

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Shari Feist Albrecht, Chair
Jay Scott Emler
Dwight D. Keen

In the Matter of An Investigation to Determine)
the Assessment Rate and the Affordable Local)
Service Rate for Rate-of-Return Regulated) Docket No. 17-GIMT-008-GIT
Carriers for the Twenty-First Year of the)
Kansas Universal Service Fund, Effective)
March 1, 2017.)

ORDER APPROVING TRAFFIC FACTORS FOR
COMCAST PHONE OF KANSAS, LLC

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (“Commission”) for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1. Pursuant to K.S.A. 66-2008(a), the Commission requires “every telecommunications carrier, telecommunications public utility and wireless telecommunications service provider that provides intrastate telecommunications services and, to the extent not prohibited by federal law, every provider of interconnected VoIP service, as defined by 47 C.F.R. 9.3 (October 1, 2005), to contribute to the [Kansas Universal Service Fund (“KUSF”)] on an equitable and nondiscriminatory basis.” On December 27, 1996, in Docket No. 94-GIMT-478-GIT, the Commission declared that the contribution would be a yearly assessment on each provider’s intrastate retail revenues.

2. Pursuant to the Commission’s Order of January 24, 2012, and Amended Order of February 1, 2012, in Docket No. 12-GIMT-168-GIT, wireless carriers and interconnected voice over internet protocol (VoIP) providers have three options for identifying their Kansas intrastate

retail revenues. First, a provider may utilize the Federal Communications Commission's (FCC) Safe Harbor percentages to allocate intrastate and interstate Kansas revenues.¹ If a wireless carrier or VoIP provider utilizes the Safe Harbor percentages, no filings regarding the methodology are necessary. Second, a wireless carrier or VoIP provider may utilize a traffic study to determine revenue allocations between jurisdictions. If the wireless carrier or VoIP provider uses the traffic study methodology, it must file to request use of the methodology for KUSF purposes and provide the jurisdictional percentages (also known as "traffic factors") to the Commission, at least annually in the annual KUSF docket, and identify the specific timeframes for which the traffic factors apply. This filing requirement applies even if the traffic factors did not change from the prior year. Third, a wireless carrier or VoIP provider may directly assign revenue between jurisdictions. If the wireless carrier or VoIP provider uses the direct assignment methodology, it does not need to provide the jurisdictional percentages, but it must request approval to use the methodology and inform the Commission at least annually, in the annual KUSF docket, whether it continues to use such methodology. Additionally, if the wireless carrier or VoIP provider uses either the traffic study or direct assignment methodologies, it must provide an affidavit from an officer of the company attesting that it uses the inverse of the intrastate KUSF revenue percentages for interstate, Federal Universal Service Fund (FUSF) remittance purposes. Such affidavit should accompany the filings referenced above.

3. In a filing dated February 28, 2018, Comcast Phone of Kansas, LLC ("Comcast") advised the Commission of intrastate traffic factors applicable for the period "during the period covered in KUSF Year 21 and consistent with its allocation methodology as of 2012."² However, Comcast had not previously filed an application for approval to use the traffic factor methodology.

¹See Report and Order and Notice of Proposed Rulemaking, 21 FCC Rcd. 7518 ¶65 (June 27, 2006).

²Notice of Allocation Methodology Utilized By Comcast Phone of Kansas, LLC ¶4 (Feb 28, 2018).

Commission Staff (“Staff”) contacted Comcast and requested Comcast provide additional details pertaining to the specific allocations generated by Comcast’s methodology dating back to 2012.

4. On July 18, 2018, Comcast filed its Revised Notice of Allocation Methodology Utilized by Comcast Phone of Kansas, LLC, detailing the specific allocations used by Comcast for the period of 1Q 2012 through 1Q 2018. The filing was accompanied by an affidavit signed by Andrew Marte, Vice President, stating that the Company uses the same traffic study methodology previously disclosed to the Commission and verifying that is the same methodology used in filings with the FCC.

5. The Commission finds Comcast’s filing appropriate and approves the traffic study factors submitted for KUSF remittance purposes.

6. The Commission addressed Comcast’s non-compliance with the requirements imposed by the Commission’s January 24 and February 1, 2012 Orders issued in Docket No. 12-GIMT-168-GIT, in failing to provide, for the period 2012 through February 2018, an Application advising of its use of the traffic factor methodology prior to such use and the required affidavit verifying the methodology are used for FUSF purposes, and assessed a monetary penalty of \$300 per year, or \$2,100.00.³

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Comcast Phone of Kansas, LLC’s traffic study factors filed on February 28, 2018 and July 18, 2018 for the period of 2012 through 2018 are approved.

³Order Adopting GVNW Consulting, Inc’s Audit Report and Recommendations, Docket No. 18-CPKT-035-KSF, July 12, 2018;. K.S.A. 66-138(a).

B. Parties have 15 days, plus three days if service is by mail, from the date of service of this Order to petition the Commission for reconsideration or request a hearing, as provided in K.S.A. 77-542.⁴

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further order, or orders, as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chairman; Emler, Commissioner; Keen, Commissioner

Dated: 08/07/2018



Lynn M. Retz
Secretary to the Commission

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⁴K.S.A. 77-537(b); K.S.A. 66-118b; K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

17-GIMT-008-GIT

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 08/08/2018.

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/S/ DeeAnn Shupe

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