

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

In the Matter of a General Investigation)	
For the City of Chanute, Kansas to Show)	Docket No. 20-CHNE-210-SHO
Cause Why This Commission Should)	
Not Initiate Sanctions and Fines and/or)	
Suspend, Cancel or Revoke Any)	
Authority the Carrier Currently Holds.)	

RESPONSE OF THE CITY OF CHANUTE, KANSAS TO ORDER TO SHOW CAUSE

On October 17, 2019, the Staff of the State Corporation Commission of the State of Kansas ("Staff" and "Commission", respectively) filed a Report and Recommendation regarding the City of Chanute's ("Chanute" or "City") failure to submit its ETC certification for 2019 as required by the Commission in Docket No. 19-GIMT-399-GIT. Staff recommended that the Commission open a proceeding to require Chanute to show cause why the Commission should not initiate sanctions and fines and cancel, suspend or revoke its telecommunications authority. On November 14, 2019, the Commission issued an Order to Show Cause and directed the City of Chanute to respond to Staff's Report and Recommendation. In support of its Response, the City states as follows:

1. On May 15, 2015, in Docket No. 15-CHNE-413-ETC, the City was designated as an Eligible Telecommunications Carrier ("ETC") in thirty-seven Kansas census blocks. The City sought ETC designation so that it may receive support from the Federal Universal Service Fund ("USF"), including support through the Federal Communications Commission's ("FCC") high-cost USF programs in order to receive funds pursuant to FCC's Rural Broadband Experiment ("RBE") program. On March 4, 2015, the FCC provisionally selected the City to

receive \$508,467 in RBE funds to deploy broadband services in the census blocks where it was granted authority. Such selection by the FCC was subject to the post-selection review process.

2. On September 15, 2015, the FCC announced that it had removed the City from further consideration for RBE funding because the City did not meet the letter of credit commitment letter submission deadline and the ETC documentation deadline. As of the date of this filing, the City has not received any RBE funding; however the City has, up until 2019, submitted its annual ETC certifications to the Commission, as required.

3. The City does not presently offer or provide the services supported by Federal Universal Service Support mechanisms pursuant to 47 U.S.C. § 254(c).¹ Pursuant to 47 U.S.C. § 214(e)(4), the City hereby requests that it be permitted to relinquish its designation as an ETC within the thirty-seven census blocks for which it was granted ETC status. In accordance with 47 U.S.C. § 214(e)(4), an ETC may relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. All thirty-seven census blocks for which the City requested and received its ETC designation are located in exchanges where Southwestern Bell Telephone Company d/b/a AT&T Kansas is the incumbent local exchange carrier. As such, the City of Chanute is served by more than one eligible telecommunications carrier, and several other Lifeline providers in the area.

4. Because the City has never provided universal service in the census blocks in which it was designated an ETC, there will be no impacted consumers or disruption of service.

¹ The supported services are codified in 47 C.F.R. § 54.101(a), which states: "Voice Telephony services shall be supported by federal universal support mechanisms. Eligible voice telephony services must provide voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying low-income consumers as provided in subpart E of this part."

In light of the fact that there are no current universal service customers of the City that will require advance notice of the ETC relinquishment in order to secure service from another ETC, the City of Chanute respectfully requests that the Commission issue an Order as soon as practicable granting the City's request.

5. The City is mindful of the fact that it neglected to file its 2019 annual ETC certification documentation with the Commission. The City's failure to file is a result of City Staff turnover due to the untimely passing of the City's Director of Utilities, who had previously submitted the annual ETC certification documentation. Further, the undersigned counsel first became aware of the failure to file the 2019 certification upon receipt of the Order to Show Cause. In light of these circumstances, coupled with the City's request to relinquish its ETC designation, the City of Chanute respectfully submits that sanctions or fines may not be appropriate in this instance.

WHEREFORE, the City of Chanute respectfully requests that the Commission grant its request to relinquish its ETC certification and any such further relief as the Commission may deem appropriate.

Respectfully submitted,

POLSINELLI PC



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ATTORNEYS FOR THE CITY OF CHANUTE, KANSAS

VERIFICATION

STATE OF Missouri)
) ss.
COUNTY OF Jackson)

I, Anne E. Callenbach, being duly sworn, on oath state that I am counsel to the City of Chanute, Kansas, that I have read the foregoing pleading and know the contents thereof, and that the facts set forth therein are true and correct to the best of my knowledge and belief.

By: A. Callenbach

The foregoing was subscribed and sworn to before me this December 13, 2019.

Phyllis E. Edwards
Notary Public

My Commission Expires:

1/30/2021

PHYLLIS E. EDWARDS
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
CLAY COUNTY
MY COMMISSION EXPIRES 1/30/2021
COMMISSION # 13471396

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing pleading has been faxed, hand-delivered and/or mailed, First Class, postage prepaid, this December 13, 2019, to:

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