

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of Wisper ISP)
Inc. for a Certificate of Convenience and Authority)
to Provide Local Exchange Service Within the)
State of Kansas.)
Docket No. 19-WIIZ-280-COC

MOTION TO RE-OPEN DOCKET TO MODIFY ORDER

COMES NOW Wisper ISP Inc. (“Wisper” or “the Company”) and requests the Corporation Commission of the State of Kansas (“Commission” or “KCC”) re-open the above referenced docket for purposes of making one correction in the Order and Certificate issued on March 19, 2019 (“Order”). In support of this Motion, Wisper states as follows:

1. On January 15, 2019, Wisper filed an application with the Commission requesting a Certificate of Authority authorizing the company to provide Local Exchange and Exchange Access Service within the state of Kansas (“Application”).

2. On March 11, 2019, the Commission Staff (“Staff”) submitted its Report and Recommendation dated March 8, 2019, recommending approval of Wisper’s Application (“Staff’s R&R”). Staff’s R&R indicated that the Federal Communications Commission (“FCC”) had awarded Wisper \$1.6 million in CAF II funding for Kansas to provide broadband at 25 Megabits per second (Mbps) download and 3 Mbps upload.¹ Wisper’s award of CAF II funding was actually based upon Wisper offering broadband at 100 Mbps download and 20 Mbps upload. Wisper’s Application did not contain the 25/3 Mbps information, but Wisper had incorrectly made this representation in a separate docket filed with the Commission², which is likely where

¹ Staff’s R&R, second page.

² *In the Matter of the Application for Wisper ISP Inc. For Designation as an Eligible Telecommunications Carrier for Purposes of Receiving Federal Universal Service Support From the FCC Connect America Fund – Phase II*, Docket

it came from.

3. The Commission's Order recited the erroneous 25/3 Mbps speeds.³ Wisper did not notice the error in Staff's R&R or the Order until it came up in a regulatory proceeding in another jurisdiction. Wisper determined that the error in the Order could best be brought to the Commission's attention with a Motion to correct the error filed in this docket - the same docket within which the Order was issued. Since this docket has already been closed by the Commission, this Motion to Reopen the Docket is appropriate.⁴

4. The requested modification to the Order increases Wisper's commitment to Kansas from what was recited in the Order. The higher speeds of 100/20 Mbps are more beneficial to Kansans than the 25/3 Mbps speeds contained in the Order. Wisper does not believe this correction changes the analysis contained in Staff's R&R or the conclusion reached in the Commission's Order that Wisper's Application is in the public interest. The Certificate is not limited to only offering service at the 25/3 Mbps speeds so it does not need to be modified in that regard. As such, Wisper submits that this correction to the Order can be issued by the Commission without further proceedings. To the extent Staff wishes to confirm the findings it reached in its R&R, Wisper is prepared to cooperate fully.

5. Therefore, Wisper respectfully requests the Commission grant this Motion and reopen this docket for purposes of modifying the Order to make the correction described herein.

No. 19-WIIZ-225-ETC, Revised Application filed December 19, 2019.

³ Order, p. 3, ¶5.

⁴ Wisper has also filed an Amended Application in the 19-WIIZ-225-ETC docket to correct the same error.

Respectfully submitted,

/s/ Glenda Cafer

Glenda L. Cafer (KS Bar #13342)

Cafer Pemberton LLC

3321 SW 6th Avenue

Topeka, KS 66606

Office: (785)271-9991

Fax: (785)233-3040


Email: glenda@caferlaw.com

COUNSEL FOR WISPER ISP, INC.

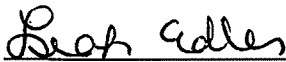
VERIFICATION

STATE OF ILLINOIS)
) ss
COUNTY OF St. Clair)

Nathan Stooke, of lawful age, being first sworn upon oath states: he is Chief Executive Officer of Wisper ISP, Inc.; he has read the above and foregoing Motion to Re-Open Docket to Modify Order; knows the contents thereof, and states that the information contained therein is true to the best of his knowledge and belief.


Nathan Stooke, Affiant

Subscribed and sworn to before me this 9th day of September,
2019.


Notary Public

My appointment expires: 08 / 28 / 2022



CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above pleading was electronically served this 9th day of September, 2019 to:

Walker Hendrix, Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Ks. 66606

Kristopher E. Twomey, Attorney
Law Office of Kristopher E. Twomey, P.C.
1725 I Street, NW, Suite 300
Washington, DC 20006

Mark Albertyn
Chief Financial Officer
9711 Fuesser Road
Mascoutah, IL 62258

/s/ Glenda Cafer

Glenda Cafer