

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

In the Matter of the Application of Nex-Tech, LLC )  
for an Order Confirming Relinquishment of its )  
Eligible Telecommunications Carrier Designation ) Docket No. 19-NTHT-244-ETC  
and Notice Pursuant to K.S.A. 2015 Supp. )  
66-2005 (d) of Intent to Cease Participation )  
In the Kansas Lifeline Services Program. )

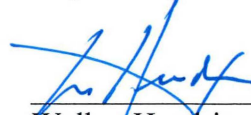
**NOTICE OF FILING STAFF REPORT AND RECOMMENDATION**

COMES NOW the Staff of the State Corporation Commission of the State of Kansas, and  
for its Notice of Filing Staff Report and Recommendation states as follows:

Staff hereby files the attached Report and Recommendation dated March 11, 2019, providing Staff's analysis and recommendation regarding Nex-Tech, LLC's (Nex-Tech) request to relinquish its Eligible Telecommunications Carrier (ETC) designation in specified areas and to cease participation in the Kansas Lifeline Service Program (KLSP) effective May 31, 2019. The Report and Recommendation proposes to confirm Nex-Tech has provided notice of its intent to cease participation in the KLSP; to have the Commission grant ETC relinquishment in certain areas, including Atwood, Bird City, Great Bend, Hays, Hoxie, McDonald, McPherson, Norton, Oberlin, Phillipsburg-Kirwin, Plainville, Saline, Smith Center, St. Francis, and Stockton exchanges; to avoid granting ETC relinquishment for the Abilene exchange; and to require the remaining ETCs to ensure all customers served by Nex-Tech will continue to be served with ETC Lifeline support in the wire centers (exchanges) where relinquishment is granted.

WHEREFORE, Staff presents its Report and Recommendation for the record and the Commission's information.

Respectfully Submitted,



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Walker Hendrix, 08835  
Litigation Counsel  
Kansas Corporation Commission  
1500 S.W. Arrowhead Road  
Topeka, Kansas 66604-4027  
Phone: 785-271-3157  
Fax: 785-271-3167

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chair Dwight D. Keen  
Commissioner Shari Feist Albrecht  
Commissioner Jay Scott Emler

**FROM:** Christine Aarnes, Chief of Telecommunications & SPP Affairs  
Jeff McClanahan, Utilities Division Director

**DATE:** March 11, 2019

**RE:** Docket No. 19-NTHT-244-ETC

In the Matter of the Application of Nex-Tech, LLC for an Order Confirming Relinquishment of its Eligible Telecommunications Carrier Designation and Notice Pursuant to K.S.A. 2015 Supp. 66-2005(d) of Intent to Cease Participation in the Kansas Lifeline Services Program

**I. EXECUTIVE SUMMARY**

On December 19, 2018, Nex-Tech, LLC (Nex-Tech) filed an Application requesting an Order to confirm: (1) relinquishment of its Eligible Telecommunications Carrier (ETC) designation in specified areas as identified in its filing, effective May 31, 2019; and (2) its notice of intent to cease participation in the Kansas Lifeline Service Program (KLSP), effective May 31, 2019. Nex-Tech filed an Errata on January 16, 2019, correcting Exhibit B to its Application.

Staff recommends the Commission issue an Order:

- (1) confirming that Nex-Tech has provided notice of its intent to cease participation in the KLSP and that it may cease participation in the KLSP, effective May 31, 2019, pursuant to K.S.A. 66-2006(d);
- (2) granting Nex-Tech's request for ETC relinquishment in the Atwood, Bird City, Great Bend, Hays, Hoxie, McDonald, McPherson, Norton, Oberlin, Phillipsburg-Kirwin, Plainville, Saline, Smith Center, St. Francis, and Stockton exchanges;
- (3) denying Nex-Tech's request for ETC relinquishment in the Abilene exchange; and

- (4) requiring the remaining ETCs to ensure that all customers served by Nex-Tech will continue to be served in the wire centers/exchanges in which the Commission grants relinquishment.<sup>1</sup>

Although all ETCs should know and understand the obligations that they committed to when they applied to become an ETC, Staff recommends the Commission serve the Order on all competitive ETCs designated in the exchanges approved for relinquishment so that they understand their ongoing ETC obligations and requirement to serve Nex-Tech's remaining customers.

Ninety days' notice is required for telecommunications carriers and electing carriers to cease participating in the KLSP, but there is no statutory deadline for relinquishing ETC authority.

## **II. BACKGROUND**

### **a. History of ETCs**

Universal service is the principle that all Americans should have access to communications services and is a cornerstone of the law that established the FCC and the Communications Act of 1934. Since that time, universal service policies have helped make telephone service ubiquitous, even in rural, high-cost areas of the country.

Both the Federal and Kansas Telecommunications Acts of 1996 contain provisions to develop universal service funds to maintain and advance universal service, which led to the establishment of the Federal Universal Service Fund (FUSF) and the Kansas Universal Service Fund (KUSF), respectively. The FUSF provides support through four programs, including the high-cost program, which provides funding to carriers to ensure that residents in high-cost areas have access to reasonably comparable service at rates reasonably comparable to urban areas; and the Lifeline program, which assists low-income consumers by providing a discount on their monthly local telephone charges so that telephone service is more affordable. The KUSF also provides funding for four programs, including a high-cost program and a low-income program, also known as the Kansas Lifeline Service Program.

In order to be eligible to receive support from the FUSF or KUSF, a carrier is required to be designated an ETC. Congress delegated the authority to designate ETCs to the state commissions in accordance with 47 U.S.C. § 214(e)(1). Pursuant to 47 U.S.C. § 214(e)(1),

A common carrier designated as an eligible telecommunications carrier under paragraph (2), (3), or (6) shall be eligible to receive universal service support in accordance with section 254 of this title 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 this title, either using its own facilities or a

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<sup>1</sup> Lifeline-only ETCs have been designated as such to provide federal Lifeline service to eligible low-income consumers. Lifeline-only ETCs are required to ensure that all Lifeline-eligible customers in their designated service area continue to be served, but are not required to ensure that non-Lifeline customers continue to be served.

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 therefor using media of general distribution.

ETCs are required by the FCC and this Commission to provide the supported services to all "reasonable requests for service."<sup>2</sup> The Commission adopted the definition proposed by AT&T for "reasonable request for service." As adopted, "reasonable request for service" is defined as "any request for service at a permanent residence or business location within the service areas, by a verifiable party and subject to the normal customer screening processes for a type and quantity of service normally requested by similar customers."<sup>3</sup>

The Federal and Kansas Telecommunications Acts of 1996 provide for competitive carriers, such as Nex-Tech, to be eligible to be designated as high-cost ETCs in order to be eligible to receive funding from the FUSF, KUSF, or both for providing universal service in high-cost areas. Since 1997, the Commission has granted high-cost ETC authority to twenty-six competitive ETCs (CETCs) for FUSF, KUSF, or both in specific designated service areas in the state of Kansas.<sup>4</sup> All high-cost ETCs, including CETCs, are required to utilize their high-cost support for the provisioning, upgrading, and maintenance of facilities to provide the supported services and are also required to offer Lifeline to eligible low-income consumers.

Initially, high-cost CETC FUSF and KUSF support was identical to the amount of support received by the ILEC in each service area on a per-line (customer) basis, which is referred to as the "identical support rule." Although CETCs received high-cost support only for actual customers they served in the high-cost areas, ILECs did not "lose" high-cost support for lines lost to CETCs. Instead, ILECs continued to receive the same amount of high-cost support regardless of whether they served the customer or not.

Due to the influx of newly designated CETCs and the method for which high-cost support was disbursed to ETCs, federal high-cost support grew substantially in the early 2000s. The FCC was concerned about the rapid growth in high-cost CETC support and viewed it as a threat to the sustainability of the FUSF. Therefore, in 2008, the FCC established an interim cap on the amount

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<sup>2</sup> The FCC determined in 2005 that an ETC applicant must provide services to all requesting customers within its designated service area. The FCC further encouraged states to adopt the requirements and to determine, pursuant to state law, what constitutes a "reasonable request" for service. *In the Matter of Federal-State Joint Board for Universal Service*, FCC 05-46, CC Docket No. 96-45, Report & Order, rel. March 17, 2005, ¶¶ 21-22. In its October 2, 2006 Order in Docket No. 06-GIMT-446-GIT, the KCC adopted the FCC's requirements regarding ETC applicants' commitment and ability to provide supported services throughout the designated service area.

<sup>3</sup> *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 Designation of Eligible Telecommunications Carriers, October 2, 2006.

<sup>4</sup> Some of the high-cost ETCs have since relinquished their ETC designation. Currently, there are nineteen high-cost CETCs for FUSF support and nine CETCs for KUSF support; however, two of the fifteen were acquired by another ETC. Ten of the CETCs were granted federal high-cost CETC authority for specific, high-cost programs. Three of the high-cost CETCs were designated as such in order to participate in the FCC's Rural Broadband Experiments program, two of the high-cost ETCs were designated as such in order to participate in the CAF II auction, and five of the CETCs were designated as such in order to participate in the CAF II program.

of high-cost FUSF support provided to CETCs, effective August 1, 2008. The FCC capped support for each state at the level the CETCs received in March 2008 on an annualized basis.<sup>5</sup>

Like the FCC, the Kansas Legislature grew concerned about the growth in the KUSF. In 2013, the Kansas Legislature passed, and the Governor signed, House Bill 2201 (K.S.A. 66-2008(c)(5)) which, among other things, required the Commission to discontinue the use of the identical support rule, cap all CETC KUSF high-cost support as of March 1, 2013, and phase down CETC support in equal increments over the following four years. Beginning March 1, 2018, high-cost CETCs in Kansas are no longer eligible to receive high-cost KUSF support. HB 2201 also included the elimination of high-cost KUSF support provided to AT&T, beginning January 1, 2014, in exchange for reduced regulation.

#### **b. Lifeline-Only ETCs**

In 2005, the FCC began allowing carriers to apply to become an ETC to participate in the federal Lifeline program but not participate in the high-cost program. These “Lifeline-only” ETCs are only eligible to receive federal Lifeline funding for eligible low-income consumers, which is passed through as a credit on the customer’s monthly local phone bill. Lifeline-only ETCs are not eligible to receive high-cost funding nor are they required to provide service to all reasonable requests for service throughout their service area. Rather, they are required to serve only eligible low-income consumers throughout their designated service area.

In 2012, the FCC granted blanket forbearance to federal Lifeline-only ETCs from the requirement in 214(e)(1) that they provide service at least in part through their own facilities, as long as the Lifeline-only ETC complies with specific requirements established by the FCC. The Commission has granted twenty requests for federal Lifeline-only CETC designation and seventeen of those carriers are purely resellers, meaning they do not own any facilities.

The FCC’s blanket forbearance from the facilities requirement only applies to the federal Lifeline program. Kansas statutes require ETCs to provide universal service, at least in part, over their own facilities. The Commission has granted four applications for Lifeline-only CETC designation for KUSF purposes.<sup>6</sup>

#### **c. Changes to the Federal High-Cost Programs**

In 2011, the FCC recognized the communications landscape had evolved and made various changes and proposals to overhaul its universal service system to target universal service support more appropriately and to modernize the federal fund by supporting broadband through the new Connect America Fund (CAF). Under the new system, CAF funding is targeted to areas where federal support is needed to maintain and expand networks capable of delivering voice and

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<sup>5</sup> See *High-Cost Universal Service Support; Federal-State Joint Board on Universal Service*, WC Docket No. 05-337, CC Docket No. 96-45, Order, Released May 1, 2008, (*CETC Cap Order*).

<sup>6</sup> The Commission revoked the Lifeline-only ETC designation for one of the four KUSF Lifeline-only ETCs; therefore, there are currently three Lifeline-only ETCs for the state Lifeline program.

broadband service, which results in ETCs no longer receiving federal universal service funding in some areas for which they previously received support.<sup>7</sup>

Some of the specific changes initiated by the FCC in 2011 included eliminating the “identical support rule”, capping CETC support as of December 31, 2011, and phasing-down existing CETC high-cost support over a 5-year period, beginning July 1, 2012. The FCC rationalized that it was appropriate to cap and phase-down CETC support because CETCs were primarily wireless carriers and they would be eligible to participate in one of the new targeted high-cost funding mechanisms, the Mobility Fund.

The Mobility Fund was created to provide targeted support for the universal availability of mobile networks capable of delivering mobile broadband and voice services in areas where Americans live, work, or travel. The phase-down of the CETC support was to cease if Mobility Phase II was not operational by June 30, 2014. Mobility Phase II was not operational by June 30, 2014, and is still not operational. Therefore, since 2014, federal high-cost CETC support, including Nex-Tech’s federal high-cost support, has remained frozen at 60% of the amount of high-cost FUSF support each CETC received as of December 31, 2011.

### **III. ANALYSIS:**

#### **A. Notice of Intent to Cease Participation in the KLSP**

Pursuant to K.S.A. 66-2006(d),

(d) Telecommunications carriers and electing carriers may cease participation in the KLSP at any time upon provision of 90-days prior written notification to the commission. Telecommunications carriers and electing carriers participating in the KLSP shall be eligible to receive KUSF support for KLSP services, but shall not be subject to any regulation by the commission based on such participation other than that provided for in subsection (z) of K.S.A. 66-2005, and amendments thereto.

Nex-Tech is a telecommunications carrier pursuant to K.S.A. 66-1,187(m) and, as such, may cease participation in the KLSP at any time upon provision of 90-days prior written notification to the Commission.<sup>8</sup>

Nex-Tech states in its Application that it will send two series of notices to its affected customers. Specifically, at least 60-days prior to May 31, 2019, Nex-Tech will provide notice in a separate letter via U.S. Mail to each affected Lifeline customer explaining that it will no longer offer a Lifeline or KLSP discount. Nex-Tech will also provide a second notice letter and a bill message at least 15-days prior to the effective date. All notices will inform each affected customer that a

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<sup>7</sup> See *In the Matter of Connect America Fund; Federal-State Joint Board on Universal Service*, WC Docket No. 10-90, CC Docket No. 96-45, Report and Order and Further Notice of Proposed Rulemaking, Released November 18, 2011, (*FCC USF/ICC Reform Order*).

<sup>8</sup> Nex-Tech was granted a Certificate to operate as a Competitive Local Exchange Carrier (CLEC) on January 14, 1999, in Docket No. 99-RTSC-422-COC. As a CLEC, Nex-Tech satisfies the definition of telecommunications carrier in K.S.A. 66-1,187(m).

Lifeline discount and/or KLSP discount may be obtained from the remaining ETCs in the area and will include a link to [lifelinesupport.org](http://lifelinesupport.org) through which a customer may access carrier-specific contact information. Nex-Tech further states that all affected Lifeline customers will continue to be able to receive service from Nex-Tech, but the KLSP discount will be removed as of May 31, 2019.

K.S.A. 66-2006(d) allows carriers to cease participation in the KLSP upon provision of 90-days written notification to the Commission. As this requirement has been fulfilled, Staff recommends the Commission confirm Nex-Tech's intent to cease participation in the KLSP, effective May 31, 2019.

## **B. ETC Relinquishment**

Nex-Tech has filed four Applications with this Commission seeking ETC authority for both FUSF and KUSF purposes in Docket Nos. 03-NTHT-1051-ETC, 04-NTHT-498-ETC, 05-NTHT-140-ETC, and 06-NTHT-1022-ETC. The Commission granted the Applications as follows:

- On November 14, 2003, in Docket No. 03-NTHT-1051-ETC, the Commission granted Nex-Tech's Application for ETC authority in the Almena exchange in the Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) service area.
- On June 8, 2004, in Docket No. 04-NTHT-498-ETC, the Commission granted Nex-Tech's Application for ETC authority in the United Telephone Companies of Kansas (now d/b/a CenturyLink) entire United Study Area. The approved CenturyLink United Study Area exchanges are as follows: Alma, Altamont, Baldwin, Buhler, Burlingame, Burlington, Burrton, Clifton, Clyde, Delphos, Downs, Ellinwood, Eskridge, Fredonia, Garnett, Glasco, Haven, Hiawatha, Highland, Hillsboro, Holton, Horton, Junction City, Kincaid, Leonardville, Longford, Luray, Lyndon, Melvern, Milford, Moran, Morrill, Mound Valley, Olsburg, Onaga, Osawatomie, Osborne, Oskaloosa, Oswego, Paradise, Pomona, Powhattan, Quenemo, Riley, Russell, Troy, Valley Falls, Wakefield, Wathena, Waverly, Westmoreland, Westphalia, and White Cloud.<sup>9</sup>
- On October 18, 2004, in Docket No. 05-NTHT-140-ETC, the Commission granted Nex-Tech's Application for ETC authority in the Norton exchange in the AT&T service area.
- On June 15, 2006, in Docket No. 06-NTHT-1022-ETC, the Commission granted Nex-Tech's Application for ETC authority in the Abilene, Atwood, Bird City, Great Bend, Hays, Hoxie, McDonald, McPherson, Oakley, Oberlin, Phillipsburg, Plainville, Salina, Smith Center, St. Francis, and Stockton exchanges, which are all in AT&T's service area.

The Commission granted Nex-Tech's requests to relinquish its ETC authority in the Oakley exchange in a November 5, 2008 Order in Docket No. 09-NTHT-196-ETC and to relinquish its

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<sup>9</sup> The Downs, Luray, Paradise, and Russell exchanges were sold by CenturyLink to Rural Telephone Service Company, effective October 1, 2006. The sale of the exchanges did not affect Nex-Tech's ETC authority or obligations.



ETC authority in the entire United Study Area on March 14, 2007, in Docket No. 07-NTTH-773-ETC.

In this Application, Nex-Tech requests ETC relinquishment for its ETC service areas as specified in Exhibits A and B. Specifically, Nex-Tech seeks authority to relinquish its ETC authority granted to it in Docket Nos. 05-NTHT-140-ETC, 06-NTHT-1022-ETC, and 04-NTHT-498-ETC. Nex-Tech did not seek to relinquish its ETC authority in the Almena exchange, which was granted in Docket No. 03-NTHT-1051-ETC.

In this Application, Nex-Tech states that its relinquishment request is prompted by changes in both federal and state high-cost support and that its relinquishment request will not adversely affect any consumers, as it will continue to offer services to customers in the relinquished areas.<sup>10</sup>

As an ETC, Nex-Tech is required to offer universal service throughout its designated service area to all reasonable requests for service. Nex-Tech has historically been eligible to receive state and federal funding to assist with the cost to provide universal service in high-cost areas, as well as reimbursement from the Lifeline programs for offering universal service to low-income consumers at a discounted price. Currently, Nex-Tech is not eligible for KUSF high-cost support as CETC support has been eliminated, but remains eligible to receive 60% of its 2011 FUSF high-cost support. If the relinquishment request is granted, Nex-Tech would no longer be required to serve all requesting customers in accordance with 47 U.S.C. § 214(e)(4) or offer Lifeline.

### 1) Statutory Requirements for ETC Relinquishment

Pursuant to 47 U.S.C. § 214(e)(4),

A State commission...shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission...of such relinquishment. **Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission...shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.** The State commission...shall establish a time, not to exceed one year after the State commission...approves such relinquishment under this paragraph, within which such purchase or construction shall be completed. (Emphasis added).

Thus, the Commission first needs to determine whether there is at least one other ETC present in each requested exchange. In an area served by more than one ETC (including Nex-Tech), prior to granting the relinquishment request, the Commission shall require the remaining ETC(s) to ensure

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<sup>10</sup> Application at ¶¶ 3, 5.

that all customers served by the relinquishing carrier will continue to be served. As is evident in the statute and further articulated by the FCC,

...the section 214(e)(4) relinquishment process allows for the states (or the [FCC], if applicable) to conduct an inquiry at a sufficiently granular level to ensure that the customers in that area ‘will continue to be served.’ The relinquishment process not only entails an evaluation of what service providers are present in an area at a given point in time, but of the practical ability of those providers to take on additional consumers as might be needed once the relinquishing carrier is no longer an ETC subject to associated obligations in that area. Indeed, section 214(e)(4) not only involves an inquiry regarding the capabilities of other service providers, but, to the extent needed, includes a grant of authority to obligate remaining ETCs to acquire adequate facilities within a defined time period.<sup>11</sup> (emphasis added)

As stated previously, the Commission already granted Nex-Tech’s request to relinquish its ETC authority in the CenturyLink United Study Area in 2007 and in the Oakley exchange in 2008. Therefore, this review needs to focus only on the remaining 16 AT&T exchanges granted to Nex-Tech in Docket Nos. 05-NTH-140-ETC and 06-NTH-1022-ETC.

## **2) Step One – Determine Whether Area is Served by Another ETC**

As shown on Staff Exhibit 1, there is at least one high-cost ETC (in addition to Nex-Tech) in all of the 16 requested exchanges and at least six Lifeline-only ETCs in all of the requested exchanges. The only requested exchange for which there is not more than one additional high-cost ETC is the Abilene exchange. AT&T is one of the high-cost ETCs in all 16 of the requested exchanges. AT&T, however, filed an ETC relinquishment request on October 27, 2016, in Docket No. 17-SWBT-158-MIS (17-158 Docket) for specific census blocks located in the 16 AT&T exchanges. Commission Staff filed a Report & Recommendation in the 17-158 Docket on October 1, 2018, recommending approval of AT&T’s request for ETC relinquishment in all 16 of the exchanges requested by Nex-Tech. AT&T’s request is pending before the Commission, with a Commission Order due by March 14, 2019.

If the Commission approves AT&T’s relinquishment request in the 16 exchanges, Nex-Tech will be the only high-cost ETC in the Abilene exchange with the ETC obligation to provide service for all reasonable requests for service. Lifeline-only ETCs’ designation is restricted to Lifeline only and they are not required to provide service to non-Lifeline customers. Staff, therefore, recommends denial of Nex-Tech’s request for relinquishment in the Abilene exchange because the statutory requirement cannot be met.

## **3) Step Two - Competitive ETCs’ Practical Ability to Ensure Remaining Customers Continue to Be Served**

Staff sent Request for Information (RFI) 1 to all of the Lifeline-only CETCs and RFI 2 to all of the high-cost CETCs that are designated as such in the 16 requested exchanges in order to assess the ability of the CETCs to ensure that all customers served by the relinquishing carrier will

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<sup>11</sup> *USTelecom Forbearance Order*, FCC 15-166, ¶ 111.

continue to be served. The responses to RFIs 1 and 2 are attached to this Report and Recommendation as Staff Exhibit 2. Overall, the Lifeline-only ETCs' responses indicated they are able to serve all Lifeline-eligible customers within their respective service areas. Lifeline-only ETCs are designated for just that – to provide Lifeline service to eligible low-income consumers throughout their designated service area. Overall, the high-cost CETCs indicated that they are able to provide universal service to all reasonable requests for service, consistent with their CETC obligations.

Some of the high-cost ETCs built their facilities in the more densely populated part of each exchange and utilize resale of AT&T's retail voice services to serve the remaining customers. AT&T remains obligated to offer for resale at wholesale rates any telecommunications service that the carrier provides at retail to subscribers who are not telecommunications carriers, pursuant to 47 U.S.C. §251(c), K.S.A. 66-2003(b), and K.S.A. 66-2005(z)(2)(A). As long as AT&T retains its responsibility to maintain its voice services and to resell its services, it appears that the only occasion in which a high-cost ETC could be required to build out new facilities to a customer would be for a "reasonable request for service" for which AT&T does not currently have facilities (i.e., new construction).

#### **IV. RECOMMENDATION**

Staff recommends the Commission issue an Order:

- (1) confirming that Nex-Tech has provided notice of its intent to cease participation in the KLSP and that it may cease participation in the KLSP, effective May 31, 2019, pursuant to K.S.A. 66-2006(d);
- (2) granting Nex-Tech's request for ETC relinquishment in the Atwood, Bird City, Great Bend, Hays, Hoxie, McDonald, McPherson, Norton, Oberlin, Phillipsburg-Kirwin, Plainville, Saline, Smith Center, St. Francis, and Stockton exchanges;
- (3) denying Nex-Tech's request for ETC relinquishment in the Abilene exchange if the Commission grants AT&T's request for relinquishment in the Abilene exchange in Docket No. 17-158, but granting the request if AT&T's request is denied; and
- (4) requiring the remaining ETCs to ensure that all customers served by Next-Tech will continue to be served in the wire centers/exchanges in which the Commission grants relinquishment.<sup>12</sup>

Although all ETCs should know and understand the ETC obligations that they committed to when they applied to become an ETC, Staff recommends the Commission serve the Order on all competitive ETCs designated in the exchanges approved for relinquishment so that they understand their ongoing obligations.

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<sup>12</sup> Lifeline-only ETCs have been designated as such to provide federal Lifeline service to eligible low-income consumers. Lifeline-only ETCs are required to ensure that all Lifeline-eligible customers in their designated service area continue to be served, but are not required to ensure that non-Lifeline customers continue to be served.

**19-NTHT-244-ETC**  
**STAFF EXHIBIT 1**

## LISTING OF ETCs

Exchange	High-Cost ETCs	Lifeline-Only ETCs
Abilene	1, 3	6, 8, 9, 10, 12, 14, 15, 16
Atwood	1, 2, 3, 4	6, 9, 10, 11, 12, 14, 16
Bird City	1, 2, 3, 4	6, 9, 10, 12, 14, 16
Great Bend	1, 3, 4	6, 7, 9, 10, 11, 12, 14, 16
Hays	1, 2, 3, 4	6, 7, 9, 10, 11, 12, 14, 16
Hoxie	1, 2, 3, 4	6, 9, 10, 11, 12, 14, 16
McDonald	1, 2, 3, 4	6, 9, 10, 12, 14, 16
McPherson	1, 3, 7	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
Norton	1, 3, 4	6, 9, 10, 11, 12, 14, 16
Oberlin	1, 2, 3, 4	6, 9, 11, 12, 14, 16
Phillipsburg-Kirwin	1, 3, 4	6, 9, 10, 11, 12, 14, 16
Plainville	1, 2, 3, 4	6, 9, 10, 12, 14, 16
Salina	1, 3, 7	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
Smith Center	1, 3, 4	6, 9, 10, 12, 14, 16
St. Francis	1, 2, 3, 4	6, 10, 11, 12, 14, 16
Stockton	1, 2, 3, 4	6, 9, 10, 12, 14, 16

## KEY

**High-Cost ETCs**

- 1 AT&T\*
- 2 NE Colorado Cellular, Inc.
- 3 Nex-Tech, Inc.
- 4 Nex-Tech Wireless, LLC
- 5 USCOC of Nebraska/Kansas, LLC

**Lifeline-Only ETCs**

- 6 Boomerang Wireless, LLC
- 7 Cox Kansas Telcom, LLC\*
- 8 Global Connection, Inc. of America
- 9 i-wireless, LLC
- 10 Q Link Wireless, LLC
- 11 Sage Telecom Communications, LLC
- 12 Telrite Corporation
- 13 Tempo Telecom, LLC
- 14 TracFone Wireless, Inc.
- 15 Virgin Mobile USA, LP
- 16 YourTel America, Inc.

\* AT&T has requested to relinquish its ETC authority in specific census blocks in Docket No. 17-SWBT-158-MIS and Cox has requested to relinquish its Lifeline-Only ETC authority in all of its designated areas in Docket No. 19-COXT-282-ETC. The Applications are currently pending. A Commission Order in the AT&T proceeding is expected by March 14, 2019.

**19-NTHT-244-ETC**  
**STAFF EXHIBIT 2**

**Kansas Corporation Commission**  
**Information Request**

Request No: 1

Company Name Lifeline-Only ETCs  
Docket Number 19-NTHT-244-ETC  
Request Date February 15, 2019  
Date Information Needed February 26, 2019

RE: Nex-Tech's ETC Relinquishment Request

**Please Provide the Following:**

Nex-Tech has requested to relinquish its ETC designation in at least one exchange or wire center in which your Company has been designated an ETC. If the Commission grants Nex-Tech's request, it will no longer be required to provide federal Lifeline service to eligible customers in its service area. Accordingly, please answer the following:

a. For each exchange or wire center for which your Company has been designated a Lifeline-only ETC, would your Company be able to ensure that all eligible Lifeline customers served by Nex-Tech would continue to be served if the Commission grants Nex-Tech's request? If no, please explain.

**RESPONSE: Boomerang will provide Low Income Lifeline service to any eligible customer residing in our service area who completes and submits the application, provides all required documentation, and complies with the Lifeline eligibility rules and program requirements.**

b. Please describe how your Company provisions Lifeline service to its customers (i.e., own wireline facilities, wireless resale, wireline resale, etc.)

**RESPONSE: Boomerang provides Lifeline service via wireless resale.**

Submitted By Christine Aarnes

Submitted To Lifeline-Only ETCs

If for some reason, the above information cannot be provided by the date requested, please provide a written explanation of those reasons.

**Verification of Response**

I have read the foregoing Information Request and answer(s) thereto and find answer(s) to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request.

Company Name: Boomerang Wireless, LLC

Signed: Julia Redman-Carter

Printed Name: Julia Redman-Carter

Date: 2-21-2019

**Kansas Corporation Commission  
Information Request**

Request No: **1**

Company Name            Lifeline-Only ETCs  
Docket Number        19-NTHT-244-ETC  
Request Date           February 15, 2019  
Date Information Needed   February 26, 2019

RE: Nex-Tech's ETC Relinquishment Request

**Please Provide the Following:**

Nex-Tech has requested to relinquish its ETC designation in at least one exchange or wire center in which your Company has been designated an ETC. If the Commission grants Nex-Tech's request, it will no longer be required to provide federal Lifeline service to eligible customers in its service area. Accordingly, please answer the following:

- a. For each exchange or wire center for which your Company has been designated a Lifeline-only ETC, would your Company be able to ensure that all eligible Lifeline customers served by Nex-Tech would continue to be served if the Commission grants Nex-Tech's request? If no, please explain. NO, Cox currently has an application pending before the KCC to relinquish its ETC for Lifeline
- b. Please describe how your Company provisions Lifeline service to its customers (i.e., own wireline facilities, wireless resale, wireline resale, etc.) Own wireline facilities

Submitted By Christine Aarnes

Submitted To Lifeline-Only ETCs

If for some reason, the above information cannot be provided by the date requested, please provide a written explanation of those reasons.

**Verification of Response**

I have read the foregoing Information Request and answer(s) thereto and find answer(s) to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request.

Company Name: Cox Kansas Telcom, L.L.C.

Signed: Bob Logsdon

Printed Name: Rob Logsdon

Date: February 18, 2019



**Kansas Corporation Commission**  
Information Request

Request No: 1

Company Name: Lifeline-Only ETCs

Docket Number: 19-NTHT-244-ETC

Request Date: February 15, 2019

Date Information

Needed: February 26, 2019

RE: Nex-Tech's ETC Relinquishment Request

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**Please Provide the Following:**

*Nex-Tech has requested to relinquish its ETC designation in at least one exchange or wire center in which your Company has been designated an ETC. If the Commission grants Nex-Tech's request, it will no longer be required to provide federal Lifeline service to eligible customers in its service area. Accordingly, please answer the following:*

*a. For each exchange or wire center for which your Company has been designated a Lifeline-only ETC, would your Company be able to ensure that all eligible Lifeline customers served by Nex-Tech would continue to be served if the Commission grants Nex-Tech's request? If no, please explain.*

**Response:** Global Connection was originally granted ETC status by the Commission on August 31, 2012 to provide federally-funded wireless Lifeline services throughout the service areas approved in Docket No.12-GCAT-713-ETC. It is Global Connection's intent to continue to make available its wireless Lifeline service with the federal discount to its current subscribers and all qualifying applicants that it is able to serve. As has been disclosed in its original application, Global Connection offers Lifeline service primarily through the resale of facilities-based wireless carriers' services and facilities. This Commission is aware that the Federal Communications Commission ("FCC") is considering whether to disallow the participation of wireless resellers in the Lifeline program altogether.<sup>1</sup> Global Connection, through its participation in the National Lifeline Association, has actively opposed this and other proposals in the NPRM that would greatly harm Global Connection's ability to continue to provide Lifeline service.<sup>2</sup>

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<sup>1</sup> See Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, WC Docket Nos. 17-287, 11-42, 09-197, Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, FCC 17-155 (rel. Dec. 1, 2017), §§ 67 - 73.

<sup>2</sup> See Comments of the National Lifeline Association, WC Docket No. 17-287 et al. (filed Feb. 21, 2018); Reply Comments of the National Lifeline Association, WC Docket No. 17-287 et al. (filed Mar. 23, 2018); *Ex Parte* Letter from John J. Heitmann, Counsel to the National Lifeline Association, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 17-287 et al. (filed May 4, 2018).

With that in mind, Global Connection intends to continue to offer Lifeline service to qualifying subscribers throughout its service territory in Kansas unless prohibited directly from doing so by the FCC when it issues its order or unless the FCC rulemaking results in less-direct but equally harmful requirements such as its consideration of a requirement that wireless resellers pass 100% of federal support through to its underlying facilities-based provider. Once the FCC issues its decision in this matter, should anything necessitate a change in Global Connection's approach to the Kansas Lifeline marketplace, Global Connection will inform the Commission.

Based on the foregoing, Global Connection does not object to Nex-Tech's application to relinquish its ETC designation for purposes of universal services fund support and Global Connection stands ready to offer its wireless Lifeline service options to eligible Lifeline subscribers in Kansas provided that the FCC does not take action to ban or limit the participation of wireless resellers in the Lifeline program.

*b. Please describe how your Company provisions Lifeline service to its customers (i.e., own wireline facilities, wireless resale, wireline resale, etc.)*

**Response:** As discussed in the preceding response, Global provides wireless Lifeline service in Kansas primarily through the resale of facilities-based wireless carriers' services and facilities.

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Submitted By: Christine Aarnes

Submitted To: Lifeline-Only ETCs

If for some reason, the above information cannot be provided by the date requested, please provide a written explanation of those reasons.

#### **Verification of Response**

I have read the foregoing Information Request and answer(s) thereto and find answer(s) to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request.

Company Name: Global Connection Inc. of America

Signed: \_\_\_\_\_

Printed Name: Eric Salim PR

Date: March 7, 2019

**Kansas Corporation Commission**  
**Information Request**

Request No: **1**

Company Name Lifeline-Only ETCs

Docket Number 19-NTHT-244-ETC

Request Date February 15, 2019

Date Information Needed February 26, 2019

RE: Nex-Tech's ETC Relinquishment Request

**Please Provide the Following:**

Nex-Tech has requested to relinquish its ETC designation in at least one exchange or wire center in which your Company has been designated an ETC. If the Commission grants Nex-Tech's request, it will no longer be required to provide federal Lifeline service to eligible customers in its service area. Accordingly, please answer the following:

a. For each exchange or wire center for which your Company has been designated a Lifeline-only ETC, would your Company be able to ensure that all eligible Lifeline customers served by Nex-Tech would continue to be served if the Commission grants Nex-Tech's request? If no, please explain.

Yes, i-wireless would be able to serve all customers within the exchanges and wire centers we are authorized as an ETC, within the constraints of the i-wireless service area provided by Sprint.

b. Please describe how your Company provisions Lifeline service to its customers (i.e., own wireline facilities, wireless resale, wireline resale, etc.)

i-wireless provides service via wholesale (MNVO) resale of Sprint network services, both CDMA and LTE.

Submitted By Christine Aarnes

Submitted To Lifeline-Only ETCs

If for some reason, the above information cannot be provided by the date requested, please provide a written explanation of those reasons.

**Verification of Response**

I have read the foregoing Information Request and answer(s) thereto and find answer(s) to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request.

Company Name: i-wireless

Signed: Sam Bailey

Printed Name: Sam Bailey

Date: 2/19/19

**RESPONSE TO KANSAS CORPORATION COMMISSION  
INFORMATION REQUEST**

Request No: 1

Company Name: Lifeline-Only ETCs (Q LINK WIRELESS LLC)

Docket Number: 19-NTHT-244-ETC

Request Date: February 15, 2019

Date Information Needed: February 26, 2019

RE: Nex-Tech's ETC Relinquishment Request

Nex-Tech has requested to relinquish its ETC designation in at least one exchange or wire center in which your Company has been designated an ETC. If the Commission grants Nex-Tech's request, it will no longer be required to provide federal Lifeline service to eligible customers in its service area. Accordingly, please answer the following:

- a. For each exchange or wire center for which your Company has been designated a Lifeline-only ETC, would your Company be able to ensure that all eligible Lifeline customers served by Nex-Tech would continue to be served if the Commission grants Nex-Tech's request? If no, please explain.

**RESPONSE:** It is Q LINK WIRELESS LLC's ("Q Link") intent to continue to offer Lifeline service to qualifying subscribers throughout its service territory in Kansas unless prohibited directly from doing so by the Federal Communications Commission ("FCC"). However, Q Link's ability to do so could be affected by the following:

1. The FCC has mandated that once the National Verifier is "hard launched" in a state, all new enrollments must be verified through the National Verifier. However, the National Verifier lacks an Application Programming Interface ("API") that would permit online enrollment of a Lifeline applicant. Online enrollment is especially important for Kansans living in rural communities. As an online provider, Q Link will not be able to process the vast bulk of its applications after "hard launch" in Kansas, unless USAC implements an API in the National Verifier;
2. The FCC is currently considering whether to disallow the participation in the Lifeline program of wireless carriers in areas in which the carrier does not hold a spectrum license.<sup>1</sup> Were the FCC to do so, Q Link could no longer provide Lifeline service in Kansas;
3. The FCC rulemaking is also considering requiring ETCs that utilize, at least in part, an underlying facilities-based provider to pass 100% of federal support through to that facilities-based provider, potentially with no allowance for a return. Were that to occur, Q Link could not continue to offer Lifeline service in Kansas.

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<sup>1</sup> See *Bridging the Digital Divide for Low-Income Consumers et al.*, WC Docket Nos. 17-287, 11-42, 09-197, Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, FCC 17-155 (rel. Dec. 1, 2017) ("FCC Lifeline NPRM").

Q Link believes that granting Nex-Tech's application would be premature before the FCC abandons its proposal to ban MVNOs from the Lifeline program. If the FCC adopts its proposal, Nex-Tech's existing Lifeline customer base in Kansas—and the many eligible low-income consumers in Kansas served by MVNOs, including the more than 17,000 Kansas Lifeline customers served by Q Link—would be at risk of losing access to Lifeline service, especially in rural areas. While Q Link and other MVNOs that have expanded Lifeline penetration, especially in rural areas, may be *willing* to step in and serve Nex-Tech's former Lifeline customers, their *ability* to do so depends entirely on the status of the FCC's proposal.

- b. Please describe how your Company provisions Lifeline service to its customers (i.e., own wireline facilities, wireless resale, wireline resale, etc.).

**RESPONSE:** Q Link offers Lifeline service using a combination of resale of facilities-based wireless carriers' services and networks, and its own facilities (Q Link provides some of the facilities that route broadband traffic).

#### Verification of Response

I have read the foregoing Information Request and answer(s) thereto and find answer(s) to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request.

Company Name: Q Link Wireless LLC

Signed: s/ Issa Asad

Printed Name: Issa Asad

Date: 2/26/2019

**Kansas Corporation Commission**  
**Information Request**

Request No: 1

Company Name Lifeline-Only ETCs  
Docket Number 19-NTHT-244-ETC  
Request Date February 15, 2019  
Date Information Needed February 26, 2019

RE: Nex-Tech's ETC Relinquishment Request

**Please Provide the Following:**

Nex-Tech has requested to relinquish its ETC designation in at least one exchange or wire center in which your Company has been designated an ETC. If the Commission grants Nex-Tech's request, it will no longer be required to provide federal Lifeline service to eligible customers in its service area. Accordingly, please answer the following:

a. For each exchange or wire center for which your Company has been designated a Lifeline-only ETC, would your Company be able to ensure that all eligible Lifeline customers served by Nex-Tech would continue to be served if the Commission grants Nex-Tech's request? If no, please explain. Yes

b. Please describe how your Company provisions Lifeline service to its customers (i.e., own wireline facilities, wireless resale, wireline resale, etc.) Truconnect provides wireless telecommunication services to Lifeline consumers by using the underlying wireless networks of T-Mobile USA, Inc and Sprint Spectrum, L.P.

Submitted By Christine Aarnes

Submitted To Lifeline-Only ETCs

If for some reason, the above information cannot be provided by the date requested, please provide a written explanation of those reasons.

**Verification of Response**

I have read the foregoing Information Request and answer(s) thereto and find answer(s) to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request.

Company Name: Sage Telecom Communications, LLC  
d/b/a TruConnect

Signed: 

Printed Name: Alex Rasor – Sr Director of PMO and Governance

**Kansas Corporation Commission**  
Information Request

Request No: 1

Company Name Lifeline-Only ETCs  
Docket Number 19-NTHT-244-ETC  
Request Date February 15, 2019  
Date Information Needed February 26, 2019

**RE:** Nex-Tech's ETC Relinquishment Request

**Please Provide the Following:**

Nex-Tech has requested to relinquish its ETC designation in at least one exchange or wire center in which your Company has been designated an ETC. If the Commission grants Nex-Tech's request, it will no longer be required to provide federal Lifeline service to eligible customers in its service area. Accordingly, please answer the following:

a. For each exchange or wire center for which your Company has been designated a Lifeline-only ETC, would your Company be able to ensure that all eligible Lifeline customers served by Nex-Tech would continue to be served if the Commission grants Nex-Tech's request? If no, please explain.

**Answer:** Telrite Corporation d/b/a Life Wireless (the "Company") remains able to serve customers within exchanges or wire centers for which the Company has been designated as an ETC. The Company is a wireless reseller and, as such, can provide service to the extent it has wireless coverage through the facilities of its underlying carrier(s).

b. Please describe how your Company provisions Lifeline service to its customers (i.e., own wireline facilities, wireless resale, wireline resale, etc.)

**Answer:** As indicated above, the Company is a wireless reseller and provides Lifeline service through wireless resale.

**Verification of Response**

I have read the foregoing Information Request and answer(s) thereto and find answer(s) to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request.

Company Name: Telrite Corporation d/b/a Life Wireless

Signed: 

Printed Name: Jim Carpenter, President  
Telrite Corporation d/b/a Life Wireless

Date: 2/26/19

**TEMPO TELECOM, LLC**  
**RESPONSE TO**  
**Kansas Corporation Commission**  
**Information Request**

Request No: 1

Company Name TEMPO TELECOM, LLC

Docket Number 19-NTHT-244-ETC

Response Date: March 6, 2019

RE: Nex-Tech's ETC Relinquishment Request

**lease Provide the Following:**

Nex-Tech has requested to relinquish its ETC designation in at least one exchange or wire center in which your Company has been designated an ETC. If the Commission grants Nex-Tech's request, it will no longer be required to provide federal Lifeline service to eligible customers in its service area. Accordingly, please answer the following:

a. For each exchange or wire center for which your Company has been designated a Lifeline-only ETC, would your Company be able to ensure that all eligible Lifeline customers served by Nex-Tech would continue to be served if the Commission grants Nex-Tech's request? If no, please explain.

**TEMPO RESPONSE: Yes, providing the Lifeline customers currently served by Nex-Tech are requesting wireless Lifeline service and qualify in accordance with State and Federal requirements.**

b. Please describe how your Company provisions Lifeline service to its customers (i.e., own wireline facilities, wireless resale, wireline resale, etc.)

**TEMPO RESPONSE: Tempo provisions its Lifeline service via wireless resale.**

If for some reason, the above information cannot be provided by the date requested, please provide a written explanation of those reasons.

**Verification of Response**

I have read the foregoing Information Request and answer(s) thereto and find answer(s) to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request.

Company Name: Tempo Telecom, LLC

Signed: /s/ *Sharyl D. Fowler*

Printed Name: Sharyl D. Fowler

Date: 3/6/19



**Kansas Corporation Commission**  
**Information Request**

Request No: 1

Company Name            TRACFONE WIRELESS, INC.

Docket Number        19-NTHT-244-ETC

Request Date           February 15, 2019

Date Information Needed February 26, 2019

RE:      Nex-Tech's ETC Relinquishment Application

**Please Provide the Following:**

Nex-Tech has requested to relinquish its ETC designation in one or more census blocks in an exchange or wire center in which your Company has been designated an ETC. If the Commission grants Nex-Tech's request, it will no longer be required to provide federal Lifeline service to eligible customers in its service area. Accordingly, please answer the following:

- a. For each exchange or wire center for which your Company has been designated a Lifeline-only ETC, would your Company be able to ensure that all customers served by Nex-Tech would continue to be served if the Commission grants Nex-Tech's request? If no, please explain.

Yes, TracFone would be able to ensure that all qualified customers served by Nex-Tech within TracFone's designated service area would continue to be served.

- b. Please describe how your Company provisions Lifeline service to its customers (i.e., own wireline facilities, wireless resale, wireline resale, etc.).

TracFone relies on wireless resale to provision Lifeline service to its customers.

### Verification of Responses

I have read the foregoing Information Request and answer(s) and find answer(s) to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request.

Company Name: TracFone Wireless, Inc.

Signed: 

Printed Name: Stephen Athanson

Date: Feb 25, 2017

**Kansas Corporation Commission**  
**Information Request**

Request No: 1

Company Name Lifeline-Only ETCs  
Docket Number 19-NTHT-244-ETC  
Request Date February 15, 2019  
Date Information Needed February 26, 2019

RE: Nex-Tech's ETC Relinquishment Request

**Please Provide the Following:**

Nex-Tech has requested to relinquish its ETC designation in at least one exchange or wire center in which your Company has been designated an ETC. If the Commission grants Nex-Tech's request, it will no longer be required to provide federal Lifeline service to eligible customers in its service area. Accordingly, please answer the following:

a. For each exchange or wire center for which your Company has been designated a Lifeline-only ETC, would your Company be able to ensure that all eligible Lifeline customers served by Nex-Tech would continue to be served if the Commission grants Nex-Tech's request? If no, please explain.

b. Please describe how your Company provisions Lifeline service to its customers (i.e., own wireline facilities, wireless resale, wireline resale, etc.)

Submitted By Christine Aarnes

Submitted To Lifeline-Only ETCs

If for some reason, the above information cannot be provided by the date requested, please provide a written explanation of those reasons.

**Verification of Response**

I have read the foregoing Information Request and answer(s) thereto and find answer(s) to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request.

Company Name: Sprint/Virgin  
Signed: Diane Brown Mobile  
Printed Name: Diane Browning  
Date: 2/18/19

Nex-Tech has requested to relinquish its ETC designation in at least one exchange or wire center in which your Company has been designated an ETC. If the Commission grants Nex-Tech's request, it will no longer be required to provide federal Lifeline service to eligible customers in its service area.

Accordingly, please answer the following:

- a. For each exchange or wire center for which your Company has been designated a Lifeline-only ETC, would your Company be able to ensure that all eligible Lifeline customers served by Nex-Tech would continue to be served if the Commission grants Nex-Tech's request? If no, please explain.

**Virgin Mobile response: Virgin Mobile stands ready to serve any customers within its designated wire centers who meet the requirements to qualify for Lifeline service.**

- b. Please describe how your Company provisions Lifeline service to its customers (i.e., own wireline facilities, wireless resale, wireline resale, etc.)

**Virgin Mobile response: As a wholly-owned subsidiary of Sprint Corp., Virgin Mobile is a facilities-based wireless provider using Sprint's network facilities to provide its Lifeline service to customers.**

**Kansas Corporation Commission  
Information Request**

Request No: 1

Company Name Lifeline-Only ETCs  
Docket Number 19-NTHT-244-ETC  
Request Date February 15, 2019  
Date Information Needed February 26, 2019

RE: Nex-Tech's ETC Relinquishment Request

**Please Provide the Following:**

Nex-Tech has requested to relinquish its ETC designation in at least one exchange or wire center in which your Company has been designated an ETC. If the Commission grants Nex-Tech's request, it will no longer be required to provide federal Lifeline service to eligible customers in its service area. Accordingly, please answer the following:

a. For each exchange or wire center for which your Company has been designated a Lifeline-only ETC, would your Company be able to ensure that all eligible Lifeline customers served by Nex-Tech would continue to be served if the Commission grants Nex-Tech's request? If no, please explain. **Yes, YourTel America, Inc., d/b/a TerraCom Wireless will be able to serve customers in our designated service areas throughout Kansas.**

b. Please describe how your Company provisions Lifeline service to its customers (i.e., own wireline facilities, wireless resale, wireline resale, etc.)

**Service is provided by wireless resale.**

Submitted By Christine Aarnes

Submitted To Lifeline-Only ETCs

If for some reason, the above information cannot be provided by the date requested, please provide a written explanation of those reasons.

**Verification of Response**

I have read the foregoing Information Request and answer(s) thereto and find answer(s) to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request.

Company Name: YourTel America, Inc. d/b/a TerraCom Wireless

Signed: Heather Russell

Printed Name: Heather Russell

Date: 02/15/2019

**Kansas Corporation Commission  
Information Request**

Request No: 2

Company Name            High-Cost ETCs  
Docket Number        19-NTHT-244-ETC  
Request Date           February 15, 2019  
Date Information Needed   February 26, 2019

RE: Nex-Tech's ETC Relinquishment Request

**Please Provide the Following:**

Nex-Tech has requested to relinquish its ETC designation in one or more exchange or wire center in which your Company has been designated an ETC. If the Commission grants Nex-Tech's request, it will no longer be required to provide voice services to all "reasonable requests for service", pursuant to 47 U.S.C. § 214(e)(1). Accordingly, please answer the following:

- a. For each exchange or wire center for which your Company has been designated an ETC, would your Company be able to ensure that all customers served by Nex-Tech would continue to be served? Yes
- b. If response to subpart a. is yes, would your Company need to purchase or construct facilities in order to fulfill this requirement? No, with the exception of Hoxie, KS
- c. If response to subpart b. is yes, what steps would the Company need to take and how much time does the Company estimate would be required to purchase or construct adequate facilities to fulfill this requirement? Expected to be completed by third quarter of 2019.
- d. If response to subpart a. is no, please explain why your Company would be unable to ensure all customers currently served by Nex-Tech would continue to be served.
- e. Please describe how your Company provisions universal service to its customers (i.e., own wireline facilities, own wireless facilities, wireline resale, etc.) Owned wireless facilities

Submitted By Christine Aarnes

Submitted To

If for some reason, the above information cannot be provided by the date requested, please provide a written explanation of those reasons.

**Verification of Response**

I have read the foregoing Information Request and answer(s) thereto and find answer(s) to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request.

Company Name: NE Colorado Cellular, Inc.  
Signed: [Signature]  
Printed Name: MICHAEL FELICISSIMO  
Date: 3/7/19

**Kansas Corporation Commission**  
**Information Request**

Request No: 2

Company Name            High-Cost ETCs  
Docket Number        19-NTHT-244-ETC  
Request Date           February 15, 2019  
Date Information Needed   February 26, 2019

RE: Nex-Tech's ETC Relinquishment Request

**Please Provide the Following:**

Nex-Tech has requested to relinquish its ETC designation in one or more exchange or wire center in which your Company has been designated an ETC. If the Commission grants Nex-Tech's request, it will no longer be required to provide voice services to all "reasonable requests for service", pursuant to 47 U.S.C. § 214(e)(1). Accordingly, please answer the following:

- a. For each exchange or wire center for which your Company has been designated an ETC, would your Company be able to ensure that all customers served by Nex-Tech would continue to be served?
- b. If response to subpart a. is yes, would your Company need to purchase or construct facilities in order to fulfill this requirement?
- c. If response to subpart b. is yes, what steps would the Company need to take and how much time does the Company estimate would be required to purchase or construct adequate facilities to fulfill this requirement?
- d. If response to subpart a. is no, please explain why your Company would be unable to ensure all customers currently served by Nex-Tech would continue to be served.
- e. Please describe how your Company provisions universal service to its customers (i.e., own wireline facilities, own wireless facilities, wireline resale, etc.)

Submitted By Christine Aarnes

Submitted To

If for some reason, the above information cannot be provided by the date requested, please provide a written explanation of those reasons.

**Verification of Response**

I have read the foregoing Information Request and answer(s) thereto and find answer(s) to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request.

Company Name: Nex-Tech Wireless

Signed: 

Printed Name: Jon Lightle

Date: 3/12/2019

Nex-Tech Wireless  
Response to Request No 2  
RE: Nex-Tech's ETC Relinquishment Request  
March 12, 2019

- a. In accordance with its charge as an eligible telecommunications carrier, NTW anticipates no problems fulfilling any reasonable request for service within its service area.
- b. No
- c. N/A
- d. N/A
- e. Yes. In some areas Nex-Tech, LLC provides backhaul services to cell sites.
- f. Wireless facilities



Kansas Docket No. 19-NTHT-244-ETC  
Kansas Corporation Commission Staff  
Request No. 2  
RFI No. 1  
Page 1 of 2  
Received Date: 02/15/2019  
Company Name: Southwestern Bell Telephone Company

1. Nex-Tech has requested to relinquish its ETC designation in one or more exchange or wire center in which your Company has been designated an ETC. If the Commission grants Nex-Tech's request, it will no longer be required to provide voice services to all "reasonable requests for service", pursuant to 47 U.S.C. § 214(e)(1). Accordingly, please answer the following:

QUESTION: a) For each exchange or wire center for which your Company has been designated an ETC, would your Company be able to ensure that all customers served by Nex-Tech would continue to be served?

ANSWER: Yes.

QUESTION: b) If response to subpart a. is yes, would your Company need to purchase or construct facilities in order to fulfill this requirement?

ANSWER: No.

QUESTION: c) If response to subpart b. is yes, what steps would the Company need to take and how much time does the Company estimate would be required to purchase or construct adequate facilities to fulfill this requirement?

ANSWER: N/A

Kansas Docket No. 19-NTHT-244-ETC  
Kansas Corporation Commission Staff  
Request No. 2  
RFI No. 1  
Page 2 of 2  
Received Date: 02/15/2019  
Company Name: Southwestern Bell Telephone Company

QUESTION: d) If response to subpart a. is no, please explain why your Company would be unable to ensure all customers currently served by Nex-Tech would continue to be served.

ANSWER: N/A

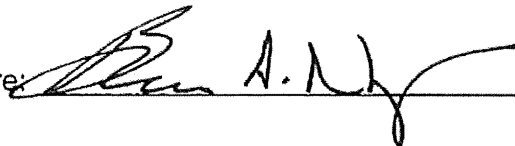
QUESTION: e) Please describe how your Company provisions universal service to its customers (i.e., own wireline facilities, own wireless facilities, wireline resale, etc.)

ANSWER: AT&T Kansas provides wireline services throughout its service territory.

Kansas Docket No. 19-NTHT-244-ETC  
Kansas Corporation Commission Staff  
Request No. 1  
RFI No. 1a, 1b, 1c, 1d, 1e  
Page 1 of 1  
Received Date: 02/15/2019  
Company Name: Southwestern Bell Telephone Company

VERIFICATION OF RESPONSE

I have read the foregoing Information Request and answer(s) thereto and find the answer(s) to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to the Information Request.

Signature:  Date: 2-27-19

Printed Name: Bruce A. Ney

**Kansas Corporation Commission**  
**Information Request**

Request No: 2

Company Name High-Cost ETCs  
Docket Number 19-NTHT-244-ETC  
Request Date February 15, 2019  
Date Information Needed February 26, 2019

RE: Nex-Tech's ETC Relinquishment Request

**Please Provide the Following:**

Nex-Tech has requested to relinquish its ETC designation in one or more exchange or wire center in which your Company has been designated an ETC. If the Commission grants Nex-Tech's request, it will no longer be required to provide voice services to all "reasonable requests for service", pursuant to 47 U.S.C. § 214(e)(1). Accordingly, please answer the following:

- a. For each exchange or wire center for which your Company has been designated an ETC, would your Company be able to ensure that all customers served by Nex-Tech would continue to be served?
- b. If response to subpart a. is yes, would your Company need to purchase or construct facilities in order to fulfill this requirement?
- c. If response to subpart b. is yes, what steps would the Company need to take and how much time does the Company estimate would be required to purchase or construct adequate facilities to fulfill this requirement?
- d. If response to subpart a. is no, please explain why your Company would be unable to ensure all customers currently served by Nex-Tech would continue to be served.
- e. Please describe how your Company provisions universal service to its customers (i.e., own wireline facilities, own wireless facilities, wireline resale, etc.)

Submitted By Christine Aarnes

Submitted To

If for some reason, the above information cannot be provided by the date requested, please provide a written explanation of those reasons.

**Verification of Response**

I have read the foregoing Information Request and answer(s) thereto and find answer(s) to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request.

Company Name: U.S. Cellular  
Signed: Stephanie Cassioppi  
Printed Name: Stephanie Cassioppi  
Date: 2/25/19

- a. For each exchange or wire center for which your Company has been designated an ETC, would your Company be able to ensure that all customers served by Nex-Tech would continue to be served?

Response: No, because while U.S. Cellular will continue to provide wireless service within its ETC area, we may not have coverage or signal strength in every area sufficient to meet the needs of all potential customers

- b. If response to subpart a. is yes, would your Company need to purchase or construct facilities in order to fulfill this requirement?

Response: N/A

- c. If response to subpart b. is yes, what steps would the Company need to take and how much time does the Company estimate would be required to purchase or construct adequate facilities to fulfill this requirement?

Response: N/A

- d. If response to subpart a. is no, please explain why your Company would be unable to ensure all customers currently served by Nex-Tech would continue to be served.

Response: Many factors impact the availability of wireless service, including but not limited to, topography, foliage, distance from cell site, capacity constraints and spectrum availability. Without knowing the locations of all of the Nex-Tech customers, it is not possible to determine whether our existing network would meet their needs.

- e. Does your Company rely on the facilities of Nex-Tech to provide service to your customers? If yes, please explain.

Response: We do not rely on the facilities of Nex-Tech wireline operations to provide service to our customers.

- f. Please describe how your Company provisions universal service to its customers (i.e., own wireline facilities, own wireless facilities, wireline resale, etc.)

Response: U.S. Cellular is a facilities based wireless provider.

## CERTIFICATE OF SERVICE

19-NTHT-244-ETC

I, the undersigned, certify that a true and correct copy of the above and foregoing Notice Of Filing Staff Report And Recommendation was served via electronic service this 14th day of March, 2019, to the following:

WALKER HENDRIX, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3354  
w.hendrix@kcc.ks.gov

MARK E. CAPLINGER  
MARK E. CAPLINGER, P.A.  
7936 SW INDIAN WOODS PL  
TOPEKA, KS 66615-1421  
mark@caplingerlaw.net

  
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Ann Murphy