

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

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

In the Matter of the Application of Haviland)
Telephone Company, Inc. for a Waiver of)
Certain Telecommunications Billing Practice) Docket No. 25-HVDT-204-MIS
Standards.)

**ORDER GRANTING HAVILAND’S WAIVER OF CERTAIN
TELECOMMUNICATIONS BILLING PRACTICE STANDARDS**

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

I. AUTHORITY AND PROCEDURAL BACKGROUND

1. On November 1, 2024, Haviland Telephone Company, Inc. (hereafter referenced as “Haviland”) filed an Application requesting a waiver of the written notification requirement in Section IV.D.1. and IV.D.2. of the Telephone Billing Practices (hereafter referenced as “TBPs”).¹ The subject TBPs were established under Docket No. 120,408-U, becoming effective January 11, 1983, and subsequently amended by the Commission's Orders of July 16, 2010, and September 1, 2010, issued in Docket No. 06-GIMT-187-GIT.

2. Under K.S.A. 66-1,188, the Commission is given full power, authority and jurisdiction to supervise and control the local exchange carriers, as defined in K.S.A. 66-1,187. K.S.A. 66-1,190 provides that the Commission shall have power to prescribe reasonable rules and regulations regarding such telecommunication public utilities as the Commission determines reasonable and appropriate. A thorough discussion of the origin and evolution of the

¹ Application of Haviland Telephone Company, Inc. (Nov. 1, 2024).

TBPs in keeping pace with changes in technology and industry practices, as well as establishing standards for carrier waiver applications is found at pages 1 through 3 of the Commission Staff's (hereafter referenced as "Staff") Report and Recommendation attached to this Order, which will not be repeated here, but which is incorporated herein by reference.

3. Staff's Report and Recommendation dated November 20, 2024, recommends the Commission grant Haviland's Application and the company's request for waiver of the written notification requirements regarding suspension and disconnection of service to customers, subject to conditions.

II. FINDINGS AND CONCLUSIONS

4. The granting of Haviland's requested waiver would allow the company to proceed with its proposed electronic mailing of notices of suspension or disconnection of services. Regarding the Commission's authority to grant waivers of TBPs, Staff cites Section V thereof which states:

"The requirements contained in these standards may be waived on an individual case basis by the Commission upon application by the telecommunication provider and a showing that a waiver is in the public interest. In making this determination, the Commission's considerations will include the interests of the applicant telecommunication provider, the interests of the affected consumer(s) and the interests of the public."²

Staff also cites Section IV. D. of the TBPs; Suspension/Disconnection of Service

Standards which states:

D. Notice of Suspension/Disconnection of Service:

1. **Time Requirement.** The telecommunications provider shall give the subscriber seven (7) calendar days written notice from the date the suspension/disconnection notice is deposited in the U.S. mail before suspending/disconnecting service. Suspension/disconnection may be

² Order Adopting Staff's Report and Recommendation Attachment 1, Revised Sept. 1, 2010, Kansas Telephone Billing Practices, p. 18, 06-GIMT-187-GIT (Oct. 5, 2010); and Order Granting Waiver, p.2, 05-GCIT-110-TAR (July 16, 2015).

immediate if it is at subscriber request or abandonment, involves a dangerous condition, adversely affects the safety of the subscribers or other persons, or involves unauthorized interference with or fraudulent use of services. See IV. A.1.a-g, i and j.

2. **Delivery of Notice.** Service suspension/disconnection notices shall be mailed separately from bills, information or advertising, and shall be sent to the customer of record. Service of notice by mail is complete after being deposited by the carrier in the U.S. mail. The telecommunications provider shall maintain an accurate record of the date of mailing and the suspension/ disconnection effective dates.
3. **Notice Information Requirements.** The suspension/disconnection notice shall contain the following Information:
 - a. The name, billing address and account number(s) of the subscriber being suspended.
 - b. A clear and concise statement of the reason for the proposed suspension/ disconnection of service and terms under which suspension/disconnection may be avoided.
 - c. The date and time by which payment is required to avoid suspension/ disconnection.
 - d. A clear and concise explanation of the charges and conditions for reconnection of service.
 - e. A statement that suspension/disconnection may be postponed or avoided if the subscriber makes payment arrangement with the provider for moneys not in dispute.
 - f. A clear concise statement to apprise the subscriber of the availability of an administrative procedure that may be utilized in the event of a bona fide dispute or under other circumstances, such as provided in Section IV. G.. The address, telephone number and name of the provider's office or personnel empowered to review disputed bills, rectify errors and prevent suspension/disconnection, shall be clearly set forth. The notice shall state that the subscriber may talk with an employee of the provider and may present his or her reasons for disputing a bill, requesting payment arrangements or requesting a postponement of suspension/disconnection. The notice shall also contain the telephone number of the Commission's Consumer Protection Office.

5. Haviland's current billing system can flag and track accounts that have authorized the Company to send billing and delinquent notices via electronic mail. Customer notifications that were included with Haviland's application include a reminder message and late notice that will be sent to an email address of the customer's choosing. Unless otherwise notified, the customer will receive the reminder notice at the contact email address the company has on file. Customers may opt out of electronic communications and notifications and instead choose traditional paper mailed notifications.³

6. Staff recommends the Commission grant Haviland's Application and approve the company's request, subject to the following conditions:

a. Haviland file their updated Tariff page(s) in this docket.

7. The Commission adopts Staff's analysis and recommendations of November 20, 2024, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference.

8. The Commission concludes that Haviland's Application and request for waiver of the written notification requirement in Section IV.D.1. and IV.D.2. of the TBDs is reasonable, in the public interest, and should be granted, subject to Staff's recommended conditions and the Commission's additional conditions set forth in ordering paragraph (B) below.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Haviland's Application is hereby granted, and this Order shall become effective December 12, 2024.

³ Application at, p. 3-4 (Nov. 1, 2024).

- B. Haviland shall notify all existing customers that suspension of service and disconnection of service will be made via electronic mail unless the customer specifically opts out at least thirty (30) days prior to implementing the new notification process.
- C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.
- D. 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).⁴

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 12/03/2024



Lynn M. Retz
Executive Director

PJH

⁴ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

FROM: Drennan Dolsky, Telecommunications Analyst
Steve Garrett, Deputy Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: November 20, 2024

RE: Docket No. 25-HVDT-204-MIS

In the Matter of the Application of Haviland Telephone Co., Inc. for Waiver of
Certain Telecommunications Billing Practice Standards.

EXECUTIVE SUMMARY:

On November 1, 2024, Haviland Telephone Co., (Haviland) submitted an application for a waiver of a certain portion of the Kansas Corporation Commission's (Commission) telecommunications billing practice standards requiring the paper mailing of notices of suspension and/or disconnection. Specifically, Haviland requests a waiver of the written notification requirement in Section IV. D. (1) and (2) which will allow Haviland to substitute electronic mailing of notices of suspension or disconnection of service.

BACKGROUND:

On August 31, 2005, the Commission issued its Order opening Docket No. 06-GIMT-187-GIT for the purpose of reviewing proposed revisions to the Commission's Telephone Billing Practice Standards as proposed by Staff. The Commission found that changes to the telephone billing standards, as a whole, further the public interest and fulfill the legislative directive set forth in K.S.A. 66-2001 by appropriately updating the telephone billing standards to reflect the changes in technology and industry practices that have developed since they were first issued. The Commission found these standards enhance the availability of quality telecommunications services at affordable prices to as many Kansas customers as possible, as desired by the legislature in K.S.A. 66-2001.

On July 16, 2010, the Commission issued its Final Order, wherein the Commission adopted new telephone billing standards as set forth in the Order and Attachment 1 to the Order, incorporated therein. This Final Order culminated an extensive collaborative discussion between Staff and the

parties by addressing certain issues that had remained unresolved and disputed. The Commission noted it sought to update the billing standards to reflect changes in technology and to the telecommunications industry, as well as balancing the needs of consumers and the industry.

On September 1, 2010, the Commission issued its Order on Petition for Reconsideration addressing AT&T's petition for reconsideration. The Commission discussed and clarified the provision requiring carriers to provide rate estimates to customers at Section 1.G.2., "General Rate Information," the standard to be applied to applications by carriers for waivers from the billing standards at Section V, and the provision at Section IV.A.2.d(i) and (ii), "Suspension and Disconnection Standards," limiting the time period for denial of service based on unpaid bills. The Commission also modified the language in Section V.

Section V of the Telecommunications Billing Practices states:

The requirements contained in these standards may be waived on an individual case basis by the Commission upon application by the telecommunications provider and showing that a waiver is in the public interest. In making this determination, the Commission's considerations will include the interests of the applicant telecommunications provider, the interests of the affected consumer(s) and the interests of the public.¹

Section IV. D. of the Telecommunications Billing Practices; Suspension/Disconnection of Service Standards states:

D. Notice of Suspension/Disconnection of Service:

1. Time Requirement: The telecommunications provider shall give the subscriber seven (7) calendar days written notice from the date the suspension/disconnection notice is deposited in the U.S. mail before suspending/disconnecting service. Suspension/disconnection may be immediate if it is at subscriber request or abandonment, involves a dangerous condition, adversely affects the safety of the subscribers or other persons, or involves unauthorized interference with or fraudulent use of services. See IV. A. 1. a-g, I, and j.
2. Delivery of Notice. Service suspension/disconnection notices shall be mailed separately from bills, information or advertising, and shall be sent to the customer of record. Service of notice by mail is complete after being deposited by the carrier in the U.S. mail. The telecommunications provider shall maintain an accurate record of the date of mailing and the suspension/disconnection effective dates.
3. Notice Information Requirements. The suspension/disconnection notice shall contain the following information:

¹ Order Adopting Staff's Report and Recommendation, October 4, 2010, Docket No. 06-GIMT-187-GIT, Attachment 1, p. 18.

- a. The name, billing address and account number(s) of the subscriber being suspended.
- b. A clear and concise statement of the reason for the proposed suspension/disconnection of service and terms under which suspension/disconnection may be avoided.
- c. The date and time by which payment is required to avoid suspension/disconnection.
- d. A clear and concise explanation of the charges and conditions for reconnection of service.
- e. A statement that suspension/disconnection may be postponed or avoided if the subscriber makes payment arrangement with the provider for moneys not in dispute.
- f. A clear concise statement to apprise the subscriber of the availability of an administrative procedure that may be utilized in the event of a bona- fide dispute or under other circumstances, such as provided in Section IV.G. The address, telephone number and name of the provider's office personnel empowered to review disputed bills, rectify errors and prevent suspension/disconnection, shall be clearly set forth. The notice shall state that the subscriber may talk with an employee of the provider and may present his or her reasons for disputing a bill, requesting payment arrangements or requesting a postponement of suspension/disconnection. The notice shall also contain the telephone number of the Commission's Consumer Protection Office.²

ANALYSIS:

Haviland requests a waiver of the written notification requirement in only Section IV.D.(1) and (2) to allow the Company to substitute electronic mailing of notices of suspension or disconnection of service. The Commission has previously granted similar waivers from the standards in Docket No. 11-RRLT-188-MIS³, and Docket No. 15-MRGT-110-MIS⁴. Section V. of the Kansas Telephone Billing Practices allows the Commission to consider an application from a company requesting waiver of requirements if the waiver is in the interests of the applicant telecommunications provider, the interests of the affected consumer(s) and the interests of the public.

The cost of Haviland to process and mail the paper disconnect notices for the 2023 calendar year was \$2,921.⁵ 52% of Haviland's current subscribers have chosen to receive all communications

² Order Adopting Staff's Report and Recommendation, October 4, 2010, Docket No. 06-GIMT-187-GIT, Attachment 1, pp. 13-16.

³ Order Granting Application for Waiver, May 17, 2011.

⁴ Order Granting Waiver, February 12, 2015.

⁵ Application, p. 3.

from the Company, which includes bills and late notices, via electronic mail. As a result, Haviland estimates that it will generate \$1,500 per year of cost savings if its request is granted.⁶

Haviland stated that the main motivator of the request is to expedite the delivery of the notice due to the United States Postal Service has “proven increasingly unreliable and subject to delays”, resulting in customers not receiving notices in a timely manner. Which can lead to customers missing out on the opportunity to turn in past due balances to prevent disconnection.⁷

Haviland’s current billing system is able to flag and track accounts that have authorized the Company to send billing and delinquent notices via electronic mail. That existing functionality would be used to provide operational efficiencies for Haviland.⁸

For any customers not already receiving electronic notifications, Haviland is proposing to notify all current customers that disconnection of service and suspension of service will be made via electronic mail unless a customer elected to stay with the current “opt in” process to receive paper notifications. New customers will have the same options provided to them when the service is initiated. If a customer has elected to receive electronic notifications, but communication fails, Haviland will mail a paper notice of suspension or disconnection of service.⁹ For customers that have opted in, Haviland has a process for customers with invalid email addresses. Haviland will generate a report noting any invalid email addresses and the billing supervisor will contact customers with the invalid email addresses to correct the email address in Haviland’s billing system.¹⁰

RECOMMENDATION:

Staff believes the request for waiver of the Telecommunications Billing Practice Standards has met the required criteria in Section V. of the Kansas Telephone Billing Practices and recommends the Commission approve the waiver as requested by the Company. Staff further requests that Haviland file their updated Tariff page(s) in the instant docket.

⁶ *Id.*
⁷ *Id.*
⁸ Application, pp. 3-4
⁹ Application, p. 4
¹⁰ Application, pp. 2-3

CERTIFICATE OF SERVICE

25-HVDT-204-MIS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 12/03/2024.

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/S/ KCC Docket Room

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