

3. The FCC's Wireline Competition Bureau removed Chanute from further consideration for RBE funding, because it missed the deadlines for submitting a letter of credit commitment letter and ETC designation documentation. Chanute did not receive RBE funding, but continued to submit annual ETC certification filings through 2018. However, in 2019, Chanute did not file for ETC certification for 2019. On November 14, 2019, the Commission issued an Order to Show Cause why Chanute should not have its ETC authority cancelled, along with other remedies.

4. On December 13, 2019, Chanute filed a Response to the Order to Show Cause and acknowledged the procedural history giving rise to the Commission's action. The City indicated it provides no services supported by the Federal Universal Service support mechanisms and desires to voluntarily relinquish its ETC designation authorized by the Commission. It notes that no customers will be impacted by the cancellation of its authority, and there will be no disruption of service. Chanute cites to 47 U.S.C. § 214(e)(4), which allows an ETC to relinquish its designation if more than one eligible telecommunications carrier is available to serve an area where service is to be discontinued. The City notes Southwestern Bell Telephone Company, d/b/a AT&T Kansas is an available eligible telecommunications carrier in the thirty-seven census blocks in which it was authorized to provide service. Moreover, because Chanute never provided service as an ETC under its provisional FCC funding authority, the Commission in making its determination regarding ETC relinquishment does not need to require another carrier to provide service as there is no service to be replaced for other carriers to be required to continue the rendition of service under 47 U.S.C. § 214(e)(4).

5. Chanute indicated it had been remiss in not seeking ETC certification in 2019 because of the death of its Utility Director and should not be subject to fines or penalties in

conjunction with its voluntary relinquishment of the ETC designation. It also notes it has no customers being provided service with universal service support, and the relinquishment of its authority will not require notice to any affected customers.

6. The Commission finds that the request by Chanute to have its ETC authority cancelled should be granted, and based on its response, no sanctions or penalties are to be levied. Based on 47 U.S.C. § 214 (e)(4), Chanute is authorized to relinquish its ETC designation and no service was ever provided to necessitate the continued rendition of service by another carrier.

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The City of Chanute's request to have its ETC designation cancelled in thirty-seven census blocks as provided in Docket No. 15-CHNE-413-ETC is hereby granted, effective as of the date of this Order.

B. 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

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 12/31/2019



Lynn M. Retz
Executive Director

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² K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

20-CHNE-210-SHO

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 12/31/2019.

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/S/ DeeAnn Shupe

DeeAnn Shupe