THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:

Mark Sievers, Chairman Thomas E. Wright Shari Feist Albrecht

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In the Matter of a General Investigation to Review and Determine Whether the Kansas Universal Service Fund (KUSF) Should Support all Lines or be Limited to a Primary Line, Whether KUSF Support Available to Competitive Eligible Telecommunications Providers Should be Limited, and Other Appropriate Issues Related to Initial or Supplemental KUSF Support.

Docket No. 13-GIMT-260-GIT

ORDER DESIGNATING PREHEARING OFFICER

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 October 25, 2012, the Commission issued its Order Opening Docket, Requesting Comments, and Directing Parties to File Entries of Appearance. The general investigation will address the following issues: (1) whether, and how, to implement a primary line policy for KUSF support purposes; (2) whether the identical support or equal payment policy should be modified for competitive ETCs; and (3) other issues related to supplemental KUSF support.

2. Although the Commission will conduct any evidentiary hearing that may become necessary in this docket, the Commission designates a prehearing officer to conduct any prehearing conferences that might be needed in this proceeding and to address any matters that

are appropriately considered in a prehearing conference, including all items listed in the Kansas Administrative Procedure Act at K.S.A. 77-517(b). These items include, for example, conversion of the proceeding to another type; exploration of settlement possibilities; preparation of stipulations; clarification of issues; rulings on identity and limitation of the number of witnesses; objections to proffers of evidence; determination of the extent to which direct evidence, rebuttal evidence, or cross-examination will be presented in written form, and the extent to which telephone or other electronic means will be used as a substitute for proceedings in person; order of presentation of evidence and cross-examination; rulings regarding issuance of subpoenas; discovery orders and protective orders; and such other matters as will promote the orderly and prompt conduct of the hearing.

3. The Commission concludes that a Prehearing Officer should be designated for this proceeding and designates Andrew French, Advisory Counsel, 1500 SW Arrowhead Road, Topeka, KS 66604-4027, telephone number 785-271-3361, email address <u>a.french@kcc.ks.gov</u>, to act as Prehearing Officer in this proceeding. K.S.A. 2011 Supp. 77-514; K.S.A. 77-516; K.S.A. 2011 Supp. 77-551. The Commission, as it deems necessary, may designate other staff members to serve in this capacity.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Commission designates Andrew French to act as Prehearing Officer in this proceeding, as described above.

B. Parties have 15 days, plus three days if service 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).

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C. 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.

Sievers, Chairman; Wright, Commissioner; Albrecht, Commissioner

Dated: OCT 2 5 2012

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Patrice Petersen-Klein Executive Director

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JEFF WICK, CHIEF OPERATING OFFICER NEX-TECH, INC. 2418 VINE STREET PO BOX 339 HAYS, KS 67601

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DANIEL MELDAZIS PEERLESS NETWORK OF KANSAS, LLC 222 S RIVERSIDE PLZ STE 2730 CHICAGO, IL 60606-6202

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MARK LEAFSTEDT, CEO TOTAL CALL MOBILE, INC. 1411 W 190TH ST STE 700 GARDENA, CA 90248-4376

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