



**Bruce A. Ney**  
AVP – Senior Legal Counsel

20170317161835  
Filed Date: 03/17/2017  
State Corporation Commission  
of Kansas  
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March 17, 2017

Amy L. Green  
Secretary to the Commission  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Kansas 66604-4027

Re: KCC Docket No. 17-SWBT-158-MIS

Dear Ms. Green:

Attached you will find the Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) Response to the Petition to Intervene filed by the Citizens Utility Ratepayers' Board ("CURB") in the above captioned proceeding filed on March 13, 2017 for electronic filing in the above referenced docket.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce A. Ney".

Bruce A. Ney  
AVP - Senior Legal Counsel

Attachment

cc: Parties of Record

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

In the Matter of the Application of Southwestern )  
Bell Telephone Company d/b/a AT&T Kansas for )  
an Order Confirming Relinquishment of Its Eligible ) Docket No. 17-SWBT-158-MIS  
Telecommunications Carrier Designation in Specified )  
Areas, and Notice Pursuant to K.S.A. 2015 Supp. )  
66-2006(d) of Intent to Cease Participation in the )  
Kansas Lifeline Services Program. )

**AT&T KANSAS' RESPONSE TO CURB'S PETITION TO INTERVENE**

COMES NOW Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas), pursuant to K.A.R. 82-1-218(d), K.A.R. 2015 Supp. 82-1-219, and K.A.R. 82-1-225, and respectfully submits its Response to the Petition to Intervene filed by the Citizens Utility Ratepayers' Board ("CURB") in the above captioned proceeding.

1. AT&T Kansas does not oppose CURB's Petition, but requests that CURB's participation be limited, pursuant to K.A.R. 82-1-225(c)(1) and (2), to the issues actually before the Commission and in a manner that is not duplicative of discovery already conducted by the KCC Staff.

2. The objective test for relinquishment of ETC status under 47 U.S.C. § 214(e)(4) is whether another ETC serves the relinquishment area. AT&T Kansas' Application listed the various ETCs that serve the relinquishment area, and their status can be confirmed by the Commission orders designating them as ETCs. Any arguments by CURB on tangential policy matters would be irrelevant to the straightforward, and only, issue of whether AT&T Kansas meets the relinquishment test. Similarly, AT&T Kansas is an "electing carrier" pursuant to K.S.A. 2015 Supp. 66-2005(x), and is not subject to rate or term regulation by the Commission for the provision of residential or business telecommunications services. K.S.A. 2015 Supp. 66-2005(z).

3. This proceeding was initiated over four (4) months ago; AT&T Kansas' Application was publicly posted on the Commission's website. CURB, therefore, has had actual or constructive notice of the Application for more than four months. There is no objective reason for CURB to have waited at least four months to seek intervention. As a result, AT&T Kansas should not be prejudiced by CURB's delay and the granting of intervenor status.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B. A. Ney", is written over a horizontal line.

BRUCE A. NEY (KS#15554)  
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Attorney for Southwestern Bell Telephone  
Company d/b/a AT&T Kansas

**VERIFICATION**

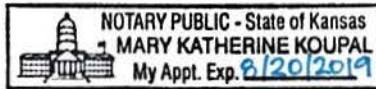
I, Janet L. Arnold, of lawful age, and being first duly sworn, now state: I am Area Manager-External Affairs, and have read AT&T Kansas' Response to Curb's Petition to Intervene, and verify the statements contained herein to be true and correct to the best of my knowledge and belief.

  
Janet L. Arnold

Subscribed and sworn to before me this 17th day of March, 2017.

  
Notary Public

My appointment expires:



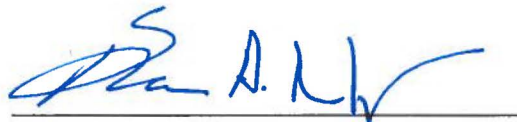
**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing AT&T Kansas' Response to Curb's Petition to Intervene was electronically served this 17<sup>th</sup> day of March, 2017 to:

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Bruce A. Ney