

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Mark Sievers, Chairman
Thomas E. Wright
Shari Feist Albrecht

In the Matter of the Application of Telrite d/b/a)
Life Wireless for Designation as an Eligible) Docket No. 13-RITC-181-ETC
Telecommunications Carrier on a Wireless)
Basis (Low-Income Only).)

**ORDER GRANTING APPLICATION FOR ELIGIBLE TELECOMMUNICATIONS
CARRIER STATUS IN KANSAS FOR PURPOSES OF RECEIVING FEDERAL
LIFELINE SUPPORT AND DENYING APPLICATION FOR KANSAS LIFELINE
SERVICE PROGRAM SUPPORT**

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas ("Commission") for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1. On September 5, 2012, pursuant to 47 U.S.C. §214(e), Telrite Corporation d/b/a Life Wireless ("Telrite") filed an Application with the Commission requesting designation as an Eligible Telecommunications Carrier ("ETC") in the state of Kansas. Telrite is seeking ETC designation in Kansas for the purpose of receiving Lifeline funds from the Federal Universal Service Fund ("FUSF") and the Kansas Universal Service Fund ("KUSF"). Telrite provides pre-paid wireless telecommunications service on a resold basis using AT&T as its primary underlying wireless carrier. Telrite's application requests that it be granted ETC designation in all AT&T Kansas wire centers.

2. In order to receive low-income Lifeline wireless ETC designation from the Commission, the requesting carrier must make showings required under federal law. Pursuant to 47 U.S.C. § 214(e)(1)-(2), § 254(c), and 47 C.F.R. § 54.101(a), the carrier must make the following showings:

- a. The carrier will offer the services supported by federal universal service support mechanisms under 47 U.S.C. § 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another ETC) throughout the service area for which designation is received.¹
- b. The carrier will advertise the availability of such service and the charges therefore using media of general distribution.
- c. Designation would be consistent with the public interest, convenience, and necessity.²

¹The supported services are codified in 47 C.F.R. § 54.101(a), which reads as follows:

Voice Telephony services shall be supported by federal universal service 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.

47 C.F.R. § 54.101(a). Carriers who receive forbearance from the "own-facilities" requirement for federally-supported universal service still need to meet the "own facilities" requirement in order to be eligible for Kansas Universal Service Fund ("KUSF") support. "Service area" is defined in 47 U.S.C. § 214(e)(5). In determining whether "minutes of use for local service is provided at no additional charge to end users," the Commission will consider the comparability of a competitive Eligible Telecommunications Carrier's ("ETC's") offering to the incumbent local exchange carrier's offering. See Docket No. 06-GIMT-446-GIT, Order Addressing Comments Regarding Revisions to Eligible Telecommunications Carrier Certification Forms, October 2, 2007. The Commission will evaluate the total service package, "including the local calling scope, included features, and usage that might otherwise be considered long distance." *Id.* The Commission will also consider whether an ETC applicant offers unlimited calling to government, social service, health facilities, educational institutions and emergency numbers when considering comparability. *Id.*

²The Commission will weigh certain factors to determine whether it is in the public interest to grant another carrier ETC status. Those factors include a) benefits of increased competitive choice; b) the impact of multiple ETC designations on the KUSF; c) the unique advantages and disadvantages of the carrier's service offering; d) commitments made regarding quality of telephone service provided by competing providers; and e) the carrier's ability to provide the supported services throughout the designated service area within a reasonable time frame. See Docket No. 04-RCCT-338-ETC, Order No. 14 Order Granting ETC Designation and Addressing Additional Issues, September 30, 2004. The Commission will also take into account any other relevant factors in determining whether ETC designation is in the public interest.

3. Pursuant to Federal Communications Commission ("FCC") orders, Commission orders, and Kansas law, the carrier requesting low-income Lifeline wireless ETC designation must also show:

- a. Lifeline customers will be able to apply the Lifeline discounts to any calling plan offered by the carrier.³
- b. The entirety of the Kansas Lifeline Service Program ("KLSP") discount will be passed along to the end user consumer.⁴ If the carrier offers the same service plans in other states that do not have additional support on top of federal Lifeline subsidies, the carrier will offer a plan in Kansas that justifies the additional Lifeline funds from the KLSP.⁵
- c. The carrier will use the Kansas Lifeline Credit Application to enroll eligible customers in the federal and state Lifeline programs, or their own Credit Form which must contain all the data found in the Kansas Lifeline Credit Application.⁶
- d. The carrier is financially and technically capable of providing the supported Lifeline service in compliance with all of the low-income program rules.⁷
- e. The carrier has received approval of its Compliance Plan with the FCC (if applicable).
- f. The carrier undertakes efforts to eliminate waste, fraud, and abuse in the Lifeline program.
- g. The carrier, in its advertising, will use "meaningful language so that consumers will understand what they can expect from an ETC," and include contact information for the Commission's Office of Public Affairs and Consumer Protection ("PACP").

³See Docket No. 06-GIMT-446-GIT, Order Adopting Requirements for Designations of Eligible Telecommunications Carrier, October 2, 2006.

⁴See Docket No. 10-GIMT-658-GIT, Order Addressing Issues Concerning The Kansas Lifeline Service Program, August 17, 2011.

⁵This only applies if the carrier is seeking Kansas Lifeline Service Program ("KLSP") funds.

⁶See Docket No. 10-GIMT-658-GIT, Order Requiring Eligible Telecommunications Carriers to Comply With New Lifeline Requirements and Requesting Comments, March 27, 2012; 47 C.F.R. § 54.410(d).

⁷See 47 § C.F.R. 54.201, 54.202; Docket No. 10-GIMT-658-GIT, Order Requiring Lifeline-Only ETC Applicants to Provide Kansas-Specific Information and Requesting Comments on AT&T Refund Issue, June 21, 2012. The FCC has stated that relevant considerations for such a showing include: a) Whether the Applicant previously offered services to non-Lifeline consumers; b) How long the Company has been in business; c) Whether the Applicant intends to rely exclusively on USF disbursements to operate; d) Whether the Applicant receives or will receive revenue from other sources; and e) Whether the Company has been subject to enforcement action or an ETC revocation proceeding in any state. In Docket No. 10-GIMT-658-GIT, the Commission also stated that lifeline-only ETC applicants should provide Kansas-specific information regarding technical and financial capacity similar to the information provided in the carrier's FCC Compliance Plan.

- h. The carrier has sufficient back-up power to remain functional without external power in emergency situations, is able to reroute traffic around damaged facilities, and can manage emergency traffic spikes.⁸
- i. The carrier is properly registered with the Kansas Secretary of State's Office.
- j. The carrier will provide service throughout its designated service area to all customers making a reasonable request for service.
- k. The carrier will comply with all applicable federal and state laws, rules, regulations, and orders. The carrier will inform the Commission of any changes in service made to comply with updated laws, rules, regulations, and orders.

4. K.S.A. 66-2008(b) states that "pursuant to the federal act, distributions from the KUSF shall be made in a competitively neutral manner to qualified telecommunications public utilities, telecommunications carriers and wireless telecommunications providers, that are deemed eligible both under subsection (e)(1) of section 214 of the federal act and by the commission." Therefore, an applicant seeking KUSF Lifeline support must provide voice telephony service using its own facilities, or a combination thereof, as required under 47 U.S.C. § 214(e)(1). Applicants who have received forbearance from the "own-facilities" requirement for FUSF Lifeline purposes by filing a Compliance Plan with the FCC will not be eligible to receive KUSF Lifeline funds unless they meet the "own-facilities" requirement in Kansas.

5. Commission Staff ("Staff") submitted a Report and Recommendation in regards to the Application on March 5, 2013, attached hereto and made a part hereof by reference. Staff thoroughly examined Telrite's Application and made detailed findings in the Report and Recommendation. A summary of those findings will be noted in this order. For a detailed account of Telrite's evidentiary showings, refer to the Report and Recommendation.

⁸See Docket No. 06-GIMT-446-GIT, Order Adopting Requirements for Designations of Eligible Telecommunications Carrier, October 2, 2006.

6. Staff found that Telrite is properly registered with the Kansas Secretary of State's Office and is in "*active and good standing*." Staff found that Telrite demonstrated its ability to provide the services and functionalities supported by the federal universal service support mechanisms throughout its requested service areas. Staff found that Telrite will allow Lifeline subscribers to choose any standard service plan and apply the available Lifeline credit. Staff found that Telrite is technically and financially capable of providing Lifeline service. Staff found that Telrite's Kansas Lifeline Credit Application meets all requirements for customer enrollment. Staff found that Telrite's seventh amended Compliance Plan was approved by the FCC on December 26, 2012, and Telrite has demonstrated its efforts to eliminate waste, fraud, and abuse in the Lifeline program. Staff found that Telrite will properly advertise its services with meaningful language and include required contact information. Staff found that Telrite has sufficient back-up power to remain functional without external power in emergency situations, is able to reroute traffic around damaged facilities, and can manage emergency traffic spikes. Finally, Staff found that designating Telrite as a wireless Lifeline-Only ETC for FUSF purposes would be consistent with the public interest, convenience, and necessity.

7. Staff found that Telrite has no telecommunications infrastructure in Kansas, and its Kansas operations rely on AT&T's network. Staff found that Telrite does own infrastructure in Georgia, but the facilities in Georgia are used for international calling, calls to customer service, and directory assistance. Staff found that the facilities in Georgia are not essential for a Kansas customer to complete a call. Therefore, Staff found that Telrite does not meet the "own-facilities" requirement for purposes of receiving KUSF Lifeline support.

8. Staff recommends approval of Telrite's Application for designation as a wireless Lifeline-Only ETC for FUSF low-income purposes in all AT&T Kansas wire centers. However,

Staff recommends denial of Telrite's Application for KUSF Lifeline eligibility based on its finding that Telrite does not meet the "own-facilities" requirement in Kansas.

9. The Commission finds Staff's analysis, findings, and recommendations to be reasonable and hereby adopts the same.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Telrite's Application for Lifeline-Only ETC designation for all AT&T Kansas wire centers is approved for FUSF Lifeline support purposes.

B. Telrite's Application for KUSF Lifeline support eligibility is denied.

C. Telrite shall utilize Lifeline support for its intended purpose and comply with other certification requirements developed by the Commission in Docket No. 05-GIMT-112-GIT and developed in any future proceedings. Future decisions made by the Commission regarding additional ETC requirements must also be followed to continue to receive support.

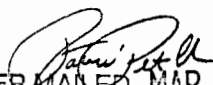
D. The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 77-529(a)(1).

E. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further order, or orders, as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chmn.; Wright, Com.; Albrecht, Com.

Dated: MAR 13 2013


ORDER MAILED MAR 14 2013
Patrice Petersen-Klein
Executive Director

MRN

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Mark Sievers, Chairman
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Shari Feist Albrecht, Commissioner

Sam Brownback, Governor

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chairman Mark Sievers
Commissioner Thomas E. Wright
Commissioner Shari Feist Albrecht

STATE CORPORATION
COMMISSION

FROM: Hal Baumhardt, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

MAR 08 2013

PATRICE PETERSEN-KLEIN
EXECUTIVE DIRECTOR

DATE: March 5, 2013

DATE SUBMITTED TO EXECUTIVE DIRECTOR: 3/8/13

DATE SUBMITTED TO LEGAL: 3-8-13

DATE SUBMITTED TO COMMISSIONERS: 3-08-13

RE: Docket No. 13-RITC-181-ETC

In the Matter of the Application of Telrite d/b/a Life Wireless for Designation as an Eligible Telecommunications Carrier on a Wireless Basis (Low-Income Only)

EXECUTIVE SUMMARY:

Telrite Corporation d/b/a Life Wireless (Telrite) has filed an Application for designation as a wireless Eligible Telecommunications Carrier (ETC) in the state of Kansas. Telrite is a pre-paid wireless telecommunications service provider to consumers using AT&T as its underlying wireless carrier.

Telrite seeks ETC designation to provide low-income Lifeline-Only service to qualifying consumers throughout Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) wire centers. Staff recommends the Commission grant in part and deny in part Telrite's request for designation as a wireless Lifeline-Only ETC in Kansas. Staff recommends granting Telrite's request to receive Federal Universal Service Fund (FUSF) purposes in the requested Kansas AT&T service areas, however, Staff recommends the Commission deny Telrite's request to receive Kansas Universal Service Fund (KUSF) support for the same service areas for reasons discussed below in the Report and Recommendation.

BACKGROUND:

On September 5, 2012, Telrite filed an Application requesting designation as an ETC for the purpose of receiving low-income Lifeline FUSF support within the state of Kansas. Telrite's Application indicates it is not seeking to receive high-cost support, only low-income Lifeline support. In this initial Application, Telrite requests ETC designation throughout AT&T Kansas wire centers.

On March 12, 2012, Telrite availed itself to the Federal Communications Commission's (FCCs) blanket forbearance from the facilities requirement in Section 214(e)(1)(A) and also filed its Compliance Plan with the FCC. On April 10, 2012, Telrite submitted an amended Compliance Plan with the FCC that included minor revision to its Model Application/Certification Form and to its Compliance Plan.

On April 1, 2012, Telrite filed a second amended Compliance Plan with the FCC that included: a) providing additional affiliate reference in footnote one; b) confirming that Telrite will follow the requirements of its Compliance Plan in all states regarding Lifeline service and reimbursements from the federal low-income fund; c) providing additional detail regarding Telrite's enrollment process, personnel training and potential fraud detection; d) providing additional detail regarding Telrite's handset activation policy; e) clarifying a Top-Up rate; f) informing the Commission regarding a recent consent decree; and g) revising the agent use box in the Application/Certification Form.

On July 2, 2012, Telrite filed a third amended Compliance Plan with the FCC that included: a) confirming any state where the public utilities commission determines that Telrite provides service using its own facilities for purposes of a state universal service program; b) providing additional detail regarding Telrite's relationship with its underlying provider in the 911/E911 section; c) writing down the last four digits of an account or other identifying number on Applicant's proof of eligibility document; d) revising its Lifeline Application/Certification Forms; e) providing an income eligibility worksheet used with its applicants; and f) discussing further undertakings by Telrite to prevent duplicate enrollments by sending Training Bulletin and Fraud Policy to its agents.

On July 27, 2012, Tertite filed a fourth amended Compliance Plan with the FCC further revising its Compliance Plan to explain that Telrite's customers may de-enroll from Lifeline support service at any time by simply calling Telrite. In addition, Telrite no longer offers a 68 minute Lifeline plan to new customers, revising its Compliance Plan accordingly.

On November 28, 2012, Telrite filed a fifth amended Compliance Plan with the FCC including: a) stating that Telrite will check each Applicant's government-issued photo identification; and b) providing further detail regarding training of and controls over representatives that interact with potential Lifeline customers.

On November 29, 2012, Telrite filed a sixth amended Compliance Plan with the FCC revising its Plan stating that customers will receive three texts per voice minute for both the 125 minute and 250 minute Lifeline plans and adding a Top-Up plan of unlimited talk and text for one day for \$4.95.

On December 19, 2012, Telrite filed a seventh amended Compliance Plan further detailing its de-enrollment of customers that fail to respond to the annual eligibility verification.

On December 26, 2012, FCC Public Notice DA 12-2063 confirmed approval of Telrite's seventh amended Compliance Plan.

On January 4, 2013, Telrite filed a Supplement to Application for Designation as an Eligible Telecommunications Carrier on a wireless basis advising the Commission that its seventh amended Compliance Plan was approved by the FCC and submitted a copy under Supplement Exhibit [C] into the Docket.

On January 18, 2013, Telrite filed a Second Supplement to Application for Designation as an Eligible Telecommunications Carrier on a wireless basis advising the Commission it is offering a Kansas-specific enhancement to its Lifeline Plan providing three unlimited domestic calling and text days every month, contingent on KUSF reimbursement.

Telrite is a reseller of Commercial Mobile Radio Service (CMRS), specifically AT&T, which is acknowledged as a CMRS provider. Telrite is a Georgia corporation and is headquartered in Covington, Georgia, and its owner and President is Brian Lisle.

ANALYSIS:

Telrite is a Foreign for Profit Corporation organized under the laws of the state of Georgia. Telrite is authorized to conduct business as a Foreign for Profit Corporation in the state of Kansas. Telrite is properly registered with the Kansas Secretary of State's Office and its status is "*active and in good standing*".

Statutory ETC Requirements

1. Federal Requirements

Pursuant to 47 U.S.C. § 214(e)(1), a common carrier designated as an eligible telecommunications carrier shall be eligible to receive universal service support in accordance with Section 254 of the Federal Act and shall, throughout the service area for which the designation is received – (A) offer the services that are supported by federal universal service support mechanisms under Section 254(c) of the Federal Act, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and (B) advertise the availability of such service and the charges therefore using media of general distribution.¹

Congress empowers the states to designate a common carrier as an ETC. Federal law, 47 U.S.C. § 214 (e)(2), states that "Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and *shall*, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission." (Emphasis added.)

¹ 47 U.S.C. § 254.

2. State Requirements

Kansas law adopts the federal standards, contained in 214(e)(1), for designating a provider as an ETC for KUSF purposes. K.S.A. 66-2008(b) states:

Pursuant to the federal act, distributions from the KUSF shall be made in a competitively neutral manner to qualified telecommunications public utilities, telecommunications carriers and wireless telecommunications providers, that are deemed eligible both under subsection (e)(1) of section 214 of the federal act and by the commission.

While the FCC has granted blanket forbearance from the facilities requirement for federal support purposes to Lifeline-Only ETCs, Staff notes that the FCC's blanket forbearance only applies to federally-supported universal service and not state-supported universal service. Thus, carriers need to meet the "own facilities" requirement in order to be eligible for Kansas support.

Moreover, Telrite stated in its Application that the Company maintains its own facilities within the State of Georgia but does not have any infrastructure in Kansas, and Telrite only provides interexchange (IXC) service in Kansas using AT&T's network.² Therefore, even though Telrite received blanket forbearance for the federal facilities requirement, it fails to meet the Kansas requirement for "own-facilities" and; therefore, Staff recommends the Commission deny Telrite's request to receive KUSF support in the requested AT&T Kansas wire centers.

Service or Functionalities

The FCC identifies the services or functionalities that shall be supported by the federal universal service support mechanisms, pursuant to 47 U.S.C. § 254 (c). The supported services are codified in 47 C.F.R. § 54.101(a), which reads as follows:

Voice Telephony services shall be supported by federal universal service 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 its Application, Telrite provided the following explanations of how it proposes to provide Voice Telephony services.

Voice-grade access to the public switched network – Upon designation as an ETC in Kansas, and consistent with state and federal policies favoring universal service, Telrite

² In response to Staff's RFI 7.1(b) regarding the provision of long distance service. Telrite stated, long distance is part of the Life Wireless Service offering...and will remain on the AT&T Wireless network.

will offer voice telephony services as described in the amended Section of the FCC Rules, 47 C.F.R. §§ 54.101(a).

Local usage – Telrite offers a local usage plan comparable to the one offered by the ILEC in the service areas for which it seeks designation.

Access to emergency services – Telrite will provide access to emergency services provided by local government or public safety officials, including 911 and enhanced 911 (E911) where available and will comply with any Commission requirements regarding E911 – compatible handsets. The Company will comply with the Commission’s forbearance grant conditions relating to the provision of 911 and E911 service and handsets. Telrite also commits to remit 911 revenues to local authorities.

Toll limitations for qualifying low-income consumers – Telrite will not provide toll limitation service (TLS), which allows low-income consumers to avoid unexpected toll charges. However, since the Company is a prepaid service provider, customers cannot be disconnected for failure to pay toll charges, nor are there additional charges for exceeding their minutes. Further, the Company, like most wireless carriers, does not differentiate domestic long distance toll usage from local usage and all usage is paid for in advance.

With regard to the local usage component, the Commission determined in its October 2, 2006, Order in Docket No. 06-GIMT-446-GIT [446 Docket] (October 2nd Order) that it would follow the FCC’s guidance and evaluate local usage by considering the comparability of a Competitive Eligible Telecommunications Carrier’s (CETCs) offering on a case-by-case basis “by evaluating the total service package, including the local calling scope, included features and usage that might otherwise be considered long distance.” The Commission further stated that it would consider whether an ETC Applicant offers unlimited calling to government, social service, health facilities, educational institutions and emergency numbers when considering comparability.¶¶7-8.

On January 15, 2013, Staff submitted a Request for Information (RFI) 2.3 asking the Company to clarify the difference with its Lifeline service plan(s) between its Application and its Compliance Plan.

Telrite indicated in accordance with its seventh amended Compliance Plan approved by the FCC on December 26, 2012, and in response to Staff’s RFI 2.3 that it is offering two Lifeline service plans to include an option of a 125 Minutes Plan with rollover (text rate of three texts per minute) and a 250 Minute Plan without rollover (text rate of three texts per minute). Airtime cards are available in denomination as: \$5.00, \$10.00, \$4.95, \$7.95, \$12.95, \$21.95, and \$29.95. The airtime when used for standard cellular calls is valued at and will be decremented as follows:

- 1) \$5.00 denomination – 60 minutes (\$0.083 per minute) of use;
- 2) \$10.00 denomination – 130 minutes (\$0.077 per minute) of use;
- 3) \$4.95 denomination – 1 Day Unlimited Talk and SMS³;

³ SMS stands for Short Message Service and refers to text/texting with the maximum size of the text message of 160 characters including spaces.

- 4) \$7.95 denomination – 3 Day Unlimited Talk and SMS;
- 5) \$12.95 denomination – 7 Days Unlimited Talk and SMS;
- 6) \$21.95 denomination – 14 Days Unlimited Talk and SMS; and
- 7) \$29.95 denomination – 30 Day Unlimited Talk and SMS

The minute plans include the following features: Caller ID; Call Forwarding; 3-Way calling; Call waiting; and Voicemail. Wireless handsets will be delivered at no charge to qualifying customers. Moreover, the plans include domestic long-distance at no extra per minute charge. Telrite does not impose credit checks, send any customer bills, has no long-term service contracts, and does not impose a service activation fee on its Lifeline customers. Calls to 911 and E911 emergency services are always free, regardless of service activation or availability of minutes.

Telrite in its Second Amended Application has proposed a “Special Offer” to Kansas Lifeline Customers that provides three unlimited domestic calling and text days every month, contingent upon ETC designation and receipt of KUSF support. Although this “Special Offer” might be ardent to Kansas Lifeline customers, Staff does not deem the offer sufficient to necessitate receiving KUSF support in addition to Staff’s other concerns regarding the functionality of Telrite’s network used to provide Lifeline service on a wireless basis, which is addressed below in the Facilities Section and the Kansas Lifeline Service Program Credit Section of the Report and Recommendation.

AT&T Kansas’ monthly rate for a residential access line is \$21.00 in the requested AT&T Kansas exchanges before the federal Lifeline discount is applied. The local calling scope is the exchange, but local calls are unlimited.

Staff does not believe the local usage that will be offered in Telrite’s Lifeline Offerings is clearly comparable, but rather, Staff believes in this case local usage comparability would depend on the usage pattern of the particular customer. A customer that completes calls primarily within their exchange may not find the amount of local usage offered by Telrite to be comparable to the offering of the incumbent. However, a customer that completes calls outside of their exchange may find that the local usage is comparable. When one considers the calling scope, usage that might otherwise be considered long distance and mobility, a consumer may find Telrite’s plans comparable to the incumbent’s service offering.

Kansas Lifeline Service Program Credit

The Kansas Legislature required the Commission to establish the Kansas Lifeline Service Program (KLSP) to promote the provision of universal service to persons with low income, and it is to be targeted to maintain affordable rates for residential local service.⁴ As the Commission stated in its August 17, 2011, Order in Docket No. 10-GIMT-658-GIT, “in order for the KLSP purpose to be fully realized, the entirety of the KLSP discount **must** be passed along to the end user consumer, to be reflected in the end user consumer’s bill, and all consumers must receive the full, maximum benefit, and not some lesser benefit due to a choice of a carrier.” (Emphasis added.)

⁴ K.S.A. 66-2008(a).

Many carriers, such as Telrite, typically offer the same calling plans on a nationwide basis regardless of whether the carrier receives state Lifeline support in addition to the federal Lifeline subsidy of \$9.25 per month. When customers receive the same amount of free calling minutes as customers in states that do not provide an additional state Lifeline discount, the customers are not receiving the added benefit from the state subsidy.

In its Second Supplement to its Application, Telrite states that, if it is granted ETC designation for KUSF Lifeline support, it will provide a special offer to Kansas Lifeline customers. Telrite's special offer consists of providing three unlimited domestic calling and text days every month to all of Telrite's customers in the State of Kansas. At the time of enrollment, the Kansas customer will be informed of the special offer, and a three-day unlimited talk and text PIN will be provided to the Kansas customer. The customer will be given instructions to redeem the PIN at any time before their next monthly anniversary date. It will be explained that on every monthly anniversary date they will receive a text message with their three-day unlimited talk and text PIN. The monthly text to the customer will instruct them to dial 611 from their handset and follow the instructions to redeem the unlimited PIN. Customers must redeem the PIN before the next monthly anniversary date or the PIN will expire (no rollover).

Staff does not believe Telrite's Kansas customers would be receiving the full, maximum benefit of the KLSP discount under Telrite's proposed Kansas Lifeline plan. First, it appears onerous to Staff to require the customer to enter a PIN before each monthly anniversary date in order for the customer to receive the added Kansas benefit. Second, Staff does not believe that even those Kansas customers who remember to enter their PIN each month would be receiving extra value equal to or greater than the \$7.77 KLSP discount.

As the Commission stated in its August 17, 2011, Order in Docket No. 10-GIMT-658-GIT, "in order for the KLSP purpose to be fully realized, the entirety of the KLSP discount **must** be passed along to the end user consumer, to be reflected in the end user consumer's bill, and all consumers must receive the full, maximum benefit, and not some lesser benefit due to a choice of a carrier." Staff does not believe the full KLSP discount would be passed along to Telrite's customers; therefore, Staff does not believe it would be in the public interest to grant Telrite's request for ETC designation for KUSF support.

Lifeline Calling Plan Rule

In the Commission's October 2nd Order, the Commission determined that, among other things, ETCs must apply the Lifeline discount to the service plan a qualifying Lifeline customer chooses. The Commission specifically ordered the following:

ETCs are required to allow Lifeline customers to choose a calling plan and to apply the Lifeline discount to the plan selected by the customers. Any ETC that does not allow customer selection at this time must do so within 180 days of the date of this Order.⁵

⁵ In the Matter of a General Investigation Addressing Requirements for Designation of Eligible Telecommunications Carriers, Docket No. 06-GIMT-446-GIT, Order Adopting Requirements for Designations of Eligible Telecommunications Carrier, October 2, 2006, (446 Docket), ¶ 77e.

On January 15, 2013, Staff submitted RFI 3.1 to ensure that Telrite will comply with the October 2nd Order that requires carriers offer all plans to a Lifeline customer, if they choose the calling plan.

In response to Staff's RFI 3.1, Telrite stated that it will offer a non-Lifeline service plan in Kansas that complies with ¶65 of the Commission's Order Adopting Requirement for Designation of Eligible Telecommunications Carriers; whereby, Lifeline subscribers may choose any Telrite service plan at a discounted rate.

Consumer Eligibility and Enrollment

In the Report and Order and Further Notice of Proposed Rulemaking,⁶ the FCC comprehensively reformed and began the modernization of the Universal Service Fund's Lifeline program. Part of that reform was the establishment of uniform eligibility criteria application information in all states.⁷ The Lifeline Credit Application is used to collect specific customer information on either of two qualifying programs (Income-Based or Program-Based) to make certain that the Lifeline subscriber is eligible to receive the Lifeline service. On March 12, 2012, Telrite filed its Compliance Plan with the FCC, which included Telrite's Lifeline Credit Application template as Exhibit [A].

When Telrite filed its Application to be designated an ETC in the state of Kansas, the Company included its Lifeline Application/Certification Form identified as a generic Lifeline Credit Application. However, Staff's analysis found that the Lifeline Credit Application failed to meet the Kansas Lifeline program parameters for both Income-Base and Program-Base criteria.

On January 15, 2013, Staff submitted RFI 1.3 and RFI 2.1 respectively, addressing that the Program-Based criteria was missing two Kansas eligible programs and that the Income-Based annual amounts listed on Telrite's submitted Lifeline Credit Application were at 135% of the Federal Poverty Level (FPL) rather than 150% of FPL⁸. Therefore, Telrite's Lifeline Credit Application, as filed, did not meet the compliance requirement in the 446 Docket.

In response to Staff's RFIs, Telrite revised its Kansas Lifeline Credit Application, which now conforms to the 150% FPL and lists all available Kansas eligible Program-Base criteria. Staff is satisfied that Telrite's Kansas Lifeline Credit Application now meets the Kansas Lifeline program parameters.

⁶ See FCC R&O and FNPM, FCC12-11, released February 6, 2012.

⁷ 47 C.F.R. §§54.410(a), (b)(1), (c)(1), 54.410(d)(1), (d)(2), (d)(3)

⁸ Kansas Lifeline Program guidelines adopted a 150% of FPL. See *Commission Order* in Docket No. 00-GIMT-910-GIT, filed January 12, 2003.

Technically and Financially Capable

1. Requirements

The FCC, in its Lifeline Reform Order, amended sections 54.201 and 54.202 of its rules, which govern ETC designation by states to require a carrier seeking designation as a wireless Lifeline-Only ETC to demonstrate that it is technically and financially capable of providing the supported Lifeline service in compliance with all of the low-income program rules. Therefore, in order to ensure wireless Lifeline-Only ETCs are technically and financially capable to provide Lifeline service, the FCC included an explicit requirement to both 54.201 and 54.202 for a common carrier seeking to be designated as a Lifeline-Only ETC demonstrate its technical and financial capability to provide the supported service.

The FCC stated that among the relevant considerations for such a showing are:

- a) Whether the Applicant previously offered services to non-Lifeline consumers;
- b) How long the Company has been in business;
- c) Whether the Applicant intends to rely exclusively on USF disbursements to operate;
- d) Whether the Applicant receives or will receive revenue from other sources; and
- e) Whether the Company has been subject to enforcement action or ETC revocation proceeding in any state.

The Commission requested comment in its March 27, 2012, Order in Docket No. 10-GIMT-658-GIT on what additional information should be provided by wireless Lifeline-Only ETCs to demonstrate their technical and financial capacity. After reviewing the Comments filed, the Commission determined in its June 21, 2012, Order that:

The FCC requires Lifeline-only ETC applicants to provide, in their Compliance Plan, a detailed description of how the carrier offers service, the geographic areas in which it offers service, and a description of the carrier's various Lifeline service plan offerings, including subscriber rates, number of minutes included and types of plans available. Lifeline-only ETC applicants should file Kansas-specific information regarding technical and financial capacity similar to the information provided in the carrier's FCC Compliance Plan when filing for Lifeline-only ETC status in Kansas.

2. Telrite's Demonstration of Financial and Technical Capacity

In Telrite's Application and Compliance Plan, the Company states the following regarding the five considerations of its technical and financial capabilities:

- a) Telrite has been offering Lifeline service to customers since October 2010. Telrite also offers several other telecommunications services in addition to its Lifeline service.
- b) Telrite has been in business for over ten years.
- c) Telrite has access to sufficient funds to run its business and is not solely dependent on reimbursements from the Fund.
- d) In 2011, the wireline services offered by Telrite produced substantial net income. This revenue was generated from more than 30,000 customers of Telrite's local and long distance service, which Telrite has been providing for over 10 years.

- e) The Company has not been subject to enforcement sanctions or ETC revocation proceeding in any state.

Staff is satisfied that Telrite meets the FCC's rules pursuant to section 54.202 as being technical and financial capable to offer Lifeline-Only support in its requested service areas.

Types of Facilities Used to Provide Service

Telrite states it provides the supported services using a combination of facilities which it owns, facilities which it leases, facilities that it controls by contractual means, and the resale of the wireless services of other carriers. Telrite indicates it also obtains service through CMRS providers to allow the Company to supplement the services provided through Company-owned facilities, which it will obtain from its underlying wireless provider that currently operate owned networks and Company-owned facilities.

In the Report and Order and Further Notice of Proposed Rulemaking,⁹ the FCC eliminated its former list of nine supported services and amended section 54.101 of the FCC's rules to specify the four elements that now constitutes "voice telephony service", which are codified in 47.C.F.R. § 54.101(a). The FCC stated that a Lifeline-Only ETC does not meet the "own facilities" requirement of section 214(e)(1) if its only facilities are those used to provide functions that are no longer supported "voice telephony service" under amended rule 54.101, such as access to operator service or Directory Assistance (DA). While the FCC has granted blanket forbearance for federal support purposes to Lifeline-Only ETCs, Staff notes that the FCC's blanket forbearance only applies to federally-supported universal service and not state-supported universal service. Hence, carriers need to meet the "own facilities" requirement in order to be eligible for Kansas support.

Telrite states in its Application that it meets the minimum facilities requirements as discussed above and requests the Commission determine as such. However, in other states where there does not exist a minimum facilities requirement for access to state universal service funds, Telrite will rely on the blanket forbearance included in the FCC's Lifeline Reform Order.

Staff believes Telrite was granted blanket forbearance from the federal facilities requirement by means of the FCC's blanket forbearance, but does not meet the "own facilities" to obtain KUSF support since Telrite does not actually have its own facilities that it uses to provide voice telephony service. According to Telrite, the primary function of its Georgia network is to handle international calling and calls to customer service and DA. Telrite acknowledged that it is not essential, when making a wireless call using a Telrite handset, to use the Georgia network¹⁰ and the wireless call can and is completed utilizing AT&T's wireless network as its underlying carrier. Therefore, the functionality of Telrite's network does not meet the "own facilities" requirement, and Staff recommends that Commission find Telrite ineligible to be designated an ETC for low-income KUSF support.

⁹ See FCC R&O and FNPM, FCC-12-11, released February 6, 2012.

¹⁰ No part of the Georgia Network resides in Kansas. At the present time, Telrite routes Operator Services, DA and International calls through its Georgia network.

On December 26, 2012, the FCC approved Telrite's Compliance Plan, which was filed as a condition of Telrite's FCC blanket forbearance, where the FCC in the *Lifeline Reform Order* found that a grant of blanket forbearance of the facilities requirement, subject to certain public safety and compliance obligations, is appropriate for carriers seeking to provide Lifeline-Only service.¹¹

There are four conditions that Telrite is required to implement to prevent waste, fraud and abuse in the Lifeline program. They are as follows:

1. Make available, upon request, state-specific subscriber data, including the names and addresses of Lifeline subscribers, to Universal Service Administrative Company (USAC) and to each state public utilities commission where the Company operates for the purpose of determining whether an existing Lifeline subscriber receives Lifeline service from another carrier;
2. Assist the Commission, USAC, state commissions, and other ETCs in resolving instances of duplicative enrollment by Lifeline subscribers, including by providing to USAC and /or any state commission, upon request, the necessary information to detect and resolve duplicative Lifeline claims;
3. Promptly investigate any notification that it receives from the Commission, USAC, or a state commission to the effect that one of its customers already receives Lifeline services from another carrier; and
4. Immediately de-enroll any subscriber whom the Company has a reasonable basis to believe is receiving Lifeline-supported service from another ETC or is no longer eligible – whether or not such information is provided by the Commission, USAC, or a state commission.

Staff is satisfied that Telrite has applied for, and received approval of, its Compliance Plan with the FCC. The four aforementioned conditions in Telrite's Compliance Plan demonstrate its efforts to eliminate waste, fraud, and abuse in the Lifeline program, an objective that both the FCC and state Commissions are striving to achieve.

Service Areas

Section 214(e)(5) of the Federal Act defines "service area" as:

The term "service area" means a geographic area established by a State commission for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the [Federal Communications] Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

"Service areas" or "operating areas" are defined by the state act in K.S.A. 66-1,187(k), and provides that:

¹¹ See Lifeline Reform Order, FCC 12-11 at ¶¶ 368-381.

- (1) In the case of a rural telephone company, operating area or service area means such company's study area or areas as approved by the federal communications commission; and
- (2) in the case of a local exchange carrier, other than a rural telephone company, operating area or service area means such carrier's local exchange service area or areas as approved by the commission.

AT&T Kansas is considered a non-rural telephone company for federal support purposes. The wire center/exchange is the designated service area for federal support purposes for AT&T Kansas.

Staff believes Telrite is capable of providing Lifeline services to the requested AT&T Kansas wire centers. Consequently, Staff believes Telrite is eligible to be granted ETC designation in the requested AT&T Kansas exchanges, if the Commission deems it is in the public interest.

Advertising

Eligibility for federal universal service support is addressed by Section 214(e) of the Federal Act. Section 214(e)(1) of the Federal Act states as follows:

- (1) ELIGIBLE TELECOMMUNICATIONS CARRIERS – A common carrier designated as an eligible telecommunications carrier under paragraph (2) or (3) shall be eligible to receive universal service support in accordance with Section 254 and shall, throughout the service area for which the designation is received – (A) offer the services that are supported by Federal universal service support mechanisms under Section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and (B) advertise the availability of such services and the charges therefore using media of general distribution.

Regarding advertising, Telrite states it will advertise the availability of the supported services and adopts the FCC's specific requirements for Lifeline advertising in its Lifeline Reform Order.¹² The FCC requirements will be included in all print, audio, video and web materials (including social networking media) used to describe or enroll customers in the Company's Lifeline service offering, as well as the Company's Application Forms and Certification Forms. This specifically includes the Company's website and outdoor signage. The Company further states it is fully prepared to and will comply with federal requirements that it advertise the availability of its services throughout its Service Area using media of general distribution. Lastly, Telrite states it specifically targets its advertising so as to reach its intended market base of low-income consumers who otherwise would be without service or unaware of the program's availability and benefits.

Staff notes that the Commission required CETCs to develop "meaningful language so that consumers will understand what they can expect from an ETC" and provide it to Staff to review within 90 days as directed by the Commission's October 2nd Order ¶12. In addition, the

¹² Lifeline Reform Order at ¶ 275.

Commission determined that all CETCs shall include contact information for the Commission's Office of Public Affairs and Consumer Protection (PACP) in its advertisements to make sure that customers know where to turn with questions and complaints.

On January 15, 2013, Staff submitted RFI 5.1 to clarify the advertising verbiage Telrite intends to use for its Lifeline wireless customers. In response to Staff's RFI 5.1, Telrite stated that Telrite will revise all marketing materials used in Kansas to include the language listed below established by the Commission

As a designated telecommunications carrier eligible to receive universal service support, Telrite Corporation d/b/a Life Wireless is proud to offer the Lifeline programs in the state of Kansas. We will provide discounts off service activation (if applicable) and one basic monthly service for residential customers who qualify for certain medical, energy, or income-assisted programs. To determine if you qualify for Kansas Lifeline service, customers may call (888) 543-3620. For unresolved questions or complaints, you may contact the Kansas Corporation Commission, Office of Public Affairs and Consumer Protection, at KCC – Consumer Protection, 1500 SW Arrowhead Road, Topeka, KS 66604 or toll-free 1.800.662.0027 or in Topeka 785.271.3140. Hearing or speech impaired TDD Kansas Relay Center 1.800.766.3777.

Public Interest

1. Public Interest Factors

The FCC, in its Virginia Cellular Order,¹³ made new findings regarding determination of the public interest. While the FCC's decision is not binding on this Commission, the Commission found in its ALLTEL and RCC Minnesota Orders that examination of the additional factors enumerated in the FCC's Order is reasonable.

In Telrite's Application, the Company provided the following explanations of how it meets the guidelines that the FCC suggested for evaluation in the Virginia Cellular Order:

- **Benefits of Increased Competitive Choice** – Telrite is seeking ETC designation on a wireless basis and will provide an additional valuable alternative to the existing telecommunications services currently available in these areas and will promote competition and facilitate the provision of advanced communications services to low-income residents of Kansas. The public interest benefits of inclusion of the Company's wireless service include larger local calling areas (as compared to traditional wireline carriers), the convenience and security afforded by mobile telephone service, the opportunity for customers to control cost by receiving a preset amount of monthly airtime at no charge, the ability to purchase additional usage in the event that included usage has been exhausted, 911 service and, where available, E911 service in accordance with current FCC requirements.

¹³ See *In the Matter of Federal State Joint Board on Universal Service: Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier In the Commonwealth of Virginia*, Released: January 22, 2004, ("Virginia Cellular Order"), FCC Docket No. DA 03-338.

Designation of the Company as an ETC on a wireless basis will motivate other carriers serving the same area to improve their existing networks and service offerings to remain competitive, which will result in improved consumer services and will also benefit consumers by allowing Telrite to offer the services designated for support at rates that are "just, reasonable, and affordable."

Added together, Telrite expects these additional competitive advantages to create an atmosphere that will cause many qualified consumers, at their option, to select the Company's low-income wireless Lifeline service in lieu of the more traditional wireline or wireless services.

- **Competitive ETC's Ability to Provide the Support Services Throughout the Designated Service Area Within a Reasonable Time Frame** – Telrite not only commits to provide service throughout its Service Area, but also commits to provide universal service in a timely manner to all customers who make a reasonable request for service pursuant to the FCC Rules. If designated as a wireless ETC, Telrite will provide service throughout its Service Area through a combination of its own facilities and the resale of services.
- **Impact of Multiple Designations on the Universal Service Fund** – Designation of the Company as an ETC will not pose any adverse effect in the growth in the high cost portions of the USF, nor will it create or contribute to an erosion of high-cost funding from any rural or non-rural telephone company. The FCC reaffirmed this position when it stated that "the potential growth of the fund associated with high-cost support distributed to competitive ETCs" is not relevant to carriers seeking support associated with the low-income program. Accordingly, total low-income support for 2007 accounted for only 11.8 percent of the total distribution of the USF, with high-cost accounting for over 61 percent of the total.¹⁴ The FCC also recognized that the total effect of additional low-income-only ETC designations would have a minimal impact on the fund when it stated that "any increase in the size of the fund would be minimal and would be outweighed by the benefits of increasing eligible participation in the Lifeline programs, furthering the statutory goal of providing access to low-income consumers."¹⁵
- **Unique Advantages and Disadvantages of the Competitor's Service Offering** – Telrite will offer a unique, easy to use, competitive and highly affordable wireless telecommunications service, which it will make available to qualified consumers who either have no other alternative or who choose a wireless prepaid solution in lieu of more traditional services. Telrite will provide universal service as an ETC in all of its Service Areas. Telrite is willing to accept carrier of last resort obligation throughout the universal service area in which Telrite is designated as an ETC by the Commission. Telrite will provide equal access to long distance carriers; to the extent it is able to do so.

¹⁴ 2008 Wireline Competition Bureau, FCC, *Trends in Telephone Service*, Chart 19.1.

¹⁵ On January 15, 2013, Staff submitted RFI 4.1 to obtain Telrite's specific impact to the federal USF from a Kansas perspective. In response to Staff's RFI 4.1, Telrite states it predicts a 20% take rate in Kansas. Therefore, 20% of 229,000 households' equal 45,800 multiplied by \$9.25 equates to a \$423,650 impact on the USF.

Telrite offers a local usage plan comparable to the one offered by the ILEC in the service areas for which it seeks ETC designation.

- **Commitments Made Regarding High-quality Telecommunications Services By Company** – Telrite will comply with the Cellular Telecommunications and Internet Association's (CITA) Consumer Code for wireless services. As part of its certification requirements for providing local exchange services, Telrite must abide by the service quality and consumer protection rules. In addition, Telrite commits to reporting information on consumer complaints per 1,000 lines on an annual basis consistent with the FCC's USF Order. Telrite, in general, commits to satisfying all such applicable state and federal requirements related to consumer protection and service quality standards.

2. Ability to Remain Functional in an Emergency

The Commission determined in its October 2nd Order that an ETC Applicant shall demonstrate that it has sufficient back-up power to remain functional without external power in emergency situations, is able to reroute traffic around damaged facilities, and can manage emergency traffic spikes. In Telrite's Application, the Company states since it is providing service to its customers in part through the use of facilities obtained from another carrier it is able to provide to its customers the same ability to remain functional in emergency situations as currently provided by the carriers to their own customers, including access to a reasonable amount of back-up power to ensure functionality without an external power source, rerouting of traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations. Moreover, the Company states that as a reseller of other carrier's wireless services, Telrite is able to offer service of the same quality and reliability as the underlying vendor. Telrite cannot guarantee that customers will never experience service disruptions, however, Telrite's underlying carrier agreement allow its service to be as reliable as any other wireless service that must deal with atmospheric and other conditions that sometimes result in dropped calls.

Also in the October 2nd Order, the Commission requires all CETCs to file two-year Service Quality Improvement Plans demonstrating progress, including maps and, if targets were not met, an explanation of why on an annual basis beginning in August 2007.¹⁶ Because Telrite is not seeking high-cost support for its wireless service, certain requirements¹⁷ concerning ETC Applications specific to high-cost support are inapplicable, and Telrite's situation is such that submission of a service quality improvement is not applicable to the Company as a Lifeline-only ETC Applicant. Staff concurs with this requirement given that the FCC revised its rules so that only high-cost ETCs are required to submit network improvement plans. The FCC amended section 54.202 to clarify that a common carrier seeking designation as a Lifeline-only ETC is not required to submit a five-year network improvement plan as part of its Application for designation as an ETC.¹⁸

¹⁶ See Order Granting Request for Waiver, Docket No. 06-GIMT-446-GIT (June 7, 2007); Order Granting Nexus Communication's Request for Waiver of the Commission's Requirements To File a Map and Two Year Quality Service Improvement Plan, Docket No. 06-GIMT-446-GIT (October 13, 2009).

¹⁷ See C.F.R. §54.202(a)(1)(ii)

¹⁸ See Lifeline and Link Up Reform Order at ¶ 386.

After reviewing Telrite's Application and its responses to Staff RFIs, Staff believes that Telrite has demonstrated that it is in the public interest to designate it as a wireless Lifeline-Only ETC for federal USF purposes only in the requested service areas.

RECOMMENDATION:

Staff recommends approval of Telrite's request for designation as a wireless Lifeline-Only ETC throughout the AT&T Kansas wire centers for the purpose of receiving low-income FUSF support for its wireless customers. Conversely, after reviewing Telrite's Application and its responses to Staff's RFIs, Staff recommends the Commission deny Telrite's request to receive KUSF support for reasons aforementioned in Staff's Report and Recommendation.

Telrite should be advised that support received must be used for its intended purpose each year and the Company must comply with other certification requirements developed by the Commission in Docket No. 05-GIMT-112-GIT and in any future proceedings. Additionally, Telrite should be reminded that any future decisions made by the Commission resulting from the October 2nd Order, and any future decisions made by the Commission regarding additional ETC requirements, may impact the Company and the Company may be required to follow these to continue to receive support.

cc: Patrice Petersen-Klein, Executive Director

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
H. PHILIP ELWOOD GOODELL STRATTON EDMONDS & PALMER 515 S KANSAS AVE TOPEKA, KS 66603-3999		
CODY G. ROBERTSON GOODELL STRATTON EDMONDS & PALMER 515 S KANSAS AVE TOPEKA, KS 66603-3999		
J. ANDREW GIPSON, ATTORNEY JONES WALKER WAECHTER POITEVENT CARRERE & DENEGR 190 E CAPITOL STREET, STE. 800 PO BOX 427 JACKSON, MS 39205-0427		
MICHAEL NEELEY, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
BRIAN LISLE, PRESIDENT TELRITE CORPORATION 4113 MONTICELLO STREET COVINGTON, GA 30014		

ORDER MAILED **MAR 14 2013**

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.