

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

Before Commissioners:      Thomas E. Wright, Chairman  
                                 Michael C. Moffet  
                                 Joseph F. Hawkins

In the Matter of the Application of Southwestern      )  
Bell Telephone Company for Price Deregulation      )  
Of Business Telecommunications Services              )      Docket No. 09-SWBT-937-PDR  
In the Dodge City, Garden City, Humboldt, Larned, )  
And Lindsborg Kansas Exchanges Pursuant to        )  
K.S.A. 2008 Supp. 66-2005(q)(1)(C).

**ORDER APPROVING APPLICATION FOR PRICE DEREGULATION  
OF BUSINESS TELECOMMUNICATIONS SERVICES  
IN THE LINDSBORG EXCHANGE**

The above-captioned matter comes on before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records, and being duly advised in the premises, the Commission approves price deregulation of business telecommunications services in the Lindsborg exchange.

1. On June 5, 2009, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) filed its application seeking price deregulation of business telecommunications services in the Dodge City, Garden City, Humboldt, Larned and Lindsborg Kansas exchanges pursuant to K.S.A. 2008 Supp. 66-2005(q)(1)(C) (Application)..

2. On June 12, 2009, the Commission granted the petition for intervention of Citizens' Utility Ratepayer Board (CURB).

3. On June 24, 2009, Commission staff (Staff) filed its Report and Recommendation, in which Staff recommended approval of the Application.

4. On June 25, 2009, CURB filed a response to the Report and Recommendation opposing the Application because CURB could not identify with specificity any entity other than Cox Communications providing competitive single-line business services in the Lindsborg exchange.

5. The Commission approved the Application on June 26, 2009, in the Dodge City, Garden City, Humboldt and Larned exchanges but suspended the portion of the Application pertaining to the Lindsborg exchange for 30 days to provide additional time for investigation.

6. On July 9, 2009, AT&T filed its response to the Commission's Order, explaining that wireless carriers, such as Alltel and US Cellular, do not differentiate between residential and business customer traffic. AT&T further explained that Alltel and US Cellular are significant service providers who own wireless transmission facilities in the Lindsborg area and which market to business and residential customers. To support its claim, AT&T provided copies of e-mail messages from the City of Lindsborg and Smoky Valley USD confirming that both businesses had contracted with US Cellular for wireless telecommunications services.

7. Staff contacted the Director of Finance for USD 400 and the City Manager of Lindsborg, both of whom confirmed the veracity of the e-mail messages provided by AT&T. Staff was of the opinion that the statutory provisions had been satisfied in the Lindsborg exchange and recommended approval of price deregulation of business telecommunications services there. Staff suggested that, with future deregulation applications, AT&T should provide copies of bill statements and/or verified statements

from the subscribers and location documentation to better demonstrate that the statutory obligations have been met.

8. The Commission has reviewed Staff's Report and Recommendation and finds it to be thorough and reasonable. The Commission adopts same as if it were fully set out herein and concludes that business telecommunications services provided by AT&T in the Lindsborg exchange should be price deregulated. The Commission suggests that A&T provide the documentation recommend by Staff in future deregulation applications.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. Business telecommunications services provided by AT&T in the Lindsborg exchange are hereby price-deregulated.

B. Any party that wants the Commission to reconsider any final matter determined herein must file a petition for reconsideration within 15 days of the service of this Order. If this Order is mailed, service is complete upon mailing and the petitioning party may add three days to 15-day suspense period. All petitions for reconsideration must be served on the Commission's executive director.

C. The Commission retains jurisdiction over the parties and the subject matter of this docket for the purpose of issuing such additional orders as it deems necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Wright, Chmn.; Moffet, Com.; Harkins, Com.

Dated: JUL 24 2009

**ORDERED MAILED**

JUL 24 2009

 EXECUTIVE  
DIRECTOR

Susan K. Duffy, Executive Director

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