

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of)
Windstream Nebraska, Inc. for Modification) Docket No. 18-WMNT-415-CXB
to its Exchange Boundary)

PETITION FOR RECONSIDERATION

COMES NOW, Windstream Nebraska, Inc. (“Windstream”) pursuant to K.S.A. 66-118b and K.S.A. 2010 Supp. 77-529(a)(1) respectfully petitions the State Corporation Commission of the State of Kansas (“Commission”) to reconsider its Order Assessing Costs (“Order”) released April 3, 2018 in the above captioned proceeding. In support of this Petition for Reconsideration (“Petition”), Windstream states as follows:

1. On October 4, 2017, Lori Barr filed a petition with the Nebraska Public Service Commission (“NE PSC”) seeking a boundary change to receive broadband service from Blue Valley Telecommunications (“Blue Valley”).
2. On October 24, 2017, Windstream filed a response to Ms. Barr’s petition with the NE PSC consenting to the request provided Windstream would incur no liability for expenses related to regulatory filings. Windstream’s response stated that Blue Valley must agree to pay such amounts on Windstream’s behalf.
3. On January 9, 2018, the NE PSC issued an Order granting Ms. Barr’s petition.¹ The NE Order states that Ms. Barr is served out of the Blue Valley Oketo exchange, which is a Kansas exchange extending into Nebraska and therefore Ms. Barr

¹ *In the Matter of the Application of Lori Barr, Liberty, Nebraska, seeking authority to receive advanced telecommunications services from the Oketo, Kansas, Exchange of Blue Valley Communications*, Application No. C-4951 (January 9, 2018) (“NE Order”).

may need approval of the proposed change by the Kansas Corporation Commission.² The NE PSC's order is only approving the request to modify the Windstream's Liberty Exchange boundary.³

4. Windstream is agreeing to release Ms. Barr to Blue Valley to allow her to have access to broadband and other services provided by Blue Valley. Blue Valley notified the NE PSC of its acceptance to make the boundary change and provide service to Ms. Barr.⁴

5. On March 9, 2018, Windstream filed a request for a boundary change with the Commission to reflect the decision of the NE PSC. In its filing with the Commission, Windstream agreed to the boundary change with the same conditions listed in its response with the NE PSC. Specifically, that Blue Valley be responsible for regulatory expenses related to the boundary change.

6. Notwithstanding the conditions listed by Windstream in its responses to the NE PSC and the Commission, on April 3, 2018, the Commission issued an order assessing the costs of this proceeding to Windstream.

7. Blue Valley, as the new service provider of Ms. Barr, should be the entity that is responsible for all expenses associated with acquiring this new customer, including regulatory expenses to modify Blue Valley's Oketo Exchange. It is unreasonable to require Windstream to absorb the costs of this proceeding when it is amicably releasing one of its customers to Blue Valley.

² NE Order at 1.

³ Id.

⁴ Id.

8. For the foregoing reasons, Windstream respectfully requests that the Commission grant the Petition and absolve Windstream from any responsibility for the costs of this proceeding.

Respectfully submitted,



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ATTORNEY FOR WINDSTREAM NEBRASKA, INC.

CERTIFICATE OF SERVICE

I do hereby certify that on the 16th day of April 2017, I electronically filed via the Kansas Corporation Commission's Electronic Filing System, a true and correct copy of the above and foregoing with a copy emailed to all participants of record.

A handwritten signature in black ink, appearing to read "Cesar Caballero", with a stylized flourish at the end.

Cesar Caballero