

MAY 03 2012

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

by  
State Corporation Commission  
of Kansas

In the Matter of a General Investigation into )  
The Kansas Universal Service Fund pursuant ) Docket No. 12-GIMT-170-GIT  
To K.S.A. 2010 Supp. 66-2008(c). )

**RESPONSE OF STAFF TO RLECs' MOTION FOR  
EMERGENCY ORDER**

COMES NOW the Staff ("Staff") of the State Corporation Commission of the State of Kansas ("Commission") and in response to the "Motion Fore Emergency Order Prohibiting Disclosure" of certain information filed by the Independent Telephone Group, Columbus Et Al, The State independent Alliance, Southern Kansas Telephone Company and Mutual Telephone Company ("RLECs"), states as follows:

1. On September 13, 2012, the Commission issued its Order opening the above captioned docket. Paragraph 14 of that Order states as follows:

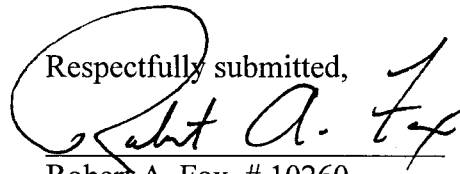
In conducting this investigation, the Commission may at times seek information from parties that is confidential commercial information. The Commission recognizes that some information may be particularly sensitive due to the extremely competitive nature of this industry. If a party identifies information requested by the Commission as particularly sensitive due to competition in the industry, the Commission shall not disclose this information to anyone other than the Commission and members of the Commission's staff. The Commission will carefully consider whether disclosure is proper if anyone not approved by the party requests permission to allow allow inspect such information.

2. While the RLECs do not mention this language in their motion, Staff believes the language in the order was designed to specifically address the concerns expressed by the RLECs. Paragraph 8 of the RLEC Motion claims that (among other things) "regulatorily mandated disclosure of any or all of the subject information would create a competitive bias in favor of any actual or potential competitor not required to provide comparable information . . .".

3. The RLECs have marked the information as confidential. Staff supports an order from the Commission directing that the Commission and its Staff not disclose any of the information received from the RLECs as a result of the information requested in Staff Information Request 1 pursuant to paragraph 14 of the September 13, 2011 Order opening the above captioned docket.

WHEREFORE, Staff requests the Commission issue an Order consistent with this Response.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert A. Fox", is written over a horizontal line. The signature is stylized and cursive.

Robert A. Fox # 10260  
Senior Litigation Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Kansas 66604-4027  
(785) 271-3118  
(785) 271-3167 Fax  
[b.fox@kcc.ks.gov](mailto:b.fox@kcc.ks.gov)  
*Attorney for Staff*

## CERTIFICATE OF SERVICE

12-GIMT-170-GIT

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Response of Staff to RLECs' Motion for Emergency Order was served by electronic service on this 3rd day of May, 2012, to the following parties who have waived receipt of follow-up hard copies.

DOUG KITCH, CPA  
ALEXICON TELECOMMUNICATIONS CONSULTING  
3210 EAST WOODMEN RD  
STE 210  
COLORADO SPRINGS, CO 80920  
Fax: 719-531-0788  
doug@alexicon.net

JAMES G. FLAHERTY, ATTORNEY  
ANDERSON & BYRD, L.L.P.  
216 SOUTH HICKORY  
PO BOX 17  
OTTAWA, KS 66067  
Fax: 785-242-1279  
jflaherty@andersonbyrd.com

ROSE MULVANY HENRY, ATTORNEY  
BRADLEY ARANT BOULT CUMMINGS LLP  
1600 DIVISION ST STE 700  
PO BOX 340025  
NASHVILLE, TN 37203-0025  
Fax: 615-252-4713  
rhenry@babco.com

GLEND A CAFER, ATTORNEY  
CAFER LAW OFFICE, L.L.C.  
3321 SW 6TH STREET  
TOPEKA, KS 66606  
Fax: 785-233-3040  
glenda@caferlaw.com

TERRI PEMBERTON, ATTORNEY  
CAFER LAW OFFICE, L.L.C.  
3321 SW 6TH STREET  
TOPEKA, KS 66606  
Fax: 785-233-3040  
terri@caferlaw.com

C. STEVEN RARRICK, ATTORNEY  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
s.rarrick@curb.kansas.gov  
\*\*\*Hand Delivered\*\*\*

DELLA SMITH  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
d.smith@curb.kansas.gov  
\*\*\*Hand Delivered\*\*\*

SHONDA SMITH  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
sd.smith@curb.kansas.gov  
\*\*\*Hand Delivered\*\*\*

JACKIE MCCARTHY, DIR OF STATE REGULATORY  
AFFAIRS  
CTIA-THE WIRELESS ASSOCIATION  
1400 16TH STREET NW, STE. 600  
WASHINGTON, DC 20036  
jmccarthy@ctia.org

KURT DAVID, CFO  
EAGLE COMMUNICATIONS, INC.  
2703 HALL, STE. 15  
P.O. BOX 817  
HAYS, KS 67601  
Fax: 785-253-65  
kdavid@eaglecom.net

## CERTIFICATE OF SERVICE

12-GIMT-170-GIT

BECKY SCOTT  
ELKHART TELEPHONE COMPANY, INC.  
610 SOUTH COSMOS  
PO BOX 817  
ELKHART, KS 67950  
Fax: 620-697-9977  
bscott@epictouch.com

THOMAS E GLEASON JR, ATTORNEY  
GLEASON & DOTY CHTD  
PO BOX 6  
LAWRENCE, KS 66044-0006  
Fax: 785-856-6800  
gleason@sunflower.com

COLLEEN R. HARRELL  
JAMES M. CAPLINGER, CHARTERED  
823 W 10TH STREET  
TOPEKA, KS 66612  
Fax: 785-232-0724  
colleen@caplinger.net

ROBERT A. FOX, SENIOR LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
b.fox@kcc.ks.gov  
\*\*\*Hand Delivered\*\*\*

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

LYLE WILLIAMSON, DIRECTOR - STATE GOVERNMENT  
RELATIONS  
MCI COMMUNICATIONS SERVICES  
D/B/A VERIZON BUSINESS SERVICES  
8350 E CRESCENT PKWY STE 200  
GREENWOOD VILLAGE, CO 80111-2858  
lyle.williamson@verizon.com

BRUCE SHORT, DIRECTOR OF TELECOMMUNICATIONS  
EMPIRE DISTRICT ELECTRIC COMPANY  
720 S SCHIFFERDECKER AVE  
JOPLIN, MO 64801-3525  
Fax: 417-625-5140  
bshort@empiredistrict.com

JAMES M. CAPLINGER, ATTORNEY  
JAMES M. CAPLINGER, CHARTERED  
823 W 10TH STREET  
TOPEKA, KS 66612  
Fax: 785-232-0724  
jim@caplinger.net

BRIAN G. FEDOTIN, ADVISORY COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3314  
b.fedotin@kcc.ks.gov  
\*\*\*Hand Delivered\*\*\*

GREG T DIAMOND, CORPORATE  
COUNSEL-REGULATORY  
LEVEL 3 COMMUNICATIONS, LLC  
1505 5TH AVE STE 501  
SEATTLE, WA 98101-1678  
greg.diamond@level3.com

DAVID HAGA, ASSISTANT GENERAL COUNSEL  
MCI COMMUNICATIONS SERVICES  
D/B/A VERIZON BUSINESS SERVICES  
1320 N COURTHOUSE RD.  
ARLINGTON, VA 22201  
david.haga@verizon.com

LUKE A. SOBBA, ATTORNEY  
MORRIS LAING EVANS BROCK & KENNEDY CHTD  
SUITE 1310  
800 SW JACKSON  
TOPEKA, KS 66612-1216  
Fax: 316-262-6226  
lsobba@morrislaing.com

**CERTIFICATE OF SERVICE**

12-GIMT-170-GIT

RACHEL LIPMAN REIBER, ATTORNEY  
RACHEL LIPMAN REIBER LLC  
11032 S WHITETAIL LN  
OLATHE, KS 66061-8409  
Fax: 913-226-6762  
rachelreiber@att.net

SUSAN B. CUNNINGHAM, COUNSEL  
SNR DENTON US LLP  
7028 SW 69TH ST  
AUBURN, KS 66402-9421  
Fax: 816-531-7545  
susan.cunningham@snrdenton.com

BRUCE A. NEY, GENERAL ATTORNEY  
SOUTHWESTERN BELL TELEPHONE CO.  
D/B/A AT&T KANSAS  
220 SE 6TH AVE RM 515  
TOPEKA, KS 66603-3596  
Fax: 785-276-1948  
bruce.ney@att.com

DIANE C. BROWNING, ATTORNEY  
SPRINT COMMUNICATIONS COMPANY L.P.  
KSOPHN0314-3A459  
6450 SPRINT PKWY  
OVERLAND PARK, KS 66251  
Fax: 913-523-0571  
diane.c.browning@sprint.com

PAMELA SHERWOOD, VICE PRES REGULATORY  
TW TELECOM OF KANSAS CITY LLC  
4625 W 86TH ST STE 500  
INDIANAPOLIS, IN 46268-7804  
Fax: 303-542-4403  
pamela.sherwood@twtelecom.com

MICHAEL J. FOSTER, CHIEF EXECUTIVE OFFICER  
TWIN VALLEY TELEPHONE, INC.  
22 SPRUCE  
PO BOX 395  
MILTONVALE, KS 67466  
Fax: 785-427-2216  
mike.foster@tvvinc.net

TORRY SOMERS, ATTORNEY AT LAW/NVLSVBO207  
UNITED TELEPHONE CO. OF KANSAS  
D/B/A CENTURYLINK  
6700 VIA AUSTI PKWY  
LAS VEGAS, NV 89119  
Fax: 702-244-7775  
torry.r.somers@centurylink.com

CHARLES H. CARRATHERS III  
VERIZON  
HQE03H52  
8350 E CRESCENT PKWY STE 200  
GREENWOOD VILLAGE, CO 80111-2858  
Fax: 877-450-4658  
chuck.carrathers@verizon.com

DEBORAH KUHN, ASISTANT GENERAL COUNSEL  
VERIZON  
205 N MICHIGAN AVE.  
7th Floor  
CHICAGO, IL 60601  
Fax: 312-470-5571  
deborah.kuhn@verizon.com

ARCHIE MACIAS, GENERAL MANAGER  
WHEAT STATE TELEPHONE COMPANY, INC.  
PO BOX 320  
UDALL, KS 67146  
Fax: 620-782-3302  
agmacias@wheatstate.com

  
\_\_\_\_\_  
Pamela Griffith  
Administrative Specialist