

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Pat Apple, Chairman
Shari Feist Albrecht
Jay Scott Emler

In the Matter of An Investigation to Determine)
the Assessment Rate for the Twenty-Second) Docket No. 18-GIMT-084-GIT
Year of the Kansas Universal Service Fund,)
Effective March 1, 2018.)

**ORDER APPROVING TRAFFIC FACTORS FOR NEW CINGULAR WIRELESS PCS,
LLC d/b/a AT&T MOBILITY, AND CRICKET WIRELESS, LLC**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its files and record and being duly advised in the premises, the Commission makes the following findings:

1. Pursuant to K.S.A. 66-2008(a), the Commission requires “every telecommunications carrier, telecommunications public utility and wireless telecommunications service provider that provides intrastate telecommunications services and, to the extent not prohibited by federal law, every provider of interconnected VoIP service, as defined by 47 C.F.R. 9.3 (October 1, 2005), to contribute to the [Kansas Universal Service Fund (KUSF)] on an equitable and nondiscriminatory basis.” On December 27, 1996, in Docket No. 94-GIMT-478-GIT, the Commission declared that the contribution would be a yearly assessment on each provider’s intrastate retail revenues.

2. Pursuant to the January 24, 2012, Order in Docket No. 12-GIMT-168-GIT, Wireless Carriers and interconnected voice over internet protocol (VoIP) providers have three options for identifying their Kansas intrastate retail revenues. First, a provider may utilize the Federal Communications Commission’s (FCC) Safe Harbor percentages to allocate intrastate and

interstate Kansas revenues.¹ If a Wireless Carrier or VoIP provider utilizes the Safe Harbor percentages, no filings are necessary. Second, a Wireless Carrier or VoIP provider may utilize a traffic study to determine revenue allocations between jurisdictions. If the Wireless Carrier or VoIP provider uses the traffic study methodology, it must provide the jurisdictional percentages (also known as “traffic factors”) to the Commission at least annually in the annual KUSF docket, and identify the specific timeframes for which the traffic factors apply. This filing requirement applies even if the traffic factors did not change from the prior year. Third, a Wireless Carrier or VoIP provider may directly assign revenue between jurisdictions. If the Wireless Carrier or VoIP provider uses the direct assignment methodology, it does not need to provide the jurisdictional percentages, but it must inform the Commission at least annually, in the annual KUSF docket, whether it continues to use such methodology. Additionally, if the Wireless Carrier or VoIP provider uses either the traffic study or direct assignment methodologies, it must provide an affidavit from an officer of the company attesting that it uses the inverse of the intrastate KUSF revenue percentages for interstate, Federal Universal Service Fund (FUSF) remittance purposes. Such affidavit should accompany the annual filings referenced above.

3. On October 16, 2017, New Cingular Wireless PCS, d/b/a AT&T Mobility and Cricket Wireless LLC (collectively AT&T) filed its traffic study for the period Q1-2017 through Q4-2017. The update was accompanied by the Affidavit of Linda A. Fisher, AVP-Tax Services, Inc. and a listing of the Quarterly Traffic Factors used by the company for Kansas Universal Service Fund (KUSF) and Federal Universal Service Fund (FUSF) reporting for the period Q1-2017 through Q4-2017.

4. The Commission finds AT&T’s filing appropriate and approves the traffic study data submitted for KUSF and FUSF remittance purposes.

¹See Report and Order and Notice of Proposed Rulemaking, 21 FCC Rcd. 7518, ¶65 (June 27, 2006).

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. New Cingular Wireless PCS, LLC d/b/a AT&T Mobility, and Cricket Wireless, LLC, collectively, AT&T's traffic study and traffic factors filed on October 16, 2017 for the reporting period, Q1-2017 through Q4-2017 are approved.

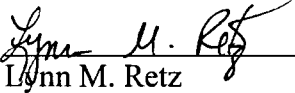
B. Parties have 15 days, plus three days if service is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2016 Supp. 77-529(a)(1).

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

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: OCT 26 2017



Lynn M. Retz
Secretary to the Commission

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CERTIFICATE OF SERVICE

18-GIMT-084-GIT

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

Electronic Service on OCT 26 2017

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