

Lynn M. Retz, Executive Director  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604

February 23, 2024

**RE: Application of Nex-Tech, LLC for an Order Confirming Relinquishment Of its Eligible Telecommunications Carrier Designation in Specified Census Blocks, Docket No. \_\_\_\_\_**

Dear Ms. Retz,

Attached is an Application of Nex-Tech, LLC for an Order Confirming Relinquishment Of its Eligible Telecommunications Carrier Designation in Specified Census Blocks, filed with the Kansas Corporation Commission.

Should you have questions or require further information, please do not hesitate to contact me.

Sincerely,



Anthony K. Veach, KS Bar #29613  
Anthony Veach Law PLLC  
anthonyveach@anthonyveachlaw.com  
202.631.9190

*Counsel for Nex-Tech, LLC*

Attachment

cc: Commission Staff

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

In the Matter of the Application of Nex-Tech,                    )  
LLC for an Order Confirming Relinquishment                    )     Docket No. 24-NTHT-589-ETC  
Of its Eligible Telecommunications Carrier                    )  
Designation in Specified Census Blocks                        )

**APPLICATION OF NEX-TECH, LLC FOR AN ORDER CONFIRMING  
RELINQUISHMENT OF ITS ELIGIBLE TELECOMMUNICATIONS CARRIER  
DESIGNATION**

COMES NOW Nex-Tech, LLC (“Nex-Tech”) pursuant to 47 U.S.C. § 214(e)(4), 47 C.F.R. § 54.205, K.S.A. 66-2008, K.S.A. 66-2009, K.A.R. 82-1-218, and K.A.R. 82-1-219, and hereby respectfully requests the Kansas Corporation Commission (the “Commission”) issue an order confirming relinquishment of its Eligible Telecommunications Carrier (“ETC”) designation in certain census blocks in its Abilene local exchange service area, identified on EXHIBIT A.

As described herein, this Application provides the advance notice to the Commission required by 47 U.S.C. § 214(e)(4) that Nex-Tech seeks to relinquish its ETC designation for an area served by one or more remaining ETCs. In support of its Application, Nex-Tech shows the Commission as follows:

**BACKGROUND**

1. Nex-Tech<sup>1</sup> is a Kansas Limited Liability Company and telecommunications carrier providing competitive local exchange services pursuant to a Certificate Of Convenience And Authority issued by the Commission. Nex-Tech was designated an ETC in the Southwestern Bell Telephone Company d/b/a AT&T Kansas (“AT&T Kansas”) exchanges by the Commission in an Order dated October 18, 2004 in Docket No. 05-NTHT-140-ETC and an Order dated June 16, 2006 in Docket No. 06-NTHT-1022-ETC. Nex-Tech was additionally designated an ETC in the

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<sup>1</sup> Nex-Tech, LLC is a wholly-owned subsidiary of Rural Telephone Service Company, Inc.

Sprint/United (“CenturyLink”) exchanges by the Commission in an Order dated June 8, 2004 in Docket No. 04-NTHT-498-ETC.

2. In an April 23, 2019 Order in Docket No. 19-NTHT-244-ETC, the Commission granted Nex-Tech’s request for ETC relinquishment in the Atwood, Bird City, Great Bend, Hays, Hoxie, McDonald, McPherson, Norton, Oberlin, Phillipsburg-Kirwin, Plainville, Salina, Smith Center, St. Francis, and Stockton exchanges.<sup>2</sup>

3. In the April 23, 2019 Order, however, the Commission denied Nex-Tech’s request for ETC relinquishment in the Abilene exchange.<sup>3</sup> Nex-Tech’s request was denied because it was “the only remaining ‘high-cost’ or full ETC in the Abilene exchange.”<sup>4</sup>

4. Additionally, the Commission’s April 23, 2019 Order permitted Nex-Tech to cease participation in the Kansas Lifeline Services Program (“KLSP”), for all of its exchanges, including the Abilene exchange, effective May 31, 2019.<sup>5</sup> Accordingly, Nex-Tech no longer participates in the KLSP.

5. With the present Application, Nex-Tech desires to relinquish its ETC designation in certain census blocks in the Abilene exchange in Dickinson County, Kansas, which are identified on EXHIBIT A.

6. Nex-Tech’s ETC relinquishment Application is prompted by the Commission’s designation of other telecommunications carriers as ETCs for purposes of being eligible to receive federal high-cost universal service fund (“USF”) support in the Abilene exchange census

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<sup>2</sup> *Application Of Nex-Tech, LLC For An Order Confirming Relinquishment Of Its Eligible Telecommunications Carrier Designation And Notice Pursuant To K.S.A. 2015 Supp. 66-2005(D) Of Intent To Cease Participation In The Kansas Lifeline Services Program*, Docket No. 19-NTHT-244-ETC, Order On Nex-Tech, LLC’s ETC Relinquishment And KLSP Non-Participation, Subsection B, pp. 11-12 (Apr. 23, 2019) (April 23, 2019 Order).

<sup>3</sup> *Id.* at Subsection C, p. 12.

<sup>4</sup> *Id.* at ¶ 16 (citing Staff Reply to Nex-Tech, LLC’s Response to Staffs Report and Recommendation at ¶ 3, Docket No. 19-NTHT-244-ETC (Mar. 29, 2019)).

<sup>5</sup> *Id.* at Subsection A, p. 11.

blocks. As was the case with Nex-Tech's prior ETC relinquishment request, this Application is based on changes in both federal and state high-cost support. ETC designation creates increased regulatory obligations, and Nex-Tech believes maintaining its designation is no longer justified.

7. Nex-Tech's relinquishment of ETC status in the identified census blocks will not affect the ability of other ETCs to participate in state or federal universal service programs, or state or federal Lifeline programs.

8. Nex-Tech's relinquishment of ETC status in the Abilene exchange census blocks will not adversely affect any existing customers, as Nex-Tech will continue to offer services to customers in the relinquished areas in the Abilene exchange. Furthermore, Nex-Tech's relinquishment of ETC status will not result in the removal of any telecommunications facilities in the relinquished areas in the Abilene exchange.

#### **LEGAL STANDARD FOR RELINQUISHING ETC STATUS**

9. The standard for relinquishing an ETC designation is set forth in 47 U.S.C. § 214(e)(4), which states in part:

A State commission...shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunication carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission...of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State Commission...shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by 'any remaining eligible telecommunications carrier. The State commission...shall establish a time, not to exceed one year after the State commission...approves such relinquishment under this paragraph, within which such purchase or construction shall be completed.

10. Nex-Tech's Application meets the requirements of Section 214(e)(4) for relinquishment of its ETC designation, as each relinquished census block is served by one or more remaining ETCs.

11. In the census blocks identified on EXHIBIT A, the Commission has designated two telecommunications carriers as ETCs for purposes of receiving federal high-cost USF support and participating in the KLSP and federal Lifeline program. Additional information on the other ETCs in the census blocks in the Abilene exchange are included on EXHIBIT B.

12. Nex-Tech will retain ETC designation in the remaining census blocks located within the Abilene exchange.

**RELIEF REQUESTED**

WHEREFORE, Nex-Tech respectfully requests the Commission grant its Application and issue an Order confirming relinquishment of its ETC designation in the census blocks in its Abilene local exchange service area which are identified on EXHIBIT A.

Respectfully submitted,



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*Counsel for Nex-Tech, LLC*

**VERIFICATION**

**STATE OF KANSAS**

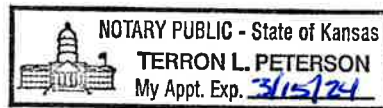
**COUNTY OF Norton**

I, Rhonda S. Goddard, of lawful age, and being first duly sworn, now state: I am the Chief Financial Officer of Nex-Tech, LLC, and have read the foregoing Petition of Nex-Tech, LLC For An Order Confirming Relinquishment of its Eligible Telecommunications Carrier Designation in Specified Census Blocks, and verify the information and statements contained therein to be true and correct to the best of my knowledge and belief.

  
Rhonda S. Goddard

Signed and sworn to before me on February 22, 2024 by Rhonda S. Goddard.

  
Signature Of Notarial Officer



Notary Public  
Title Of Office:

My Commission Expires: 3/15/2024

**EXHIBIT A**

<b>Census Block ID</b>	<b>State</b>	<b>County</b>	<b>ILEC</b>	<b>Exchange</b>
200410841001058	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001061	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001062	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001064	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001075	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001076	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001134	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001135	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001138	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001139	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001142	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001143	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001144	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001145	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001146	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001148	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001149	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001156	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001158	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001159	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001160	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001202	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001207	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001208	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001211	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001212	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001214	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001217	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001218	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001219	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001237	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001238	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001239	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001240	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001241	Kansas	Dickinson	AT&T Kansas	Abilene













200410845003172	Kansas	Dickinson	AT&T Kansas	Abilene
200410845003174	Kansas	Dickinson	AT&T Kansas	Abilene
200410845003175	Kansas	Dickinson	AT&T Kansas	Abilene
200410845003176	Kansas	Dickinson	AT&T Kansas	Abilene
200410845003177	Kansas	Dickinson	AT&T Kansas	Abilene

## **EXHIBIT B**

In the 240 census blocks in the Abilene exchange identified on EXHIBIT A where Nex-Tech, LLC is relinquishing its ETC designation, two other telecommunications carriers have been designated as ETCs by the Commission.

Both telecommunications carriers are considered “full” or “high-cost” ETCs because they have received ETC designation for the purposes of being eligible to receive federal high-cost universal service fund support and participate in the state and federal Lifeline programs.

As of the date of this filing, the status of each telecommunications carrier as a full ETC in the identified census blocks in the Abilene exchange has not changed.

### **1. Mercury Wireless Kansas, LLC d/b/a Mercury Broadband – March 11, 2021**

On March 11, 2021, the Kansas Corporation Commission designated Mercury Wireless Kansas, LLC d/b/a Mercury Broadband an Eligible Telecommunications Carrier in 72 census blocks located in the AT&T Kansas Abilene exchange in Dickinson County, Kansas for purposes of receiving Rural Digital Opportunity Fund support. *Application Of Mercury Wireless Kansas, LLC For Expansion Of An Eligible Telecommunications Carrier Area For The Purpose Of Rural Digital Opportunity Fund Support*, Docket No. 21-MWKT-258-ETC, Order Granting Eligible Telecommunications Carrier Status (Mar. 11, 2021).

### **2. Resound Networks, LLC – May 27, 2021**

On May 27, 2021, the Kansas Corporation Commission designated Resound Networks, LLC an Eligible Telecommunications Carrier in 168 census blocks located in the AT&T Kansas Abilene exchange in Dickinson County, Kansas for purposes of receiving Rural Digital Opportunity Fund support. *Application of Resound Networks, LLC for Designation as an Eligible Telecommunications Carrier for the Purpose of Receiving Federal Universal Service Support from the FCC Rural Digital Opportunity Fund*, Docket No. 21-RNWT-254-ETC, Order Granting Eligible Telecommunications Carrier Status (May 27, 2021).

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a correct copy of the foregoing Application of Nex-Tech, LLC for an Order Confirming Relinquishment Of its Eligible Telecommunications Carrier Designation in Specified Census Blocks was sent via electronic mail on February 23, 2024, to the following individuals:

**BRETT W. BERRY**

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