

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Complaint of Ideatek)
Telcom, LLC Against Nex-Tech and Rural)
Telephone Service Company Regarding) Docket No. 19- RRLT-277-COM
Disconnection of Service, Request for Interim)
Ruling and Request for Expedited Review.)

**REPLY OF IDEATEK TELCOM, LLC TO RESPONSE OF INDEPENDENT
TELECOMMUNICATIONS GROUP, COLUMBUS ET AL., TO MOTION TO
SUSPEND PROCEEDING**

COMES NOW Ideatek Telcom, LLC (“Ideatek”), and replies as follows to the Response of Independent Telecommunications Group, Columbus et al., to Motion to Suspend Proceeding filed on February 15, 2019 (“Response”).

1. On February 15, 2019, Ideatek filed a Motion to Suspend Proceeding (“Motion to Suspend”) that was agreed to by the other parties to this docket, Rural Telephone Service Company (“Rural Telephone”) and the Kansas Corporation Commission Staff (“Staff”). Paragraphs 1 through 7 of the Motion to Suspend recite the relevant facts leading up to the filing of the Motion to Suspend and will not be repeated herein but are incorporated by reference.

2. Independent Telecommunications Group, Columbus et al., (“ITG”) and the State Independent Alliance (“SIA”) have petitioned to intervene in the docket but have not yet been granted intervention.

3. ITG filed its Response stating it “has no objection to the suspension of the proceedings as requested to the extent that suspension is limited solely to activity to address the

merits of the complaint and any response thereto”.¹ In other words, ITG objects to the suspension of Ideatek’s obligation to file a response to ITC’s Petition to Intervene. There is no date by which the Commission must issue an order on the petitions to intervene. However, at the scheduling conference on February 13, 2019, the parties agreed to a “requested” date by which an Order on the Petitions to Intervene would issue. ITC also objects to suspending the “requested” date for the Order on its intervention.

4. ITG is not a party to this docket and has no standing to object to the suspension requested by the parties. To date, ITG has not been found to have a legitimate interest in this proceeding, and if the Complaint is dismissed as expected in the next few weeks, ITG will never obtain party status in the proceeding. In light of the filing of the unanimous Motion to Suspend, ITG has no interest to protect at this time. ITG’s interests stated in its Petition to Intervene exist only if this docket goes forward. ITG’s objection should not be heard under these circumstances.

5. If ITG’s objection is considered by the Commission, it should be rejected. When the parties notified the Examiner of their intent to request suspension, ITG indicated its preference that the suspension not be applied to the intervention issues, and Ideatek explained at that time its reasons for wanting the entire proceeding to be suspended. ITG sets those reasons out correctly in its Response.² As Ideatek explained, suspension of the intervention issue along with the remainder of the docket would allow the parties to avoid paying fees for drafting documents that may not be needed, thus avoiding litigation costs, which is a primary reason for agreeing to settlements. Ideatek does not want to incur the costs for drafting responses to the petitions to intervene or expending resources for any other possible pleadings or activities related to the interventions until it is known that the case will be proceeding.

¹ SIA has not objected to the Motion to Suspend. To the extent ITG’s objection might appear to include SIA, that is not accurate.

² See ITG Response, ¶5\

6. Further, there is no harm to ITG in suspending the intervention issues. ITG argues that an early determination of the petitions for intervention will assist it in developing its participation (or non-participation) in the case. However, if the matter does not settle as expected and the docket goes forward, ITG will be in no different situation at that time than it is now since all timelines will be extended accordingly. ITG will have the same amount of time then to prepare its case as it would have had now if the Motion to Suspend had not been filed.

WHEREFORE, for the reasons set forth above and in the Motion to Suspend, Ideatek requests the Commission grant the Motion to Suspend as to all matters involved in this proceeding, including matters related to pending intervention petitions.

Respectfully submitted,

/s/ Glenda Cafer

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above pleading was electronically served this 21st day of February, 2019 to:

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