

90 to 120 days from the time the complaint was amended on January 30, 2019.” The pending petitions for leave to intervene were filed subsequent to the issuance of that order.

4. Columbus supports generally any opportunity for parties to a dispute to resolve that dispute by mutual agreement, and the agreed proposal for a three-week suspension of proceedings herein to permit further negotiation between the complainant and the respondent is reasonable. It does not follow, however, that the pending petitions for leave to intervene should be subject to suspension.

5. The complainant, in its motion for suspension, does not provide a rationale specifically for suspending or delaying consideration of the pending petitions for intervention. Counsel for the complainant, however, has separately expressed that suspension of the intervention issues would allow parties “not to pay fees for drafting documents that may not be needed. In fact, avoiding litigation costs is a primary reason for reaching settlement. If the case is settled here, IdeaTek’s responses to ITG’s and SIA’s petitions to intervene will be unnecessary, as will ITG’s and SIA’s replies to our responses. Thus, including them in the suspension is more efficient, especially since settlement is almost guaranteed at this point.”

6. The complainant’s suggestion that “settlement is almost guaranteed at this point” has not been confirmed of record by the respondent, and “almost guaranteed” effectively means “not guaranteed.” Further, it is at least possible that the terms of the settlement between complainant and respondent could include elements ultimately requiring commission determination or approval. Resolution of such elements could affect the interests asserted by the petitioners for leave to intervene.

7. Each of the proposed intervenors is made up of a group of individual rural local exchange carriers, and within each of these groups the individual carriers

benefit from the guidance provided by separate consulting firms. The ability of each group of proposed intervenors to reach a mutually approved response on the multiple issues identified by the hearing examiner therefore requires consultation and coordination among multiple entities. Columbus respectfully submits that an early determination of the petitions for leave to intervene will facilitate effective and timely participation by each proposed intervenor in the event such participation is determined to be appropriate. Conversely an early determination that the intervention is not appropriate, subject to any appropriate review by the full Commission, would allow the proposed intervenors “not to pay fees for drafting documents that may not be needed.” In either case early resolution would be more consistent with the Hearing Examiner’s goal of Commission review, if such review is necessary, during a 90 to 120-day window following January 30, 2019.

8. Administrative efficiency and more expeditious resolution of the matters at issue in this proceeding would be facilitated by an early determination of whether intervention should be granted. This determination reasonably could be made, and should be made, during the proposed period of suspension while the complainant and respondent concurrently attempt resolution of the matters at issue in the complaint.

WHEREFORE Columbus requests that suspension of proceedings herein for purposes of further negotiation be granted but limited to proceedings addressing the merits of the complaint, and that consideration of the pending petitions for intervention proceed without suspension.

Respectfully submitted,


Thomas E. Gleason, Jr. #07741

P.O. Box 6

Lawrence, KS 66044

(785) 842-6800 ph

(785) 856-6800 fax

gleason@sunflower.com

GLEASON & DOTY, CHARTERED

Attorneys for Independent

Telecommunications Group, Columbus *et al.*

CERTIFICATE OF SERVICE

Thomas E. Gleason, Jr. certifies that the foregoing Response was served by electronic delivery of a correct copy thereof to the following on the 15th day of February, 2019:

GLEENDA CAFER, ATTORNEY

CAFER PEMBERTON LLC

3321 SW 6TH ST

TOPEKA, KS 66606

glenda@caferlaw.com

TERRI PEMBERTON, ATTORNEY

CAFER PEMBERTON LLC

3321 SW 6TH ST

TOPEKA, KS 66606

terri@caferlaw.com

WALKER HENDRIX, HEARING EXAMINER

KANSAS CORPORATION COMMISSION

1500 SW ARROWHEAD RD

TOPEKA, KS 66604

w.hendrix@kcc.ks.gov

MICHAEL NEELEY, LITIGATION COUNSEL

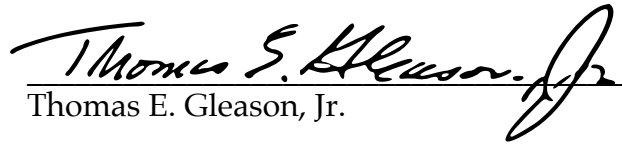
KANSAS CORPORATION COMMISSION

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


Thomas E. Gleason, Jr.