

**Mark E. Caplinger, P.A.**

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January 22, 2019

Ms. Lynn M. Retz  
Secretary to the Commission  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604

Re: Dkt. 19-RRLT-277-COM  
Complaint of IdeaTek, LLC

Dear Ms. Retz,

Enclosed please find the Initial Response of Nex-Tech to IdeaTek's Complaint and Request for Expedited Review and Request for Interim Ruling filed on January 18, 2019.

Please do not hesitate to contact my office with any questions you may have.

Very truly yours,



Mark E. Caplinger  
Mark E. Caplinger, PA  
Attorney for Nex-Tech, LLC

enclosures  
MEC/njm

cc: Jimmy Todd  
Rhonda Goddard

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

In the Matter of the Complaint of Ideatek           )  
Telecom, LLC Against Nex-Tech and Rural       )  
Telephone Service Company Regarding           )  
Disconnection of Service, Request for Interim   )  
Ruling and Request for Expedited Review.       )

Docket No. 19-RRLT-277-COM

**INITIAL RESPONSE**

COMES NOW Rural Telephone Service Company, Inc. d/b/a Nex-Tech (“Nex-Tech”), pursuant to K.A.R. 82-1-220a(e), in response to the Complaint of IdeaTek Telcom LLC (“IdeaTek”) filed January 18, 2019, and its request for expedited treatment of the same pursuant to K.A.R. 82-1-220(a). K.A.R. 82-1-220a(e) provides that:

Within three business days after the filing of the complaint, the respondent shall respond to the issues that the complainant asserts justify the request for expedited review. If additional time is needed to respond to issues raised in the complaint, the respondent shall specifically designate which issues it will address in a later response, but the respondent shall respond to issues that the complainant has designated for expedited review.

Accordingly, in this Initial Response, Nex-Tech will respond to the circumstances that it believes were relied upon by IdeaTek as the basis for its request for expedited treatment of its Complaint as a whole. Absent those circumstances, the issues raised in IdeaTek’s Complaint may be addressed in a timely and deliberate fashion by the Commission but does not warrant expedited treatment. The time constraints and effort imposed upon the Commission, Staff, and the Parties in utilizing expedited treatment is unnecessary and unwarranted.

The remaining issues, as set forth specifically below, are complex, technical, and require more time for Nex-Tech to address in full in a subsequent responsive pleading. Therefore, for its Initial Response to IdeaTek's request for expedited treatment of its Complaint, Nex-Tech states and alleges as follows:

### **Expedited Treatment Is Unnecessary and Unwarranted**

1. IdeaTek's sole reason for requesting expedited treatment is to obtain an interim ruling prohibiting Nex-Tech from discontinuing providing SIP trunking service. On October 3, 2018, on a conference call in which IdeaTek, Nex-Tech, Eagle Communications, and Commission Staff participated, Mr. Daniel Friesen agreed to order in accordance with the applicable tariff, SIP trunking from Nex-Tech. The Oct. 3, 2018 conference call was necessary because of the actions of IdeaTek and/or Eagle Communications improperly porting local telephone customers' numbers. Nex-Tech, in order to assist with customer service problems created by the improper porting, agreed to provide SIP trunking pursuant to tariff on an expedited basis.

2. IdeaTek has been aware that Nex-Tech has been providing SIP trunking since IdeaTek ordered the service through an Access Service Request ("ASR") on October 5, 2018. Nex-Tech expedited the ASR and began providing service on Oct. 5, 2018. IdeaTek was initially billed those services November 1, 2018, with a due date of December 1, 2018. After non-payment Nex-Tech sent correspondence to IdeaTek on Dec. 18, 2018, informing IdeaTek that service would be discontinued on January 18, 2019, at 5:00 p.m. When a telecommunications carrier orders SIP trunking by issuing an ASR, the payment for those services is inherent in the request and pursuant to the applicable tariff. Free or gratuitous SIP trunking services were never



discussed during the conference call of Oct. 3, 2018. Rather, IdeaTek specifically agreed on that call to order and pay for the SIP trunk, acknowledging that they made a mistake in porting customers.

3. Had IdeaTek believed it was not responsible for the payment of services it could have filed a timely complaint after receiving the Dec. 18, 2018 invoice and notice of discontinuance of service. IdeaTek, rather than filing a timely complaint or paying the invoices for services, waited until Friday afternoon on January 18, 2019, a few hours before the noticed discontinuance would take effect, to file a complaint in an attempt to obtain expedited treatment from the Commission. It is IdeaTek itself, through its actions or inactions that has caused and created the factual situation for which it has requested expedited treatment.

4. Any reliance IdeaTek places on lack of progress in negotiating an interconnection agreement ("ICA") in order to seek expedited treatment is unfounded. Nex-Tech provided IdeaTek with a proposed ICA in October of 2018, to which IdeaTek responded in November of 2018. IdeaTek is well aware that negotiations are continuing, and the latest draft ICA being prepared by Nex-Tech has been discussed up and until the date of IdeaTek's Complaint filing. IdeaTek does not point to any statute, rule, or regulation that imposes a deadline on the parties which would cause the filing of this expedited Complaint.

5. Nex-Tech informed IdeaTek that the interim SIP trunking services would not be discontinued shortly after the filing of the Complaint on January 18, 2019. Further, Nex-Tech commits to continuing to provide SIP trunking services pursuant to IdeaTek's ASR during the pendency of this proceeding unless otherwise ordered by the Commission. There is no immediate

threat to the ability of customers in the WaKeeney exchange to receive uninterrupted service to place local calls. Therefore, expedited treatment is unwarranted and unnecessary.

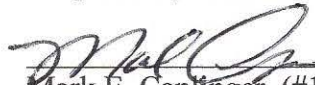
**Issues To Be Addressed in Nex-Tech's Later Response**

6. Pursuant to the provisions of K.A.R. 82-1-220a(e), Nex-Tech will address the issues contained in IdeaTek's Complaint and more specifically numbers 1 through 5 of IdeaTek's request for a Commission's final order (Complaint at pg. 10).

7. Nex-Tech's later response will address IdeaTek's request for an order assessing costs to Rural Telephone.

WHEREFORE, Nex-Tech respectfully submits its Initial Response and requests an Order of the Hearing Examiner and the Commission denying IdeaTek's request for expedited treatment of its Complaint and establishing a procedural schedule for the timely and deliberate handling and resolution of the issues raised in the Complaint.

Respectfully submitted,

  
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Attorney for Rural Telephone  
Service Company, Inc.  
d/b/a Nex-Tech

**VERIFICATION**

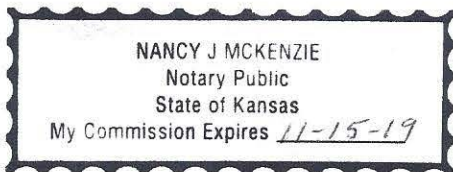
STATE OF KANSAS            )  
  ) ss.  
COUNTY OF SHAWNEE    )

I, Mark E. Caplinger, of lawful age, being first duly sworn upon his oath states:

That he is an attorney for Rural Telephone Service Company, Inc. d/b/a Nex-Tech, that he has read the above and foregoing document, and upon information and belief, states that the matters therein appearing are true and correct.

  
Mark E. Caplinger

SUBSCRIBED AND SWORN to before me this 22<sup>nd</sup> day of January, 2019.



  
Notary Public

My Commission Expires:

11-15-19

**CERTIFICATE OF SERVICE**

I, Mark E. Caplinger, hereby certify that a true and correct copy of the above and foregoing document was electronically served to the following on this 22 day of January, 2019.

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