

BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

In the Matter of the Application of Magna5 LLC)
for a Certificate of Convenience and Authority to) Docket No. 18-XOCT-271-COC
Provide Resold Local Exchange Within State of)
Kansas.)

**PETITION FOR INTERVENTION, LIMITED RECONSIDERATION AND
CLARIFICATION**

Come now the following Kansas rural local exchange carriers ("RLECs"):

Independent Telecommunications Group, Columbus et al. ("Columbus"):

Columbus Communications Services, LLC	Moundridge Telephone Co., Inc.
Cunningham Telephone Co., Inc.	Totah Communications, Inc.
Gorham Telephone Co. Inc.	Twin Valley Telephone, Inc.
H & B Communications, Inc.	Wamego Telecommunications Co., Inc.
Home Telephone Co., Inc.	Wilson Telephone Co., Inc.
LaHarpe Telephone Co. Inc.	Zenda Telephone Co., Inc.

State Independent Alliance ("SIA"):

Blue Valley Tele-Communications, Inc.	Rainbow Telecommunications
Craw-Kan Telephone Cooperative, Inc.	Association, Inc.
Golden Belt Telephone Association, Inc.	S&A Telephone Company, Inc.
Haviland Telephone Company, Inc.	The S&T Telephone Cooperative
J.B.N. Telephone Company, Inc.	Association, Inc.
KanOkla Telephone Association	South Central Telephone Association
Madison Telephone, LLC	The Tri-County Telephone Association,
MoKan Dial, Inc.	Inc.
Peoples Telecommunications, LLC	United Telephone Association, Inc.
The Pioneer Telephone Association, Inc.	
Southern Kansas Telephone Co., Inc.	Rural Telephone Service Co., Inc.
Mutual Telephone Company	d/b/a Nex-Tech
Wheat State Telephone Company, Inc.	

and request leave to intervene herein for the limited purpose of seeking limited reconsideration and clarification of the Order and Certificate issued herein February 6, 2018. Specifically these carriers request clarification of the geographic areas of Kansas in

which the applicant is thereby authorized to provide local exchange service. In support of their petition and request these carriers state as follows:

1. The rights and interests of the RLECs as Kansas incumbent local exchange carriers, rural telephone companies and carriers of last resort are placed at issue in this proceeding, including but not limited to their rights and interests created under K.S.A 66-2004; no other party to this proceeding is able effectively to protect such rights and interests.

2. The applicant, Magna5 LLC, has requested authorization to provide resold local exchange service as follows: "Applicant is seeking to provide local services in the exchanges of all non-rural areas of ILECs." This specification is made in response to, and acknowledgment of, a portion of the Commission's application form that states, "local service may be limited to specific exchange areas due to rural exemption guidelines."

3. The Certificate of Convenience and Authority issued by the Corporation Commission ("Commission") on such application states "Magna5 LLC's Application filed in this matter on December 21, 2017, is hereby granted and Magna5 is hereby issued a Certificate of Convenience and Authority authorizing the company to provide Competitive Local Exchange Carrier services *in the State of Kansas*. [Emphasis supplied]

4. The apparent grant of statewide authority conflicts with the requirements of K.S.A. 66-2004 and prior orders of this Commission issued December 27, 1996 and February 3, 1997 in Docket No. 94-GIMT-478-GIT, in that the record does not support, and the Commission has not made, necessary additional findings required as a condition of certification to provide local telecommunications service in the service areas of rural telephone companies as defined by KSA 66-1,187(l). The Order and Certificate, as issued, is therefore contrary to law to that limited extent.

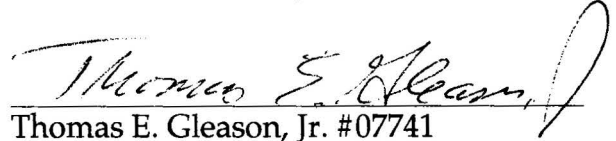
5. The Order and Certificate further grants authority to provide local exchange service in areas of the state beyond those areas for which the applicant has requested certification. As noted in ¶1, *supra*, the application does not request statewide authority to the extent granted by the Order and Certificate. All portions of the service areas of each of the RLECs are rural areas, therefore the requested clarification is wholly consistent with Magna5's application and the applicant is not prejudiced by this request.

6. For the foregoing reason reconsideration and clarification should be granted clarifying that the area for which the certificate of convenience and authority is granted includes only those areas in which Southwestern Bell Telephone Company d/b/a AT&T and United Telephone Companies of Kansas d/b/a CenturyLink serve as the incumbent local exchange carriers; alternatively, such certification should be granted for areas of the State of Kansas expressly excluding any area in which the incumbent local exchange carrier is a rural telephone company as defined by KSA 66-1,187(l).

Wherefore these carriers request leave to intervene for the limited purpose specified herein, and that limited reconsideration and clarification of the Commission's Order and Certificate of February 6, 2018 be granted as specified herein.

Respectfully submitted

GLEASON & DOTY, CHARTERED



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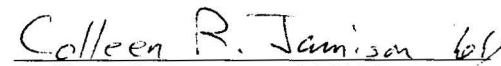
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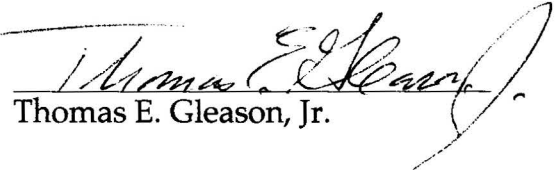
Wheat State Telephone, Inc.

VERIFICATION


STATE OF KANSAS)
) ss:
COUNTY OF DOUGLAS)

I, Thomas E. Gleason, Jr., of lawful age, being first duly sworn upon her oath states:

I am an attorney for the Independent Telecommunications Group, that I have read the above and foregoing document, and upon information and belief, state that the matters therein appearing are true and correct.

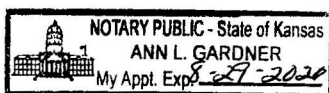

Thomas E. Gleason, Jr.

SUBSCRIBED AND SWORN to before me this 21st day of February, 2018.


Ann L. Gardner
Notary Public

My Commission Expires:

8-29-2020



CERTIFICATE OF SERVICE

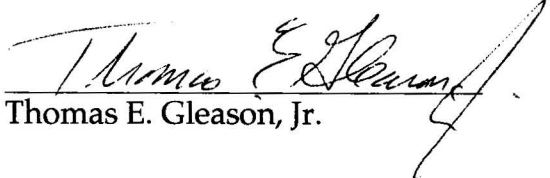
I, the undersigned, hereby certify that on the 21st day of February, 2018, a true and correct copy of the above and foregoing document was sent by electronic mail to the following reflected on the Commission's "Service List" for the subject Docket as of this date:

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