

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Andrew J. French, Chairperson
Dwight D. Keen
Annie Kuether

In the Matter of the CAF/ICC Certification)
Filing Compliance as Required under the) Docket No. 25-GIMT-310-CPL
FCC's regulations – 47 C.F.R. 51.917(d)(1))
(vii).)

ORDER OPENING DOCKET

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, the Commission finds and concludes:

1. The Federal Communications Commission (“FCC”), requires price cap and rate-of-return carriers to certify Connect America Fund (“CAF”)/Intercarrier Compensation (“ICC”) Data for Carriers receiving FAC/ICC support.¹

2. 47 CFR § 51.917(d)(vii) provides:

If a Rate-of-Return Carrier recovers any costs or revenues that are already being recovered as Eligible Recovery through Access Recovery Charges or the Connect America Fund from another source, that carrier's ability to recover reduced switched access revenue from Access Recovery Charges or the Connect America Fund shall be reduced to the extent it receives duplicative recovery. Any duplicative recovery shall be reflected as a reduction to a carrier's Eligible Recovery calculated pursuant to § 51.917(d). *A Rate-of-Return Carrier seeking revenue recovery must annually certify as part of its tariff filings to the Commission and to the relevant state commission that the carrier is not seeking duplicative recovery in the state jurisdiction for any Eligible Recovery subject to the recovery mechanism.* (emphasis added)

3. The Commission finds this docket should be opened to collect those certifications, as required by 47 CFR § 51.917(d)(vii).

¹ Staff's Report and Recommendation, Apr. 1, 2025 (R&R), p. 1.

4. Commission Staff (“Staff”) prepared a Report and Recommendation, dated April 1, 2025, which is attached hereto and made a part hereof by reference. The Report and Recommendation addresses the above stated matters and requests the Commission open this docket. The Commission approves Staff’s Report and Recommendation and adopts the request.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. This docket shall be opened for the purpose of receiving information and certifications to ensure compliance with 47 CFR § 51.917(d)(vii).

B. Those subject to the requirements of 47 CFR § 51.917(d)(vii) are reminded that any information they seek to file confidentially must comply with K.A.R. 82-1-221a. This includes K.A.R. 82-1-221a(a)(5)'s requirement of a written explanation explaining whether the information constitutes a trade secret or confidential commercial information, and an explanation regarding the harm or potential harm disclosure would cause. Failure to comply with such regulation may result in a penalty or public disclosure of information

C. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).²

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 04/10/2025



Celeste Chaney-Tucker
Executive Director

BWB

² K.S.A. 66-1118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

FROM: Steve Garrett, Deputy Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: April 1, 2025

SUBJECT: Docket No. 25-GIMT-310-CPL

In the Matter of the CAF/ICC Certification Filing Compliance as Required under the FCC's regulations – 47 C.F.R. 51.917(d)(1)(vii).

EXECUTIVE SUMMARY:

The Federal Communications Commission (FCC) requires both price cap and rate-of-return carriers to certify Connect America Fund (CAF)/Intercarrier Compensation (ICC) Data for Carriers receiving CAF/ICC support by June 17, 2025.¹ Staff recommends the Kansas Corporation Commission (Commission) issue an order to open a new docket to allow carriers to file their CAF/ICC certification statements.

BACKGROUND:

Certification of Officer for Rate-of-Return Carrier Eligibility for CAF/ICC Recovery

The reporting carrier must certify that it has complied with the Eligible Recovery §51.917(d) and Access Recovery Charge §51.917(e) and is eligible to receive the CAF ICC support requested pursuant to §51.917(f).

Certification of Officer as to the Accuracy of the CAF/ICC Data Reported

The reporting carrier must certify that the officer of the reporting carrier has the responsibility to ensure the accuracy of the actual data reported; and, to the best of the officer's knowledge, the information reported on this form is accurate.

Certification of Officer to Authorize an Agent to File Data on Behalf of Reporting Carrier

The reporting carrier must certify that the selected Agent is authorized to submit the information reported on behalf of the reporting carrier. Also certify that the officer of the reporting carrier has

¹ Forms and Filing Deadlines: <https://www.usac.org/high-cost/resources/forms-and-filing-deadlines/>

the responsibility to ensure the accuracy of the data provided to the Authorized Agent; and, to the best of the officer's knowledge, the actual data provided to the Authorized Agent is accurate.

Certification of Officer for Rate-of-Return Carrier Not Seeking Duplicative Recovery

The reporting carrier is not seeking duplicative recovery in the state jurisdiction for any Eligible Recovery subject to the recovery mechanism as per §51.917(d)(vii).

ANALYSIS:

If a Rate-of-Return Carrier recovers any costs or revenues that are already being recovered as Eligible Recovery through Access Recovery Charges or the Connect America Fund from another source, that carrier's ability to recover reduced switched access revenue from Access Recovery Charges or the Connect America Fund shall be reduced to the extent it receives duplicative recovery. Any duplicative recovery shall be reflected as a reduction to a carrier's Eligible Recovery calculated pursuant to § 51.917(d). A Rate-of-Return Carrier seeking revenue recovery must annually certify as part of its tariff filings to the Commission and to the relevant state commission that the carrier is not seeking duplicative recovery in the state jurisdiction for any Eligible Recovery subject to the recovery mechanism.²

RECOMMENDATION:

The FCC requires both price cap and rate-of-return carriers to certify to state commissions that they are “not seeking any duplicative recovery in the state jurisdiction for any Eligible Recovery subject to the [FCC’s authorized] recovery mechanism.”³ Rate-of-return carriers that are eligible and elect to receive CAF/ICC support are also required to certify to state commissions by June 17, 2025 that they have complied with applicable FCC requirements related to eligible recovery and the access recovery charge (ARC) and are eligible to receive CAF/ICC support.⁴

Staff recommends the Commission issue an order to open a new docket allowing carriers to file their CAF/ICC certification statements, in the Docket the earlier of June 17, 2025, or the date the carrier files this data with the FCC. The purpose of this docket is to allow carriers a place to file their CAF/ICC certification statements pursuant to FCC regulations.

² [https://www.ecfr.gov/current/title-47/chapter-I/subchapter-B/part-51/subpart-J#p-51.917\(d\)\(1\)\(vii\)](https://www.ecfr.gov/current/title-47/chapter-I/subchapter-B/part-51/subpart-J#p-51.917(d)(1)(vii))

³ For price cap carriers, see, 47 CFR §51.915(d)(3). For rate-of-return carriers, see, 47 CFR § 51.917(d)(vii). The underlying prohibitions against duplicative recovery or too much Eligible Recovery in a particular time period are set forth at § 51.915(d)(2) for price cap carriers; for rate-of-return carriers, they are set forth at §§ 51.917(d)(vii) & (d)(viii)(A).

⁴ 47 CFR § 51.917(f)(3).

CERTIFICATE OF SERVICE

25-GIMT-310-CPL

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 04/10/2025.

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