

BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

In the Matter of the Application of)
Midcontinent Communications,)
A South Dakota General Partnership)
for Designation as an Eligible)
Telecommunications Carrier) Docket No. 24-MCCT-411-ETC

**APPLICATION FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER**

COMES NOW Gleason & Doty, Chartered, representing Midcontinent Communications, a South Dakota General Partnership (hereinafter "Midco" or "Applicant"), and requests the State Corporation Commission of the State of Kansas ("Commission") designate Midco an Eligible Telecommunications Carrier ("ETC") for federal and state Lifeline support, specifically for the service area hereinafter defined. In support of its application Midco states as follows:

I. The Applicant

1. Midco is a South Dakota General Partnership. A Certificate of Partnership Authority certified by the Secretary of State of South Dakota is attached hereto as Exhibit A. Kansas statute (K.S.A. 17-7902) does not require registration of foreign (non-Kansas) general partnerships. The Applicant previously made a voluntarily filing with the Kansas Secretary of State in order to assure documentation of status and authority; a

copy of the Kansas registration of the Applicant's General Partnership Statement of Partnership Authority is attached hereto as Exhibit B.

2. Midco was granted a Certificate of Convenience to provide competitive local exchange service in the State of Kansas in those areas served by AT&T and Century Link in docket number 17-MCCT-252-COC (CLEC).

3. Midco was granted ETC status by this commission in docket 17-MCCT-254-ETC. The area for which ETC status is now requested in two areas not included in the prior dockets and includes portions of Johnson and Wyandotte counties. The specific service areas for which ETC designation is requested are shown below; that area is further identified and defined by legal description in the Amended Video Services Authorization application approved by the KCC in its June 15, 2023 order in Docket No. 17-MCCT-238-VSA, which description Midco adopts by reference.

Area One is in western Johnson County from De Soto to the county line of Douglas County. The area does encompass a portion of the City of De Soto. The north border is K 10 (Governor John Anderson Jr. Hwy). The east border serves the parcels on the east side of Lexington Ave. and the south border serves the parcels along the south side of W 103rd street.

Area Two is a portion of the City of Bonner Springs, Kansas. This area is:
Minnesota Avenue between N 142nd St and N 141st St;
N 142nd Street from Minnesota Avenue to just north of Riverview Ave.;
N 141st Street from Minnesota Avenue to Sandusky Ave.;
Sandusky Ave between N 141st St and N 142nd St.

4. Midco's contact information is as follows:

Patrick McCann, Vice President and Assistant General Counsel
Midcontinent Communications
3901 N Louise Avenue
Sioux Falls, SD 57107
605-271-4144
Patrick.McCann@midco.com

Midco requests that service of any notices and documents be directed to the above, with copies sent additionally to the Applicant's signatory counsel identified below.

5. Midco has substantial experience deploying and providing basic and advanced communication services for the benefit of Kansas consumers. Midco currently provides such services in and around Lawrence and Eudora in Douglas County, Kansas. The area for which ETC designation is now sought is adjacent to current service areas Midco will utilize personnel with extensive experience in the provision of basic and advanced communications services to end-users in this general area, and further have significant experience satisfying state and federal regulatory requirements related to such provision. The personnel with this directly relevant experience will be the same as those personnel currently serving Midco customers in existing service areas.

II. Eligibility for the Designation Requested

6. The Commission has authority under the federal Communications Act to designate Midco as an ETC. Section 214(e)(2) of the Act directs state commissions to designate as an ETC, in the case of study areas not served by a rural telephone company, any common carrier that:

(i) offers the services that are supported by the Federal universal service support mechanism under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the service offered by another eligible telecommunications carrier); and

(ii) advertises the availability of such services and the charges therefore using a media of general distribution.

The incumbent local exchange carrier for the area in which Midco seeks ETC designation is Southwestern Bell Telephone Company d/b/a AT&T (“AT&T”). AT&T is not a rural telephone company under either federal or state definitions.

7. Midco’s Lifeline service will satisfy all federal service or functionality requirements for ETC designation. Those requirements are:

a. Voice-grade access to the public switched network – Midco will provide wireline-based digital voice telecommunications service, interconnected to the public switched network.

b. Local usage – Although federal requirements do not specify the extent of local usage to be made available without additional charge Midco’s Lifeline voice service will provide unlimited local minutes of use as an element of the basic service offering. Lifeline customers will additionally have the option to purchase unlimited domestic interexchange calling at affordable rates as an element of a variety of service packages.

c. Access to emergency service – Midco’s wireline voice service includes connectivity to the relevant Public Safety Access Points for each portion of its proposed Lifeline service area, at the highest level of functionality implemented by the respective governmental units. This service component will assure reliable provision of customer access to E911 emergency services as well as emergency service provider access to precise customer locations.

d. Toll limitations for qualifying low-income consumers – Midco offers in other states, and will offer in Kansas, toll limitation capability for qualifying customers.

8. Midco will advertise the availability of supported services, throughout its ETC-licensed service area, as required by 47 C.F.R. § 54.201, by media of general distribution. The methods of advertising utilized may include direct mail, internet advertisements, print advertisements in newspapers, and Public Service Announcements on the Applicant's CATV system. Midco's telephone service brochures and the handbooks provided to new telephone customers provide information on the availability of Lifeline assistance. Also, at least annually Midco advises customers of the program through its billing statement message. A billing statement message is sent on a quarterly basis. Additionally Midco will make specific efforts to advertise to likely eligible consumers by providing its Lifeline brochures at locations where qualified consumers would find them, *e.g.*, at social service agencies and senior citizen centers. A sample of the billing statement utilized by Midco is attached hereto as Exhibit C.

9. Midco will satisfy the federal Lifeline promotional requirements set forth in Section 54.405(b) of the FCC Rules and in that agency's Lifeline Reform Order. Midco will further satisfy the KCC's requirement that its Lifeline advertising include meaningful language allowing potential Lifeline customers to know what they can expect through Lifeline service. Midco will provide proposed Lifeline advertising for review by Commission Staff to assure compliance with this requirement. Preliminarily Midco submits as an Exhibit D copies of its currently used print advertising and text of broadcast advertising addressing its Lifeline services in other areas it serves within the State of Kansas.

10. As a CLEC holding a certificate of convenience and authority from this Commission Midco satisfies the requirement that an ETC be a common carrier.

11. Midco will comply with the requirement of Section 214(e)(1) of the Act that it offer supported services "either using its own facilities or a combination of its

own facilities and resale of another carrier's services." Midco's provision of these services will be made through its own facilities.

12. Midco will remain functional during emergencies as required by Section 54.202(a)(2) of the FCC Rules. Midco is an experienced provider of local exchange service to more than 100,000 customers in the states of Minnesota, North Dakota and South Dakota. In those states winter weather is regularly more severe than that ordinarily occurring in Kansas. Accordingly, Midco has developed considerable experience anticipating and managing emergency situations, and assuring continuation of service. Midco, by way of example, constantly monitors quality of service and endeavors to stay ahead of issues such as battery backup affecting service in an emergency. Midco offered 8-hour backup and free replacement to its customers long before the FCC began to address this issue.

13. Midcontinent currently provides auxiliary and battery power backup. Midcontinent has a Power Supply Response Team ("PSRT") whose objective is to provide uninterrupted service to telephone subscribers during periods of commercial power interruptions.

14. Midco will comply with all state and federal regulatory requirements applicable to the provision of the subject services, including obligations of remittance for universal service support programs. Those consumers in the subject areas who request and utilize Midco's local and/or interexchange services will become local exchange customers of Midco. Midco has years of experience satisfying all such regulatory responsibilities. The same systems and procedures that have satisfied these multi-jurisdictional requirements will assure compliance as to new customers in the subject areas. If at any time Midco should determine to cease operations as an ETC, it

will comply with all requirements of the FCC and of this Commission for relinquishment of its status and service obligations.

III. The Public Interest

15. All funds received by Midco under the universal service supports for low income customers will be used by Midcontinent to reduce the cost of basic local service provided to those customers qualified to receive support under the program

16. Midco's proposed Lifeline service offering has unique features beneficial to customers and to the public generally. By reducing the cost of basic service Lifeline discounts will make combinations of services, including advanced services, more readily and affordably available to eligible consumers. This synergy will be further enhanced by Midco's forthcoming federal application for Lifeline broadband eligibility, which will reduce the net cost for robust digital data services increasingly important to low-income consumers.

17. The availability of consumer-selected Midco service enhancements is indirectly enhanced by greater and more affordable access to basic service, which allows consumers increased choice among such service enhancements as common vertical calling services, unlimited domestic interexchange calling, and terminating call management by which the consumer may block "robocalls," telemarketing calls and other unwanted intrusions.

18. The grant of Kansas Lifeline eligibility will additionally assure to Midco Lifeline customers the availability of equal access to interexchange carriers, a requirement not applicable to carriers eligible only for federal Lifeline support. This will make expanded consumer choice and the opportunity for cost savings available to Midco Lifeline customers.

19. The public benefit resulting from designation of additional Lifeline ETC carriers, particularly in non-rural service areas, is well established as recognized both by this Commission and by the FCC. The presence of additional providers results in greater innovation, price restraint and quality of service enhancement. Both the new entrant and existing providers in a communications market are incented to offer consumers more attractive service and more favorable terms. Specifically additional Lifeline availability enhances and expands universal service generally, by making access to the public switched network available to more consumers. This result in turn enhances the value of the network to all customers by increasing the number of individuals able to call and be called.

20. In addition to advancing the public interest generally by expanding consumer choice, designation of an additional Lifeline ETC for state support will advance a specific public interest confirmed by the Kansas Legislature in K.S.A. 66- 2006(a): “The purpose of the KLSP shall be to promote the provision of universal service by local exchange carriers to persons with low income. The KLSP shall be targeted to maintain affordable rates for residential local exchange service.”

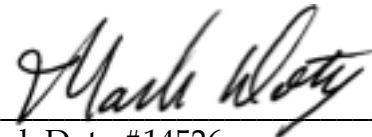
21. Designation of Midco as a state and federal ETC will have minimal impact on universal service support mechanisms. Support will be paid only for the number of qualifying consumers who elect the Midco Lifeline service, not for high cost service generally. To the extent Lifeline service adds customers to the network, additional contributions to the respective support funds will offset a portion of the minimal increased demand on the funds.

22. In its CC Docket No. 96-45 the FCC has recognized the minimal effect on universal service support resulting from designation of a lifeline-only ETC. This recognition was amplified by the federal agency’s observation that “any increase in the

size of the fund would be minimal and would be outweighed by the benefit of increasing eligible participation in the Lifeline and Link-Up programs, furthering the statutory goal of providing access to low-income consumers."

WHEREFORE Midco requests that the Commission designate Midco an Eligible Telecommunications Carrier for federal support for the specified purposes addressed herein in the geographical areas identified herein.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Mark Doty". The signature is written in black ink and is positioned above a horizontal line.

Mark Doty #14526
GLEASON & DOTY, CHARTERED
401 S. Main, Suite 102
Ottawa, KS 66067
(785) 242-3775
doty.mark@gmail.com
Attorney for Midcontinent Communications

VERIFICATION

I verify under penalty of perjury that the foregoing is true and correct.

Executed on November 28th, 2023

A handwritten signature in black ink, appearing to read "Patrick McCann". The signature is written in a cursive style with a large initial "P" and "M".

Patrick McCann, Vice President/ Assistant General Counsel

State of South Dakota



OFFICE OF THE SECRETARY OF STATE

Department of State

United States of America,
Secretary's Office
State of South Dakota

ORGANIZATIONAL ID #: GP000101

This is to certify that the attached instrument of writing is a true, correct and examined copy of the Statement of Partnership Authority for **Midcontinent Communications** filed in this office on **October 27, 2016**.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the state of South Dakota, in Pierre, the Capitol City, this day November 2, 2016.

Shantel Krebs

Shantel Krebs
Secretary of State

Fees: \$21

GA
51-11

KANSAS SECRETARY OF STATE
**General Partnership Statement
of Partnership Authority**

549-0826

Kansas Office of the Secretary of State:

Memorial Hall, 1st Floor (785) 296-4564
120 S.W. 10th Avenue kssos@sos.ks.gov
Topeka, KS 66612-1594 www.sos.ks.gov

1361 01
051 011
\$35.00

FILED BY KS SOS
10-26-2021
1 04:21:45 PM
FILE#: 5490826



06088387

Instructions: All information must be completed or this document will not be accepted for filing.

1. **Name of partnership**

Midcontinent Communications, a South Dakota general partnership

2. **Principal office address**

Street Address

3600 Minnesota Drive, Suite 700

City

Minneapolis

State

MN

Zip

55435

Country

USA

3. **Mailing address**

Address will be used to send official mail from the Secretary of State's Office.

Attention Name

Attn: Patrick J. Mastel

Address

3901 North Louise Avenue

City

Sioux Falls

State

SD

Zip

57107

Country

USA

4. **Address of the partnership's office in the state of Kansas, if one exists**

Street Address

644 New Hampshire Street

City

Lawrence

State

KS

Zip

55044

5. **Name and mailing address of each general partner**
 Do not leave blank. If additional space is needed please provide an attachment

Name Midcontinent Communications Investor, LLC			
Address 3600 Minnesota Dr., Suite 700			
City Minneapolis	State MN	Zip 55435	Country USA

OR

Name Comcast Midcontinent, LLC			
Address 1701 John F. Kennedy Blvd.			
City Philadelphia	State PA	Zip 19103	Country USA

Name of an agent appointed by the partnership

Name			
Address			
City	State	Zip	Country
Name			
Address			
City	State	Zip	Country

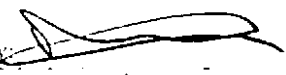
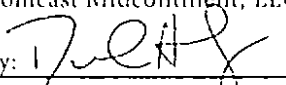
6. The name(s) of the partner(s) authorized to execute an instrument transferring real property held in the name of the partnership

Midcontinent Communications Investor, LLC			
---	--	--	--

7. The authority or limitations on authority of some or all partners to enter into transactions on behalf of the partnership
 Optional

--	--	--	--

8. We declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct and we have remitted the required fee.

Signature of Partner	Midcontinent Communications Investor, LLC	Month	Day	Year
By:		10	12	2021
Signature of Partner	Comcast Midcontinent, LLC	Month	Day	Year
By:		10	8	2021
	Its: Vice President			