

COLLEEN R. JAMISON
JAMISON LAW, LLC

March 11, 2025

Abigail Emery, Acting Secretary
Kansas Corporation Commission
1500 SW Arrowhead Rd.
Topeka, KS 66604

RE: Joint Motion to Approve Settlement Agreement
25-CNHT-185-KSF

Dear Ms. Emery:

Attached for filing please find Staff and Cunningham Joint Motion to Approve Settlement Agreement and Render a Decision on the Paper Record.

If you have any questions, please let me know.

Sincerely,

JAMISON LAW, LLC

Colleen R. Jamison

Colleen R. Jamison

Att.

cc: Brett Berry
Madisen Hane
Brent Cunningham
Stacey Brigham

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application and Request)
of Cunningham Telephone Company, Inc.) Docket No. 25-CNHT-185-KSF
for an Increase in its Cost-Based Kansas)
Universal Service Fund Support.)

**JOINT MOTION TO APPROVE SETTLEMENT AGREEMENT,
CANCEL REMAINING PROCEDURAL SCHEDULE, AND
RENDER A DECISION ON PAPER RECORD**

The Staff of the Kansas Corporation Commission (“Staff” and “Commission,” respectively) and Cunningham Telephone Company, Inc. (“Cunningham”) (collectively, the “Parties”) jointly move the Commission to: 1) approve the attached Settlement agreement between the Parties; 2) cancel the remaining procedural schedule in this matter other than the deadline for parties to file Testimony in Support of the Settlement Agreement (on or before March 20, 2025); and 3) render a decision in this matter based upon the paper record. In support, the Parties state as follows:

1. Cunningham is a Kansas corporation holding one or more Certificates of Convenience and Authority to engage in the business of providing local exchange and exchange access telecommunications service in designated geographic areas within the State of Kansas. It is a rural telephone company as defined in K.S.A. 66-1,187(l). Cunningham has elected to operate under traditional rate of return regulation pursuant to K.S.A. 66-2005(b).

2. K.S.A. 2017 Supp. 66-2008(e)(1) states: “For each local exchange carrier electing pursuant to subsection (b) of K.S.A. 66-2005, and amendments thereto, to operate under traditional rate of return regulation, all KUSF support, including any adjustment thereto pursuant to this section shall be based on such carrier’s embedded costs, revenue requirements, investments and expenses.”

3. On October 11, 2024, Cunningham filed its *Application and Request for an Increase in its Cost-Based Kansas Universal Service Fund Support* (“Application”).

Cunningham requested an increase in annual KUSF support of \$1,050,573¹ from its current annual support level of \$867,975². Cunningham’s Application contained schedules required by K.A.R. 82-1-231. The schedules contained evidence reflecting Cunningham’s embedded costs, revenue requirements, investments, and expenses. The schedules were supported by testimony from Brent Cunningham, Cunningham’s President, and Stacey Brigham, Cunningham’s consultant.

4. Staff investigated Cunningham’s Application and formulated a position to increase Cunningham’s annual KUSF support by \$599,781³. Staff’s position was based upon its review of Cunningham’s embedded costs, revenue requirements, investments, and expenses.

5. On February 27, 2025, Cunningham filed the Rebuttal Testimony of Stacey Brigham supporting a rebuttal KUSF increase position of \$709,147⁴.

6. After discussion, Staff and Cunningham have agreed to the attached Settlement Agreement in resolution of Cunningham’s application. The Parties agree that Cunningham’s cost based KUSF support should increase by \$709,147, plus \$5,357, Cunningham’s trued-up rate case expense incurred through drafting and filing of this Joint Motion and Settlement Agreement, amortized over a five-year period, for a total of \$714,504. When added to Cunningham’s current KUSF draw of \$867,975, Cunningham’s resulting total KUSF draw will be \$1,582,479 annually. Pursuant to paragraph 25 of the Commission’s Order dated January 4, 2018, in Docket No. 17-RNBT-555-KSF, the Parties request an effective date of May 1, 2025. Staff and Cunningham

¹ Testimony of Stacey Brigham, p. 3, line 8, filed October 11, 2024.

² Public Testimony of Steve Garrett, Docket No. 25-GIMT-141-GIT Attachment A, line 6, filed December 13, 2024.

³ Staff Schedules, Schedule REV REQ, Line 7C, filed February 13, 2025.

⁴ Public Rebuttal Testimony of Stacey N. Brigham, p. 4., line 9, filed February 27, 2025.

agree that at the conclusion of the five-year amortization period allowed for rate case expenses, the annual KUSF draw amount received by Cunningham will be reduced by \$13,580 (one-fifth of the total trued-up rate case expense of \$67,899 to reflect that the rate case expenses incurred in this docket will have been fully recovered. Finally, Staff and Cunningham agree that further proceedings and/or hearings in this matter are unnecessary and are willing to submit this matter to the Commission for a decision upon the paper record (i.e., all pleadings and pre-filed testimony filed in this docket); however, Staff will still submit Testimony in Support of the Settlement Agreement on or before March 20, 2025.

WHEREFORE, Staff and Cunningham respectfully jointly request that the Commission issue an order: 1) approving the terms of the attached Settlement Agreement; 2) cancelling the remainder of the procedural schedule other than the due date for Testimony in Support of the Settlement Agreement (on or before March 20, 2025); and 3) rendering its decision in this matter upon the paper record.

Respectfully submitted,

JAMISON LAW, LLC

Colleen R. Jamison

Colleen R. Jamison, KS Bar #16121

PO Box 128

Tecumseh, KS 66542

Ph: 785-331-8214

Fax: 833-233-4028

colleen.jamison@jamisonlaw.legal

Attorney for Cunningham Telephone
Company

Brett Berry

Brett Berry, KS Bar #15026

Litigation Counsel

Attorney for Staff

Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, Kansas 66604-4027
E-mail: b.berry@kcc.ks.gov
Phone: 785-271-3173

Madisen Hane
Madisen Hane, KS Bar #30292
Litigation Counsel
Attorney for Staff
Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, Kansas 66604-4027
E-mail: madisen.hane@ks.gov
Phone: 785-271-3145

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application and Request)	
of Cunningham Telephone Company, Inc.)	Docket No. 25-CNHT-185-KSF
for an Increase in its Cost-Based Kansas)	
Universal Service Fund Support.)	

SETTLEMENT AGREEMENT

The Staff of the Kansas Corporation Commission (“Staff” and “Commission,” respectively) and Cunningham Telephone Company, Inc. (“Cunningham”) (collectively, “the Parties”), pursuant to K.A.R. 82-1-230a, enter into the following Unanimous Settlement Agreement (“Agreement”) in resolution of all disputes in this matter.

I. TERMS OF AGREEMENT

A. Cunningham’s annual KUSF support shall increase by \$714,504.

1. The Parties agree that Cunningham’s Annual KUSF support shall increase by \$714,504. Pursuant paragraph 25 of the Commission’s January 4, 2018, order in Docket No. 17-RNBT-555-KSF, the parties request an effective date of May 1, 2025.

B. Cunningham’s annual KUSF support shall decrease by \$13,580 after 5 years.

2. Five (5) years after Cunningham’s annual KUSF support increases as a result of approval of this Settlement Agreement, it shall be reduced by \$13,580 to reflect the complete recovery of amortized rate case expense over 5 years.

II. GENERAL PROVISIONS

3. This Agreement represents a negotiated settlement that resolves the issues in this docket as between the Parties. The Parties represent that the terms of the Agreement constitute a fair and reasonable outcome and comport with the statutory requirements of K.S.A. 66-2008(e)

for purposes of calculating Cunningham's KUSF support. Except as specified herein, the Parties shall not be prejudiced, bound by, or in any way affected by the terms of this Agreement (a) in any future proceeding; (b) in any proceeding currently pending under a separate docket; and/or (c) in this proceeding should the Commission decide not to approve this Agreement in the instant proceeding. If the Commission accepts this Agreement in its entirety and incorporates the same into a final order without material modification, the Joint Movants shall be bound by its terms and the Commission's order incorporating its terms as to all issues addressed herein and in accordance with the terms hereof and will not appeal the Commission's order on these issues. The parties recognize that, pursuant to K.A.R. 82-1-230a(b), the Commission may approve, reject, or modify any Settlement Agreement. Should the Commission not approve the terms of this Settlement Agreement in full, the Parties agree that by entering into this Settlement Agreement, they are not waiving any arguments.

4. Nothing in this Agreement is intended to impinge or restrict, in any manner, the exercise by the Commission of any statutory right, including the right of access to information.

5. The provisions contained in this Agreement have resulted from negotiations among the Parties and are interdependent. In the event the Commission does not approve and adopt the terms of this Agreement in total, it shall be voidable and none of the Parties shall be bound, prejudiced, or in any way affected by any of the agreements or provisions hereof.

III. TESTIMONY IN SUPPORT OF THE AGREEMENT

6. The Parties agree that Staff will file testimony in support of this Agreement on or before March 20, 2025. Cunningham may file testimony, but it is not required to do so. Staff's testimony will address the three factors the Commission typically considers when evaluating a unanimous settlement agreement.

Respectfully submitted,

JAMISON LAW, LLC

Colleen R. Jamison

Colleen R. Jamison, KS Bar #16121
PO Box 128
Tecumseh, KS 66542
Ph: 785-331-8214
Fax: 833-233-4028
colleen.jamison@jamisonlaw.legal
Attorney for Cunningham Telephone
Company

Brett Berry

Brett Berry, KS Bar #15026
Litigation Counsel
Attorney for Staff
Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, Kansas 66604-4027
E-mail: b.berry@kcc.ks.gov
Phone: 785-271-3173

Madisen Hane

Madisen Hane, KS Bar #30292
Litigation Counsel
Attorney for Staff
Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, Kansas 66604-4027
E-mail: madisen.hane@ks.gov
Phone: 785-271-3145

VERIFICATION

I, the undersigned, hereby certify under penalty of perjury pursuant to K.S.A. 53-601 that I am an attorney for Cunningham Telephone Company, Inc. and that the foregoing is true and correct. Executed on March 11, 2025.

Colleen R. Jamison

Colleen R. Jamison

CERTIFICATE OF SERVICE

The undersigned certifies that on March 11, 2025, she served the above Joint Motion and Stipulated Settlement Agreement by electronic mail service to the persons listed below as reflected on the Commission’s “service list” for this docket, as last modified November 6, 2024.

AARON BAILEY, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
aaron.bailey@ks.gov

MADISEN HANE, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Madisen.Hane@ks.gov

NICOLE STEPHENS, KUSF ADMINISTRATOR MANAGER
VANTAGE POINT SOLUTIONS
2930 MONTVALE DRIVE SUITE B
SPRINGFIELD, IL 62704
nicole.stephens@vantagepnt.com

Colleen R. Jamison

Colleen R. Jamison