THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

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Dwight D. Keen, Chair, Shari Feist Albrecht Susan K. Duffy

In the Matter of a General Investigation)	
for the City of Chanute, Kansas to Show)	
Cause Why this Commission Should)	
Not Initiate Sanctions and Fines and/or)	Docket No. 20-CHNE-210-SHO
Suspend, Cancel, or Revoke Any)	
Authority the Carrier Currently Holds.)	

ORDER CANCELLING ETC DESIGNATION

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 record, and being duly advised in the premises, the Commission finds and concludes as follows:

- 1. The Commission has broad supervisory authority over all telecommunications public utilities in the state of Kansas and has duty to inquire into any violation of law by a telecommunications public utility and its officers, agents and employees.¹
- 2. The City of Chanute, Kansas (Chanute) is a municipality with a population of approximately 9,054 citizens. On May 7, 2015, it was designated as an Eligible Telecommunications Carrier (ETC) in thirty-seven Kansas census blocks in Docket No. 15-CHNE-413-ETC. The designation was based on the Federal Communications Commission (FCC) provisionally selecting Chanute to receive \$508,467 in Rural Broadband Experiment (RBE) funds to deploy broadband in the census blocks where it was granted authority.

¹ K.S.A. 2018 Supp. 66-1,195.

- 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

Lynn M. Ret

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

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CERTIFICATE OF SERVICE

20-CHNE-210-SHO

12/21/2010	
electronic service on $\frac{12/31/2019}{}$.	

JEFF CANTRELL, CITY MANAGER CITY OF CHANUTE 101 SOUTH LINCOLN MEMORIAL BLDG, PO BOX 907 CHANUTE, KS 66720 jcantrell@chanute.org

WALKER HENDRIX, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3354 w.hendrix@kcc.ks.gov FRANK A. CARO, JR., ATTORNEY POLSINELLI PC 900 W 48TH PLACE STE 900 KANSAS CITY, MO 64112 Fax: 816-753-1536 fcaro@polsinelli.com

/S/ DeeAnn Shupe

DeeAnn Shupe