

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

In the Matter of An Investigation to Determine)
the Assessment Rate for the Twenty-Sixth)
Year of the Kansas Universal Service Fund,) Docket No. 22-GIMT-142-GIT
Effective March 1, 2022.)

**MOTION TO CANCEL JANUARY 12, 2022 EVIDENTIARY HEARING AND RENDER
DECISION BASED UPON PREFILED TESTIMONY**

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its Motion requesting the Commission to cancel the Evidentiary Hearing scheduled January 12, 2022, and to render a decision based upon the testimony of the parties filed in this Docket. In support of its Motion, Staff states as follows:

1. On September 28, 2021, the Commission opened the immediate Docket to determine the Kansas Universal Service Fund (KUSF) Year Twenty-Six Assessment Rate, effective March 1, 2022, through February 28, 2023, (Year 26) pursuant to K.S.A. 66-2008(a) and Docket No. 94-GIMT-478-GIT.
2. On December 16, 2021, Sandra K. Reams filed direct testimony on behalf of Staff in this proceeding with several attachments.
3. On December 28, 2021, Douglas Meredith filed rebuttal testimony on behalf of the Rural Local Exchange Carriers (RLECs) in this proceeding.
4. On January 5, 2022, Sandra K. Reams plans to file sur-rebuttal testimony on behalf of Staff.
5. Pursuant to discussions between the parties, there is agreement that the evidentiary hearing in this matter can be cancelled. Staff and the RLECs stipulate to the admission of all Staff and RLEC testimony, waive cross-examination, and request the testimony be included in the record.

6. At the time of this filing, no parties to this Docket expressed opposition to Staff filing this Motion. Staff believes this matter can be resolved efficiently in a summary proceeding before the Commission.

7. The Kansas Administrative Procedure Act (KAPA) allows the Commission to render decisions without holding a hearing, namely in summary proceedings.¹ K.S.A. 77-541(a) provides that “[t]he state agency record for a summary proceeding consists of any documents regarding the matter that were considered . . . by the state agency.”

8. The Commission’s use of a summary proceeding in this matter would not preclude any party from subsequently requesting a hearing on the order.²

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order cancelling the Evidentiary Hearing scheduled in this proceeding for January 12, 2022, and rendering a decision based upon the pre-filed testimony.

Respectfully submitted,

Ahsan A. Latif

Ahsan A. Latif, #24709
Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Kansas 66604
(785) 271-3118 (Telephone)
(785) 271-3124 (Facsimile)
a.latif@kcc.ks.gov (E-mail)
For Commission Staff

¹ See K.S.A. 77-537.

² See K.S.A. 77-537(a).

CERTIFICATE OF SERVICE

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I, the undersigned, certify that a true and correct copy of the above and foregoing motion was electronically delivered this 3rd day of January, 2022, to the following:

BROOK VILLA, ASSOCIATE GENERAL COUNSEL
CENTURYLINK COMMUNICATIONS, LLC
D/B/A LUMEN TECHNOLOGIES GROUP
301 Main Street
Suite 1200
Baton Rouge, LA 70801
brook.villa@lumen.com

KATIE WAGNER
CENTURYLINK COMMUNICATIONS, LLC
D/B/A LUMEN TECHNOLOGIES GROUP
100 CENTURYLINK DRIVE
MONROE, LA 71203
katie.wagner@lumen.com

JOHN IDOUX, STATE GOVERNMENTAL AFFAIRS
DIRECTOR
CENTURYTEL BROADBAND SERVES, LLC
6709 W. 119TH STREET
#416
OVERLAND PARK, KS 66209
john.idoux@lumen.com

MARK DOTY
GLEASON & DOTY CHTD
401 S MAIN ST STE 10
PO BOX 490
OTTAWA, KS 66067-0490
doty.mark@gmail.com

THOMAS E. GLEASON, JR., ATTORNEY
GLEASON & DOTY CHTD
PO BOX 6
LAWRENCE, KS 66044
gleason@sunflower.com

COLLEEN JAMISON
JAMISON LAW, LLC
P O BOX 128
TECUMSEH, KS 66542
colleen.jamison@jamisonlaw.legal

DAVID COHEN, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
d.cohen@kcc.ks.gov

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
a.latif@kcc.ks.gov

MICHAEL NEELEY, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
m.neeley@kcc.ks.gov

MARK E. CAPLINGER
MARK E. CAPLINGER, P.A.
7936 SW INDIAN WOODS PL
TOPEKA, KS 66615-1421
mark@caplingerlaw.net

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CONNOR A. THOMPSON
SMITHYMAN & ZAKOURA, CHTD.
7421 WEST 129th STREET
OVERLAND PARK, KS 66213-2634
connor@smizak-law.com

JAMES P. ZAKOURA, ATTORNEY
SMITHYMAN & ZAKOURA, CHTD.
7421 WEST 129th STREET
OVERLAND PARK, KS 66213-2634
jim@smizak-law.com

BRUCE NEY, ATTORNEY FOR AT&T KANSAS
SOUTHWESTERN BELL TELEPHONE CO.
D/B/A AT&T KANSAS
816 CONGRESS AVENUE, STE 1100
AUSTIN, TX 78701
bruce.ney@att.com

JOHN IDOUX, STATE GOVERNMENTAL AFFAIRS
DIRECTOR
WILTEL COMMUNICATIONS, LLC
6709 W. 119TH STREET
#416
OVERLAND PARK, KS 66209
john.idoux@lumen.com

Abigail Emery

Abigail Emery