded areas using the same infrastructure and in the same manner in which it provides the supported services in its existing Kansas ETC service area. To the extent that it does not possess adequate infrastructure to provide supported services in an area, NTW will provide such services via roaming agreements with other carriers. Therefore, NTW meets the requirement that it provide the supported services using its own facilities.

C. NTW Will Offer the Services Supported by the Federal Universal Service Support Mechanisms

12. As described below, NTW certifies that it will provide the following services that are supported by federal universal service support mechanisms:⁸

- A. Voice Grade Access to the public switched telephone network ("PSTN") – NTW provides voice grade access to the PSTN through interconnection arrangements with local telephone companies. NTW will offer stand-alone voice telephony service throughout its proposed expanded Lifeline-only ETC designation area and will offer such service at rates that are reasonably comparable to urban rates. This service will include minutes of use for local service provided at no charge to end users and access to emergency service via E-911, wherever available from local government or public safety organizations.⁹
- B. Broadband Internet Access Services – NTW's broadband Internet offering will provide the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service.

⁶ 47 U.S.C. § 214(e)(1)(A). *See* 47 C.F.R. §§ 54.201(d)(1), 54.405.

⁷ 47 C.F.R. § 54.101(a).

⁸ *See id.*

⁹ 47 C.F.R. § 54.101(a)(1) and (b).

- C. Lifeline Service – NTW will offer subsidized Lifeline voice and broadband services to qualifying low-income consumers in accordance with the FCC’s rules within its proposed expanded Lifeline-only ETC designation area.¹⁰
- D. Access to Emergency Services -- The ability to reach a public emergency service provider by dialing 911 is a required service in any universal service offering. NTW will provide all of its customers with access to emergency service by dialing 911 in satisfaction of the basic 911 requirement, and either provides, or will provide subscribers with Phase I and Phase II E-911 services in accordance with any deployment schedules agreed to by NTW and local or other governmental emergency service provider agencies, to the extent that NTW receives a bona fide request for E-911 services.
- E. Toll Limitation -- NTW also commits to provide toll limitation services to qualifying low-income consumers as provided in 47 C.F.R. §§ 54.400-54.423.

D. NTW Will Provide the Requisite Supported Services Throughout Its Proposed Expanded ETC Designation Area

13. NTW commits to providing the requisite supported services throughout its proposed expanded ETC designation area, consistent with all applicable requirements.¹¹

E. NTW Will Advertise the Availability of Its Services and Charges Using Media of General Distribution

14. NTW will advertise the availability of and charges for its supported service offerings using media of general distribution and will undertake outreach initiatives to increase consumer awareness of its service offerings, consistent with all applicable requirements.¹² NTW will offer and advertise its voice and broadband services through a combination of media channels, which may include newspaper, radio, social media, outdoor advertising, direct marketing, and/or its website. NTW will also comply with all form and content requirements

¹⁰ 47 C.F.R. § 54.405(a), 54.400 *et. seq.*

¹¹ *See* 47 C.F.R. §§ 54.101 and 54.201.

¹² 47 C.F.R. § 54.201(d)(2).

promulgated by the FCC and COMMISSION in the future, including the FCC requirement to disclose that the service is non-transferable, is available only to eligible consumers, and limited to one discount per economic household. In accordance with the Commission's October 2, 2006 Order in Docket No. 06-GIMT-446-GIT, NTW will provide contact information for the Commission's Office of Public Affairs and Consumer Protection in its advertisements to make sure customers know where to turn with questions and complaints, and will include the following language in its advertisements:

Nex-Tech Wireless provides Lifeline service throughout its service territory. To learn about the Lifeline program and discounts you may be eligible to receive, visit our Lifeline Terms and Conditions page available at <https://www.nex-techwireless.com/assistance-programs>. Customers may contact the Kansas Corporation Commission's Office of Public Affairs and Consumer Protection with any concerns at 800-662-0027 or 785-271-3140.

F. Ability to Remain Functional in Emergencies

15. NTW certifies that its network will have the ability to remain functional in emergency situations, will have a reasonable amount of back-up power to ensure functionality without an external power source, will be able to reroute traffic around damaged facilities and will be capable of managing traffic spikes resulting from emergency situations.¹³

G. Consumer Protections

16. NTW is not a signatory to CTIA's Consumer Code for Wireless Service ("CTIA Code"),¹⁴ but consistent with the CTIA Code, NTW will:

- (a) disclose the rates and terms of service to its customers;

¹³ See 47 C.F.R. § 54.202(a)(2).

¹⁴ See CTIA Website, accessed at <https://www.ctia.org/the-wireless-industry/industry-commitments/consumer-code-for-wireless-service>.

- (b) make clear on its website and in promotional materials where its service is generally available;
- (c) provide contract terms to customers and confirm changes in service;
- (d) disclose early termination fees;
- (e) clearly and conspicuously disclose material charges and conditions related to the advertised prices and services;
- (f) separately identify its charges from taxes on billing statements;
- (g) provide customers the right to terminate service for changes to contract terms;
- (h) provide ready access to customer service;
- (i) promptly respond to consumer inquiries and complaints received from government agencies; and
- (j) abide by a policy regarding the privacy of customer information in accordance with federal and state laws.

H. NTW Possesses the Financial and Technical Capability to Provide the Supported Services

17. NTW possesses the financial and technical capabilities to provide voice and broadband services throughout its proposed expanded ETC designation area. NTW is an established wireless provider and has been a competitive ETC in good standing since 2005.

I. NTW Will Meet the Additional FCC Requirements for Designation as an Expanded ETC

18. NTW further certifies that it will meet all of the FCC's requirements for designation as an ETC under § 214(e)(1) of the Act.

A. Lifeline Service Plans; Service Offerings.

19. NTW will offer voice and broadband Lifeline service consistent with the rules of the FCC and the Commission, including the minimum service standards for Lifeline service set

forth in Sections 54.408(b)(1) and 54.408(c) of the FCC's rules.¹⁵ NTW will provide, in full, the current governing federal Lifeline discount, which is non-transferable, to all Lifeline-qualified customers on any of its wireless broadband and/or voice service offerings. Eligible customers will have the option of electing to use the discount on any broadband and/or voice plans offered by NTW. All such plans will be identified on NTW's website. NTW will not collect a service deposit in order to initiate Lifeline for voice-only service plans and will not charge Lifeline customers a monthly number-portability charge.

20. In addition, in compliance with Section 54.101 of the FCC's rules,¹⁶ NTW will offer voice grade access to the public switched network or its functional equivalent through its interconnected VoIP service to its subscribers, unlimited minutes of use for local service provided at no additional charge to end users, access to emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in the proposed expanded Lifeline-only ETC designation area has implemented 911 or enhanced 911 systems. NTW does not distinguish between toll and non-toll calls in the pricing of its services. As a result, toll limitation services do not need to be offered for any Lifeline service offered by NTW.

B. Lifeline Obligations.

21. NTW accepts and will meet all obligations required of ETCs as set forth in Section 54.405 of the FCC's rules.¹⁷ Specifically, NTW will:

¹⁵ 47 CFR §§ 54.401, 54.408(b)(1), 54.408(c).

¹⁶ *Id.*, § 54.101.

¹⁷ 47 CFR § 54.405.

A. Make available Lifeline service to qualifying low-income consumers.¹⁸

B. Publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.¹⁹

C. Indicate on all materials describing the Lifeline service, using easily understood language, that it is a Lifeline service, that Lifeline is a government assistance program, that the service is non-transferable, that only eligible customers may enroll in the program, and that the program is limited to one discount per household.²⁰

D. Disclose its name on all materials describing the service.²¹

E. De-enroll a Lifeline subscriber when NTW has a reasonable basis to believe that the Lifeline subscriber no longer meets the criteria to be considered a qualifying low-income consumer in compliance with Section 54.409 of the FCC's rules.²²

C. Minimum Service Standards.

22. NTW meets the minimum service standards for Lifeline service, set forth in Sections 54.408(b)(1) and 54.408(c) of the FCC's rules,²³ and will do so in the additional requested areas.

D. Verification Requirements.

23. NTW will provide Lifeline service only to customers whose eligibility is confirmed via the National Verifier, which fully launched in Kansas on October 23,

¹⁸ *Id.*, § 54.405(a).

¹⁹ *Id.*, 54.405(b). *See also* 47 U.S.C. § 214(e)(1)(B).

²⁰ 47 CFR § 54.405(c).

²¹ *Id.*, § 54.405(d).

²² *Id.*, § 54.405(e).

²³ *Id.*, §§ 54.408(b)(1), 54.408(c).

2019.²⁴ Customers wishing to enroll in NTW’s Lifeline service will be instructed to apply either online or via U.S. Mail to the National Verifier.

E. Annual Certifications.

24. NTW will comply with the annual certification requirements set forth in Section 54.416 of the FCC’s rules,²⁵ including the requirement to provide, on an annual basis, the results of its re-certification efforts to the Commission.

F. Recordkeeping Requirements.

25. NTW will comply with the recordkeeping requirements set forth in Section 54.417 of the FCC’s rules.²⁶

G. Annual Reporting Requirements.

26. NTW will comply with the annual reporting requirements set forth in Section 54.422 of the FCC’s rules,²⁷ including the requirement to file such reports with the Commission.

IV. THE COMMISSION HAS PREVIOUSLY GRANTED NTW DESIGNATION AS AN ETC

27. As referenced above, NTW was initially designated as an ETC by the Commission in 2005 and has been granted additional designations expanding its ETC service area in 2007, 2008 and 2011. In connection with granting NTW’s prior requests for designation

²⁴ See Section 54.404(a) of the Commission’s rules, 47 C.F.R. § 54.404(a) (stating that “an [ETC] operating in a state that provides an approved valid certification to the [FCC] is not required to comply with the [NLAD] requirements set forth in subsections (b) and (c)” of Section 54.404), and Section 54.410(c) of the Commission’s rules, 47 C.F.R. § 54.410(c) (providing that an ETC must determine eligibility “[e]xcept in states where the National Verifier or state Lifeline administrator or other state agency is responsible for the initial determination”); USAC, National Verifier Launches, accessed at <https://www.usac.org/lifeline/national-verifier/how-to-use-nv/launches/>.

²⁵ 47 C.F.R. § 54.416.

²⁶ *Id.*, § 54.417.

²⁷ *Id.*, § 54.422.

as an ETC, the Commission reviewed NTW's representations, certifications, and commitments regarding NTW's service commitments and determined that NTW met all federal and state requirements and that it was in the public interest to grant the ETC application. NTW hereby reaffirms its compliance with and commitment to each of the requirements delineated in its prior ETC applications.

28. Since the Commission has already determined that NTW meets the requirements applicable to an ETC in Kansas, this petition is limited to a request by NTW that the Commission expand NTW's ETC designation area, as requested, in the areas identified in **Exhibit B**, for purposes of NTW's expanded participation in the federal Lifeline program only.

V. GRANT OF THIS PETITION WILL SERVE THE PUBLIC INTEREST

29. Pursuant to 47 U.S.C. § 214(e)(2), the Commission must find that it is in the public interest to designate NTW as an ETC in the requested areas. The grant of this Petition will clearly serve the public interest by enabling NTW to provide subsidized voice and broadband services to those households that seek and qualify for federal Lifeline benefits. This will make access to the public switched network available to more consumers, enhancing the value of the network to all customers by increasing the number of individuals able to call and be called.

30. Designation of NTW as a federal ETC in additional areas for Lifeline purposes will have minimal impact on universal service support mechanisms. Support will be paid only for the number of qualifying consumers who choose NTW's service. To the extent Lifeline service adds customers to the network, additional contributions to the respective support funds will offset a portion of the minimal increased demand on the federal USF.

VI. CONCLUSION

For all of the foregoing reasons, NTW respectfully requests that the Commission designate it as a Lifeline-only ETC in the additional areas requested so that NTW will be able to participate in the federal Lifeline program, in order to provide discounted wireless service to qualified households in these additional rural areas.

Respectfully submitted,

JAMISON LAW, LLC

Colleen R. Jamison

Colleen R. Jamison, KS Bar #16121
PO Box 128
Tecumseh, KS 66542
Phone: 785.331.8214
E-mail: colleen.jamison@jamisonlaw.legal

Attorney for Nex-Tech Wireless, LLC

Dated: April 16, 2024

VERIFICATION

I, the undersigned, hereby certify under penalty of perjury pursuant to K.S.A. 53-601 that I am outside counsel to Nex-Tech Wireless, LLC and that the foregoing is true and correct.

Colleen R. Jamison

Colleen R. Jamison

EXHIBIT A

**KANSAS SECRETARY OF STATE
CERTIFICATE OF GOOD STANDING**

STATE OF KANSAS
OFFICE OF SECRETARY OF STATE
CERTIFICATE OF GOOD STANDING

I, SCOTT SCHWAB, Kansas Secretary of State, certify that the records of this office reveal the following:

Business ID: 3629953

Business Name: NEX-TECH WIRELESS, L.L.C.

Type: Domestic Limited Liability Company

Jurisdiction: Kansas

was filed in this office on May 10, 2004, and is in good standing, having fully complied with all requirements of this office.

No information is available from this office regarding the financial condition, business activity or practices of this entity.



In testimony whereof:
I affix my official certification seal.
Done at the City of Topeka,
on this day April 11, 2024.

A handwritten signature in cursive script that reads "Scott Schwab".

SCOTT SCHWAB
KANSAS SECRETARY OF STATE

EXHIBIT B

**LIST OF WIRE CENTERS IN WHICH
NTW SEEKS EXPANDED DESIGNATION
AS A LIFELINE-ONLY
ELIGIBLE TELECOMMUNICATIONS CARRIER**

Telephone Company Name	Exchange
Consolidated Communications of KS	Weskan
Consolidated Communications of KS	Americus
Consolidated Communications of KS	Saffordville
Consolidated Communications of KS	Cedar Point
Cunningham Telephone	Formoso
Cunningham Telephone	Randall
Cunningham Telephone	Jamestown
Cunningham Telephone	Cawker City
Cunningham Telephone	Glen Elder
Cunningham Telephone	Simpson
Home Tel. Co.	Salemsburg
Home Tel. Co.	Assaria
Home Tel. Co.	Roxbury
Home Tel. Co.	Galva
J.B.N Tel. Co.	Narka
J.B.N Tel. Co.	Munden
J.B.N Tel. Co.	Cuba
J.B.N Tel. Co.	Agenda
Madison Telephone LLC	Madison
Madison Telephone LLC	Lamont
Moundridge Tel. Co.	Goessel
Moundridge Tel. Co.	Moundridge
S and A Telephone	Allen
Tri-County Tel. Assn.	Council Grove
Tri-County Tel. Assn.	Woodbine
Tri-County Tel. Assn.	Dwight
Tri-County Tel. Assn.	White City
Tri-County Tel. Assn.	Navarre
Tri-County Tel. Assn.	Delavan
Tri-County Tel. Assn.	Hope
Tri-County Tel. Assn.	Carlton
Tri-County Tel. Assn.	Wilsey
Tri-County Tel. Assn.	Dunlap
Tri-County Tel. Assn.	Lost Springs
Tri-County Tel. Assn.	Ramona
Tri-County Tel. Assn.	Lincolnvill
Twin Valley Tel. Co.	Longford
Wheat State Tel. Co.	Olpe
Wheat State Tel. Co.	Matfield Green