

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

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

In the Matter of United Telephone of Kansas)
dba CenturyLink 19-10 Filing Tariffs)
Revisions to Federal Lifeline Terms and) Docket No. 20-UTDT-148-TAR
Conditions Regarding Manner in which)
Applicants May Request Lifeline Assistance;)
Filed in Support of the Launch of the National)
Lifeline Eligibility Verifier.)

ORDER APPROVING REVISED TARIFF

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. On September 26, 2019, United Telephone Company of Eastern Kansas, United Telephone Company of Kansas, United Telephone Company of Southcentral Kansas, and Embarras Missouri, Inc., all d/b/a CenturyLink (CenturyLink) filed an Application requesting to make tariff revisions to a certain section of its General Exchange Tariff changing the wording of the Company's Lifeline offering.

2. On October 9, 2019, Commission Staff (Staff) submitted its Report and Recommendation, attached hereto and made a part hereof, recommending the Commission grant CenturyLink's Application and approve the company's proposed tariff, effective October 26, 2019.

3. The Commission derives its authority to review Local Exchange Carrier tariffs from K.S.A. 66-117(d), which reads in part:

...(d) Except as provided in subsection (c), no change shall be made in any rate, toll, charge, classification or schedule of charges or joint rates, or in any rule or regulation or practice pertaining to the service or rates of any such public utility or common carrier, without the consent of the commission.

K.S.A. 66-1,190 provides in part that telecommunications public utilities doing business in Kansas shall:

... publish and file with the commission copies of all schedules of rates, joint rates, tolls, charges, classifications and divisions of rates affecting Kansas traffic, either state or interstate...and...the commission shall have power to prescribe reasonable rules and regulations regarding the form and filing of all schedules, tariffs and classifications of all rates, joint rates, tolls and charges and all rules and regulations of such telecommunications public utilities...

The Commission must review rates and terms for jurisdictional telecommunications services to ensure they are “just and reasonable” pursuant to K.S.A. 66-1,189. Further, K.S.A. 66-1,189 requires the Commission to ensure that all classifications, rules, and regulations regarding the services are not unduly discriminatory or preferential.

4. According to Staff, this filing makes changes to page 36 in section 13 to comply with recently ordered Federal Communication Commission requirements aimed at modernizing the federal Lifeline program, specifically the activation of the National Lifeline Eligibility Verifier (NLEV).

5. Staff has reviewed the filing and does not have any concerns.

6. The Commission adopts Staff’s analysis and recommendation of October 9, 2019, as stated in its Report and Recommendation and finds that CenturyLink’s Application should be granted and the requested tariff revisions approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. United Telephone Company of Eastern Kansas, United Telephone Company of Kansas, United Telephone Company of Southcentral Kansas, and Embarq Missouri, Inc., all d/b/a CenturyLink's Application is hereby granted and its revised General Exchange Tariff is hereby approved and shall become effective October 26, 2019.

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).¹

C. The Commission retains jurisdiction over the parties and the subject matter of this docket for the purpose of entering such further order, or orders, as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 10/15/2019



Lynn M. Retz
Executive Director

AAL

¹ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

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

Laura Kelly, Governor

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chair Dwight D. Keen
Commissioner Shari Feist Albrecht
Commissioner Susan K. Duffy

FROM: Paula Artzer, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: October 9, 2019

SUBJECT: Docket No. 20-UTDT-148-TAR
In the Matter of United Telephone of Kansas dba CenturyLink 19-10 Filing Tariffs
Revisions to Federal Lifeline Terms and Conditions Regarding Manner in which
Applicants May Request Lifeline Assistance; Filed in Support of the Launch of the
National Lifeline Eligibility Verifier.

EXECUTIVE SUMMARY:

On September 26, 2019, United Telephone Company of Eastern Kansas, United Telephone Company of Kansas, United Telephone Company of Southcentral Kansas, and Embarq Missouri, Inc., all d/b/a CenturyLink (CenturyLink), filed a request to make tariff revisions to a certain section of its General Exchange Tariff changing the verbiage for the Company's Lifeline offering. These changes are to reflect the modifications made by the Federal Communications Commission (FCC) in the Lifeline Modernization Order¹ to allow for the activation of the National Lifeline Eligibility Verifier (NLEV) in Kansas. The NLEV electronic application goes live on October 23, 2019.

The Commission action date is Thursday, October 17, 2019.

¹ See *In the Matter of Lifeline and Link Up Reform and Modernization*, WC Docket No 11-42, Third Report and Order, Further Report and Order, and Order on Reconsideration, Rel. April 27, 2016 ("*2016 Lifeline Order*") <https://docs.fcc.gov/public/attachments/FCC-16-38A1.pdf>.

BACKGROUND:

On April 27, 2016, the FCC released the *2016 Lifeline Order*² in which it determined it must modernize the federal Lifeline program so that it can play an essential role in helping low-income Americans that most need access to broadband services. In the *2016 Lifeline Order*, the FCC determined, among other things, that:

a National Verifier shall be created, which will transfer the responsibility of eligibility determination away from Lifeline providers;

The NLEV will be available October 23, 2019, for several states including Kansas.

This tariff filing is to update the Company's General Exchange Tariff, Section 13, to reflect the Lifeline Modernization change for the NLEV. This change in verification responsibility from the provider to the Universal Service Administrative Company (USAC) is an attempt to cut down on the waste, fraud and abuse in the Lifeline program.

ANALYSIS:

The Commission derives its authority to review Local Exchange Carrier tariffs from K.S.A. 66-117(d), which states in part:

(d) Except as provided in subsection (c), no change shall be made in any rate, toll, charge, classification or schedule of charges or joint rates, or in any rule or regulation or practice pertaining to the service or rates of any such public utility or common carrier, without the consent of the commission.

In addition, K.S.A. 66-1,190 requires every public utility doing business in Kansas over which the Commission has control shall publish and file with the Commission copies of all schedules of rates, joint rates, tolls, charges, classifications and divisions of rates affecting Kansas traffic, either state or interstate. The Commission has the power to prescribe reasonable rules and regulations regarding the form and filing of all schedules, tariffs and classifications of all rates, joint rates, tolls and charges, and all rules and regulations of such telecommunications public utilities as the Commission determines reasonable and appropriate.

The KCC must review rates and terms for jurisdictional telecommunications services to ensure they are "just and reasonable" pursuant to K.S.A. 66-1,189. Further, K.S.A. 66-1,189 requires the KCC to ensure that all classifications, rules, and regulations regarding the services are not unduly discriminatory or preferential. CenturyLink is a price-cap regulated carrier based on its election under K.S.A. § 66-2005(b).

This filing makes changes to page 36 in Section 13. The change is as listed:

Replace the paragraph in the Lifeline section that explains how to apply and provides a website link for applicants to access the forms required.

² Id.

The changes do not affect the revenue amount the Company receives, which results in an annual regulated revenue impact of zero.

Staff has reviewed the filing. The Company's last tariff filing was May of 2019.

RECOMMENDATION:

Staff recommends the Commission approve the replacement tariff sheet provided by CenturyLink. The changes that were provided in the new tariff sheet are not revenue affecting and are at the direction of the FCC. The changes are, therefore, in the public interest. The Company requests an effective date of October 26, 2019.

CERTIFICATE OF SERVICE

20-UTDT-148-TAR

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 10/15/2019.

CHRIS CHUSHUK, MANAGER, REGULATORY
OPERATIONS
CENTURYLINK COMMUNICATIONS, LLC
600 NEW CENTURY PKWY
RM 1D421
NEW CENTURY, KS 66031
Fax: 303-896-0233
chris.chushuk@centurylink.com

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
a.latif@kcc.ks.gov

JOHN R. IDOUX, DIRECTOR KANSAS GOVERNMENTAL
AFFAIRS
CENTURYLINK COMMUNICATIONS, LLC
600 NEW CENTURY PKWY
RM 1D421
NEW CENTURY, KS 66031
Fax: 303-896-0233
john.idoux@centurylink.com

/S/ DeeAnn Shupe

DeeAnn Shupe