

3. Wamego has received a letter requesting negotiations to develop an interconnection agreement between the applicant herein and Wamego. A copy of that letter is attached hereto as Exhibit A.

4. It appears from Cox's information and statements that the applicant is not entitled to the relief sought. Further, it appears that the applicant cannot satisfy, and does not intend to satisfy, the rural entry guidelines adopted by this Commission pursuant to K.S.A. 66-2004 and 2005.

5. The applicant proposes that it be granted Eligible Telecommunications Carrier status and expanded state certification although its application asserts (Application, ¶ 18, p. 5) it is unable to provide service to all customers in the rural telephone company study area as defined by the FCC (see Attachment B, Order of December 27, 1996 in Docket No. 190,492-U, 94-GIMT-478-GIT). Wamego's rural company study area includes the entirety of the Wamego and St. George exchange areas, of which areas Cox proposes to serve only self-defined portions. Wamego's study area also includes the Paxico exchange area where Cox proposes not to provide service at all.

5. It is immaterial whether the Federal Communications Commission has made subsequent modifications of its own requirements for eligible telecommunications carrier status, whether as to lifeline service or otherwise. The specific terms of the state statute and the rural entry guidelines adopted by this Commission under that statute are specific in their requirements as to state certification. Neither the mandating statutes nor this Commission's Orders delegate to a federal agency the authority to amend State guidelines previously adopted or to modify prior determinations of this Commission under state law. This Commission's 94-GIMT-478-GIT guidelines remain the effective findings of this Commission as to those requirements necessary "to ensure that all telecommunications carriers and local exchange carriers preserve and enhance universal service, protect the public safety and

welfare, and ensure the continued quality of telecommunications services and safeguard the rights of consumers” under K.S.A. 66-2005(b).

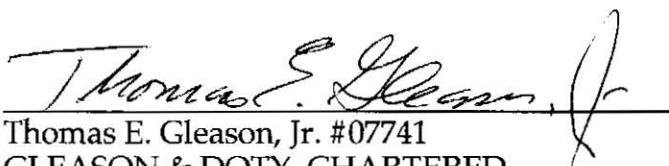
6. In its response of May 4, 2015 to Staff’s Information Request #36 issued in this proceeding the applicant acknowledges it is required to obtain a certificate of convenience and authority for the service it proposes to offer in Wamego’s study area.

7. It is unnecessary and unreasonable to require Wamego to incur the time, effort and expense of negotiation of an interconnection agreement if the other party for such negotiation cannot lawfully be granted certification to provide the service for which the interconnection is intended.

8. The federal Telecommunications Act provides both an exemption for rural telephone companies from negotiation requirements and also a provision for arbitration by the state commission in certain cases. Rather than delay proceedings in this Docket and risk otherwise avoidable arbitration proceedings it is in the public interest and the interests of all parties that this Commission determine prospectively whether Cox’s request to Wamego for negotiations constitutes a bona fide request under the federal act, and whether under undisputed factual circumstances in this proceeding Wamego is obliged to negotiate interconnection with the applicant

WHEREFORE Wamego requests determinations whether the Cox request constitutes a bona fide request for interconnection and whether Wamego is obliged to negotiate interconnection as requested by Cox.

Respectfully submitted,

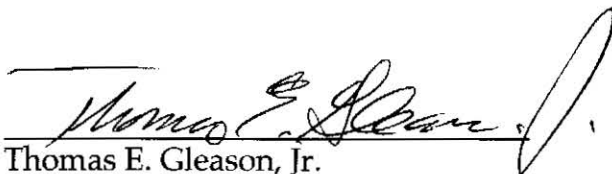


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**VERIFICATION**

STATE OF KANSAS                    )  
  ) SS:  
COUNTY OF DOUGLAS            )

Thomas E. Gleason, Jr., of lawful age, being first duly sworn upon oath, states: I am attorney for Wamego Telecommunications Co., Inc.; I have read the foregoing Motion, and upon information and belief state that the matters therein appearing are true and correct to the best of my knowledge and information.

  
Thomas E. Gleason, Jr.

Subscribed and sworn to before me this 9 day of May, 2015.

  
Notary Public

My Commission Expires:

9/13/15



## CERTIFICATE OF SERVICE

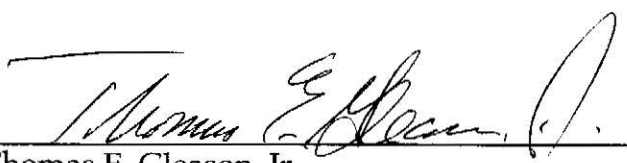
Thomas E. Gleason, Jr. certifies that the foregoing Motion was served electronically to the following on the 8th day of May, 2015:

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