

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

Before Commissioners: Mark Sievers, Chairman
 Ward Loyd
 Thomas E. Wright

In the Matter of the Application of Lifeline)
Phone Service, Inc. for a Certificate of)
Convenience and Authority to Provide Local) Docket No. 12-LLPT-714-COC
Exchange Telecommunications Service on a)
Resold Basis Within the State of Kansas)

**ORDER DENYING LIFELINE'S MOTION FOR EXPEDITED ADJUDICATION OF
APPLICATION FOR CERTIFICATE OF CONVENIENCE AND AUTHORITY**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records and being fully advised in the premises, the Commission finds and concludes as follows:

1. On March 23, 2012, Lifeline Phone Service, Inc. (Lifeline) filed its Application for Certificate of Authority to Provide Local Exchange Telecommunications Services.

2. On April 5, 2012, Lifeline filed the Motion of Lifeline Phone Service, Inc. for Expedited Adjudication of Application for Certificate of Convenience and Authority (Motion for Expedited Adjudication). In its motion, Lifeline claims that Connect I.T., a competitive local exchange carrier (CLEC), is providing telephone services to approximately 2,000 low-income customers in the Wichita area. (Motion for Expedited Adjudication, ¶¶ 1, 6.)

3. Lifeline argues that the "Commission may suspend Connect I.T.'s license." (Motion for Expedited Adjudication, ¶ 5.) The affidavit of Rick Laham, owner of Lifeline, is the only documentation in support of this claim in the record. (Motion for Expedited Adjudication, Attachment 2.)

4. Lifeline asserts that Connect I.T.'s customers will be left without service if Connect I.T. is suspended. (Motion for Expedited Adjudication, ¶ 5.) Lifeline goes on to state that its application should be expedited to protect Connect I.T.'s customers. (Motion for Expedited Adjudication, ¶ 7.)

5. In its Response of Staff to Motion for Expedited Adjudication of Application for Certificate of Convenience and Authority (Response of Staff), Commission Staff (Staff) contends that the "Commission has not taken any action to 'suspend' Connect IT's Certificate." (Response of Staff, ¶ 2.) Staff further asserts that Kansas regulations already protect Connect I.T.'s customers, should it cease operations in the state. (Response of Staff, ¶ 3.)

FINDINGS AND CONCLUSIONS

6. The Commission finds no support in the record for the assertion that the Commission "may" suspend Connect I.T.'s license.

7. Furthermore, in a scenario where Connect I.T.'s license is suspended, the Commission finds that Connect I.T.'s customers will be adequately protected by Kansas law. The process set forth in K.A.R. 82-13-2(a) requires any CLEC that ceases operation in the state to provide at least 30 days notice to its customers. If the CLEC does not provide this notice or simply abandons service, the underlying local exchange carrier must provide service for a limited time. K.A.R. 82-13-2(b). This process must be followed whether the carrier voluntarily ceases operations or is suspended.

9. Additionally, the regulations allow the Commission to require any other notice that it deems necessary. K.A.R. 82-13-2(a)(3).

10. The contention that Connect I.T. may be suspended, Lifeline's rationale for its motion, is unsupported by the record. Also, the Commission concludes that Connect I.T.'s

customers are adequately protected by the prescribed regulatory notice requirements and additional discretion afforded to the Commission.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Commission denies Lifeline's Motion for Expedited Adjudication of Application for Certificate of Convenience and Authority.


B. The Commission denies Lifeline's alternative request for provisional certificates to provide telephone service during adjudication.

C. Parties have 15 days, plus three days if service of this Order is by mail, from the date of service of this Order in which to petition the Commission for reconsideration. K.S.A. 66-118b; K.S.A. 2011 Supp. 77-529(a)(1).

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

BY THE COMMISSION IT IS SO ORDERED.

Dated: APR 25 2012


ORDER MAILED APR 26 2012
Patrice Petersen-Klein
Executive Director

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
ANDREW FRENCH, ADVISORY COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
MICHAEL NEELEY, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
ROBERT V. EYE, ATTORNEY AT LAW KAUFFMAN & EYE 123 SE 6TH AVE STE 200 THE DIBBLE BUILDING TOPEKA, KS 66603		
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RICK LAHAM LIFELINE PHONE SERVICE, INC. 2405 E. PAWNEE WICHITA, KS 67211		
PAUL H GARDNER D/B/A ATTORNEY AT LAW 801 N.W. VESPER BLUE SPRINGS, MO 64015		
JUDITH A. RILEY, AGENT TELECOM PROFESSIONALS, INC. 5909 NORTHWEST EXPRESSWAY STE 101 OKLAHOMA CITY, OK 73132		

ORDER MAILED APR 26 2012

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.