

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

Before Commissioners: Shari Feist Albrecht, Chair
Jay Scott Emler
Dwight D. Keen

In the Matter of the Application of Blue Valley)	
Tele-Communications for Modification of Oketo)	Docket No.
Exchange Boundary and Windstream Nebraska's)	18-BLVT-322-CXB
Liberty and Barneston Exchange Boundary)	
Revision.)	

ORDER AMENDING CERTIFICATE OF CONVENIENCE AND AUTHORITY

NOW, the above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission). The Commission, after giving due consideration to the Application and being fully advised in the premises, finds that:

1. The Application of Blue Valley Tele-Communications, Inc. in the above-captioned docket was filed with this Commission on January 25, 2018. A public hearing was not held on the instant Application.

2. The Commission's authority to supervise telecommunications public utilities derives from K.S.A. 2017 Supp. 66-1,188. The Commission's authority to certificate and de-certificate public utilities derives from K.S.A. 2017 Supp. 66-131. Pursuant to K.S.A. 2017 Supp. 66-131, the Commission must review all certification and de-certification applications to determine whether the public convenience will be promoted by granting the request.

3. Blue Valley Tele-Communications, Inc. (Blue Valley) requests authority to transact the business of a telephone public utility in the following described territory:

Territory to be transferred to Blue Valley Tele-Communications, Inc.'s Oketo exchange from Windstream Nebraska, Inc. Liberty exchange:

Beginning at a point ¼ mile south of the Kansas-Nebraska State Line and ½ mile east of the NW corner of Section 2, T1S, R8E, Marshall County, Kansas; thence

north $\frac{3}{4}$ mile; thence west $\frac{1}{2}$ mile; thence south $\frac{3}{4}$ mile, thence east $\frac{1}{2}$ mile to the point of beginning.

Territory to be transferred to Blue Valley Tele-Communications, Inc.'s Oketo exchange from Windstream Nebraska, Inc. Barneston exchange:

Beginning at a point $\frac{1}{4}$ mile south of the Kansas-Nebraska State Line and $\frac{1}{2}$ mile east of the NW corner of Section 4, T1S, R7E, Marshall County, Kansas; thence north $\frac{1}{4}$ mile; thence west $\frac{1}{4}$ mile; thence south $\frac{1}{4}$ mile, thence east $\frac{1}{4}$ mile to the point of beginning.

On March 16, 2018, Windstream Nebraska, Inc. (Windstream) made a companion filing in Docket No. 18-WMNT-415-CXB agreeing to the territory changes proposed in paragraph 3 above. Windstream's agreement to the exchange with Blue Valley was further confirmed in an additional filing made in Docket No. 18-WMNT-415-CXB on May 22, 2018. Blue Valley has agreed to pay the costs associated with the Commission's processing of Windstream's filing in Docket No. 18-WMNT-415-CXB¹.

4. With the granting of the instant Application, the total area certificated to Blue Valley for the Oketo exchange shall be described as follows:

OKETO, KANSAS EXCHANGE

Beginning at a point $\frac{1}{2}$ mile south and $\frac{1}{4}$ mile west of the northeast corner of Section 10, T1S, R6E, Marshall County, Kansas; thence south 1 mile; thence west $\frac{1}{4}$ mile; thence south $\frac{7}{16}$ mile; thence west 1 mile to a point $\frac{1}{2}$ mile west and $\frac{1}{16}$ mile north of the southeast corner of Section 16, T1S, R6E; thence south $2\frac{5}{16}$ miles; thence east $\frac{3}{4}$ mile; thence south $\frac{1}{2}$ mile; thence west $\frac{3}{4}$ mile to a point $\frac{1}{2}$ mile west and $\frac{1}{4}$ mile north of the southeast corner of Section 33, T1S, R6E; thence south $1\frac{3}{4}$ miles; thence east $1\frac{1}{4}$ miles; thence south $1\frac{1}{4}$ miles; thence west $\frac{1}{4}$ mile; thence south $\frac{3}{4}$ mile to a point $\frac{1}{2}$ mile west and $\frac{1}{2}$ mile south of the northeast corner of Section 22, T2S, R6E; thence east $3\frac{1}{4}$ miles; thence north 3 miles; thence west $\frac{1}{2}$ mile; thence north $\frac{3}{4}$ mile; thence east $1\frac{1}{2}$ miles to a point $\frac{1}{4}$ mile west and $\frac{1}{4}$ mile north of the southeast corner of Section 32, T1S, R7E; thence south $\frac{3}{4}$ mile; thence east $3\frac{3}{4}$ miles; thence north $\frac{1}{4}$ mile; thence east approximately $1\frac{1}{4}$ miles to a point $\frac{1}{4}$ mile west and $\frac{1}{4}$ mile south of the northeast corner of Section 6, T2S, R8E; thence north $\frac{1}{2}$ mile; thence east $3\frac{1}{2}$ miles; thence north $1\frac{1}{2}$ miles; thence east $1\frac{3}{4}$ miles to a point $\frac{1}{4}$ mile south of the northeast corner of Section 25, T1S, R8E; thence north 2 miles; thence west $\frac{1}{2}$ mile; thence north $1\frac{1}{2}$

¹ See May 15, 2018 Amended Order assessing cost, Docket No. 18-WMNT-415-CXB.

miles to a point $\frac{1}{2}$ mile west and $\frac{1}{4}$ mile north of the southeast corner of Section 1, T1 S, R8E; thence east $\frac{3}{4}$ mile; thence north $\frac{3}{4}$ mile to the Kansas-Nebraska State Line; thence west along said State Line $1\frac{5}{16}$ miles; thence south $\frac{1}{4}$ mile; thence west $\frac{7}{16}$ mile; thence north $\frac{1}{4}$ mile; thence west $\frac{1}{2}$ mile; thence south $\frac{1}{4}$ mile; thence west $\frac{1}{16}$ mile; thence south $\frac{1}{2}$ mile; thence west $\frac{11}{16}$ mile; thence north $\frac{1}{2}$ mile; thence west approximately 5 miles to a point $\frac{1}{4}$ mile east and $\frac{1}{4}$ mile south of the northwest corner of Section 2, T1S, R7E; thence south $\frac{1}{2}$ mile; thence west $1\frac{3}{4}$ miles; thence north $\frac{3}{4}$ mile to the Kansas-Nebraska State Line; thence west along said State Line $1\frac{1}{4}$ mile to a point $\frac{1}{4}$ mile east of the northwest corner of Section 5, T1S, R7E; thence south $1\frac{1}{4}$ miles; thence west 1 mile; thence north $1\frac{1}{4}$ miles to the Kansas-Nebraska State Line; thence west along said State Line $\frac{3}{4}$ mile; thence south $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence south 1 mile; thence west $1\frac{1}{4}$ miles to the point of beginning.

5. In researching this filing the Commission Staff (Staff) found that the legal description on record for the Oketo exchange required two corrections. In previous filings, the Section 2, T1S, R7E, description was changed in error. Due to a scanning error the correct call of "...; thence west $\frac{11}{16}$ mile;... was erroneously changed to "...; thence west $1\frac{1}{16}$ mile;...". This error has now been corrected. Again, with reference to Section 2, T1S, R7E, the call "...; thence west approximately $5\frac{1}{4}$ miles to a point $\frac{1}{4}$ mile east..." was also in error. Corrected, the call now reads "...; thence west approximately 5 miles to a point $\frac{1}{4}$ mile east..." Staff's corrections were made in conformity with established standards under the U.S. Public Land Survey System.

6. Any subscribers outside the area described in paragraph 3 above now being served by the Oketo, Kansas Exchange, the Liberty, Nebraska Exchange or the Barneston, Nebraska Exchange or any subscribers within this area now being served by other companies from other exchanges, may continue to receive service from the same exchange until such a time as they are legally disconnected. Thereafter, said subscribers will become potential subscribers of the exchange in which they reside.

7. Blue Valley should be issued a Certificate of Convenience and Authority to transact the business of a telephone public utility in the territory described in paragraph 3 above for the Oketo exchange in accordance with the provisions of K.S.A. 2017 Supp. 66-131.

8. The Commission finds that public convenience will be promoted by granting Blue Valley's Application.

IT IS THEREFORE, BY THE COMMISSION ORDERED AND CERTIFIED THAT:

A. The Application filed by Blue Valley Tele-Communications, Inc. on January 25, 2018 is hereby granted and Blue Valley's Certificate of Convenience and Authority is hereby amended authorizing Blue Valley to transact the business of a telephone public utility in the territory described in paragraph 3 above for the Oketo Exchange, with the same to become effective as of the date of this Order.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).²

C. The Commission retains jurisdiction over Blue Valley Tele-Communications, Inc. and the subject matter of this Docket for the purpose of entering such further Order or Orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED AND CERTIFICATED.

Dated: 06/07/2018

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner.



Lynn M. Retz
Secretary to the Commission

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² K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

18-BLVT-322-CXB

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 06/08/2018.

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/S/ DeeAnn Shupe

DeeAnn Shupe