

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of the Application of )  
Totah Communications, Inc. for )  
Additional Kansas Universal Service ) Docket No. 24-TTHT-343-KSF  
Fund Support Pursuant to K.S.A. 66- )  
2008. )

**PETITION FOR LIMITED INTERVENTION**

COME NOW the identified rural telephone companies<sup>1</sup> (“RLECs”) and petition the Commission to be allowed to intervene in this docket for the limited purpose of determination of the single issue of how Alternative Connect American Cost Model (“ACAM”) Federal Universal Service Fund (“FUSF”) support is to be allocated in the context of an individual company Kansas Universal Service Fund (“KUSF”) support determination. In support, the RLECs show the Commission as follows:

1. The RLECs, pursuant to K.A.R. 82-1-225(a) and K.S.A. 77-521(a), petition the Commission to intervene in this docket. K.S.A. 77-521(a) provides:

The presiding officer shall grant a petition for intervention if:

- (1) The petition is submitted in writing to the presiding officer, with copies served upon all parties named in the presiding officer's notice of the hearing, at least three business days before the hearing;
- (2) the petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervener under any provision of law; and

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<sup>1</sup> Blue Valley Tele-Communications, Inc., Haviland Telephone Co., Inc., JBN Telephone Co., Inc., Rural Telephone Service Company, Inc. d/b/a Nex-Tech, S&A Telephone Company, LLC, Wheat State Telephone, Inc., d/b/a Wheat State Technologies

(3) the presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.

The language of K.A.R. 82-1-225(a) is essentially identical to K.S.A. 77-521(a).

2. Condition (a)(1) has been met in that although there is no order setting a date for an evidentiary hearing, on December 8, 2022, Staff and Totah Communications, Inc. (“Totah”) filed a joint motion for approval of a procedural schedule requesting an April 9, 2024, evidentiary hearing. The filing of this motion is well in advance of three business days before the proposed evidentiary hearing date.

3. With respect to condition (a)(2), the RLECs state that they will show the Commission that they are all ACAM recipients, as well as current or potential recipients of KUSF support and, as such, should have input into the methodology selected by the Commission for determining how ACAM support receipts will be allocated between the interstate and intrastate jurisdictions in the course of an individual company determination of KUSF support receipts.

4. With respect to condition (a)(3), the RLECs state that the joint motion for approval of a procedural schedule was filed only a few short days ago and, as such no significant amount of time has passed nor has any significant amount of time been expended by Commission Staff processing the application. As a result, the orderly and prompt conduct of the proceeding will not be impaired by allowing the intervention.

5. The Rural Companies qualify for intervention in this docket as a matter of right and, as a result, the Commission shall grant intervention.

6. Prior to 2016, the FUSF provided funding to carriers like the RLECs operating under traditional rate of return regulation, also known as “legacy” FUSF support. Legacy FUSF

support includes components that are assigned to both the interstate and intrastate jurisdictions and so are allocated between the jurisdictions during a ratemaking proceeding at the state level. The intrastate elements are then considered in establishing a company's intrastate revenue requirement and ultimately the company's KUSF support receipts.

7. In 2016, the FCC issued an order establishing the ACAM support model which, if elected by the carrier, replaced legacy support with a forward-looking cost model of support offering predictable monthly payments for a 10-year period in exchange for meeting defined broadband buildout obligations. The applicant in this matter, Totah, has elected ACAM support, as have the RLECs petitioning for limited intervention.

8. In October 2022, the RLEC industry in Kansas petitioned the Commission to open a general investigation docket in order to have an opportunity to explore the ACAM allocation issue in depth and obtain a measure of regulatory certainty for affected companies. See the Petition for General Investigation filed October 10, 2022, in Docket No. 23-GIMT-392-GIT. The Commission issued an order assessing cost in that docket on February 7, 2023, and Commission Staff then filed its response on March 7, 2023, agreeing that such a general investigation should be opened and offered suggestions to the Commission on the matters that needed to be addressed in an order opening such an investigation. Staff filed a non-substantive errata on March 8, 2023, and the petitioning RLECs filed a response on March 15, 2023, the last filing in the docket.

9. On October 18, 2022, Totah filed an application requesting additional KUSF support. Totah has suggested a methodology for determining the allocation of ACAM support between the interstate and intrastate jurisdictions in the testimony of Jeremiah Raya filed as a part of its application.

10. Given that the RLECs filing this Petition have also elected ACAM FUSF support, and they along with Totah petitioned the Commission for a general investigation to determine the issue, the petitioning RLECs request the Commission allow them to intervene in this docket for the limited purpose of determining how ACAM support will be allocated when calculating an RLEC's intrastate revenue requirement and KUSF support amount.

11. The RLECs have consulted with Totah and Totah does not oppose this Petition for Limited Intervention.

WHEREFORE the identified RLECs request the Commission allow them to intervene in this docket for the limited purpose of determining how to allocate ACAM FUSF support in the context of an individual company's KUSF support determination.

Respectfully submitted,

Blue Valley Tele-communications, Inc.  
Haviland Telephone Co., Inc.  
JBN Telephone Co., Inc.  
S&A Telephone Company, LLC  
Wheat State Telephone, Inc.

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**VERIFICATION**

I, the undersigned, hereby certify under penalty of perjury pursuant to K.S.A. 53-601 that I am an attorney for the companies listed above and that the foregoing is true and correct. Executed on December 18, 2023.

/s/ Colleen R. Jamison  
Colleen R. Jamison

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the above and foregoing was sent via electronic mail this 18th day of December 2023, addressed to the following:

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