

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of Elkhart Telephone Company)
Filing Revision to its Bundles Tariff Changes.) Docket No. 25-ELKT-273-TAR

ORDER APPROVING REVISED TARIFF

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (“Commission”) for consideration and determination. Having examined its files and records, the Commission finds and concludes:

I. BACKGROUND

1. On January 16, 2025, the Commission issued an Order in Docket No. 25-GIMT-141-GIT (“the 25-141 Docket”).¹ The Order in the 25-141 Docket approved that the affordable residential service rate and affordable single-line business service rate for the Rural Local Exchange Carriers (“RLECs”) shall be \$19.00 and \$22.00, respectively.² These approved affordable rates represented an increase of \$0.25 over the previous affordable rates of \$18.75 and \$21.75, respectively.³ The Order in the 25-141 Docket directed RLECs who wish to adjust their rates to the affordable rates to file revised local service tariffs to include their new monthly service rates with an effective date of March 1, 2025, in the 25-141 Docket, no later than February 1, 2025.⁴

¹ Order Adopting KUSF Year 29 Assessment Rate and Affordable Rates, Docket No. 25-GIMT-141-GIT (Jan. 16, 2025) (“the 25-141 Docket”).

² *Id.* at p. 4.

³ *Id.* at p. 3 and *See* Direct Testimony of Steve Garrett on Behalf of Kansas Corporation Commission Staff, Docket No. 25-GIMT-141-GIT (Dec. 13, 2024).

⁴ *Id.* at p. 4.

2. On January 13, 2025, Elkhart Telephone Company, Inc. (“Elkhart”) filed an application in the above-captioned docket requesting permission to revise its General Local Exchange Carrier tariff to raise its Residential Bundles by \$0.25 per month and to increase its Not For Profit Corporation Bundles by \$0.25 per month with an effective date of March 1, 2025.⁵

3. On January 16, 2025, Commission Staff (“Staff”) submitted its Report and Recommendation (“R&R”) in the above-captioned docket, attached hereto and incorporated herein.⁶ Staff’s R&R ultimately recommended that the Commission approve Elkhart’s Application and its corresponding tariff revisions.⁷

II. LEGAL DISCUSSION AND ANALYSIS

4. The Commission derives its authority to review Local Exchange Carrier tariffs from K.S.A. 66-117(d), which states in part:

(d) Except as provided in subsection (c), no change shall be made in any rate, toll, charge, classification, or schedule of charges or joint rates, or in any rule or regulation or practice pertaining to the service or rates of any such public utility or common carrier, without the consent of the commission.

K.S.A. 66-1,190 provides in part that telecommunications public utilities doing business in Kansas shall:

... publish and file with the commission copies of all schedules of rates, joint rates, tolls charges, classifications, and divisions of rates affecting Kansas traffic, either state or interstate... and... the commission shall have power to prescribe reasonable rules and regulations regarding the form and filing of all schedules, tariffs, and classifications of all rates, joint rates, tolls, and charges and all rules and regulations of such telecommunications public utilities...

5. The Commission must review rates and terms for jurisdictional telecommunications services to ensure they are “just and reasonable” pursuant to K.S.A. 66-1,189. Further, K.S.A. 66-

⁵ Tariff for Elkhart Telephone Company, Inc. (Jan. 13, 2025) (“Application”).

⁶ Report and Recommendation, Utilities Division, Docket No. 25-ELKT-273-TAR (Jan. 16, 2025) (“Staff’s R&R” or “R&R”).

⁷ *Id.* at p. 2.

1,189 requires the Commission to ensure that all classifications, rules, and regulations regarding the services are not unduly discriminatory or preferential.

6. Staff reviewed Elkhart's Application and corresponding tariff revisions.⁸ Elkhart represented that it had distributed a Customer Notice pursuant to the Commission's Order in the 25-141 Docket.⁹ Staff confirmed that Elkhart submitted its yearly revenue change from the rate increases in the 25-141 Docket.¹⁰ Staff determined that Elkhart properly distributed a Customer Notice and that the increases to costs for services is in compliance with the coordinated increases set forth in the 25-141 Docket.¹¹

7. Staff recommended that the Commission find that Elkhart's proposed tariff revisions are just and reasonable and therefore approve Elkhart's Application as filed.¹²

8. The Commission hereby adopts the analysis and recommendations contained in Staff's January 16, 2025, R&R as findings. The Commission finds that Elkhart's Application and tariff revisions should be approved. The Commission concludes that the proposed tariff revisions are reasonable.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

- A. Elkhart Telephone Company, Inc's Application is hereby granted, and its revised General Exchange Tariff is hereby approved and shall become effective March 1, 2025.
- B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).¹³

⁸ See Staff's R&R, p. 2.

⁹ *Id.*

¹⁰ Elkhart Tariff Filing, Docket No. 25-GIMT-141-GIT (Jan. 13, 2025).

¹¹ See Staff's R&R, p. 2.

¹² *Id.* at p. 3.

¹³ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 02/04/2025



Abigail D. Emery
Acting Secretary to the Commission

MKH

REPORT AND RECOMMENDATION
UTILITIES DIVISION

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

FROM: Drennan Dolsky, Telecommunications Analyst
Steve Garrett, Deputy Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: January 16, 2025

SUBJECT: Docket No. 25-ELKT-273-TAR

In the Matter of Elkhart Telephone Company Filing Revision to its
Bundles Tariff Changes.

EXECUTIVE SUMMARY:

On January 13, 2025, Elkhart Telephone Company, Inc. (“Elkhart”) filed an Application with the Kansas Corporation Commission (“Commission”) requesting permission to raise its Residential Bundles by \$0.25 per month and to increase its Not For Profit Corporation Bundles by \$0.25 per month.¹ Section 3, 5th Revised Sheet 83 and Section 3, 6th Revised Sheet 83a are the pages impacted by these rate increases.

Elkhart’s Application was filed pursuant to the Commission’s January 16, 2025, Order issued in Docket No. 25-GIMT-141-GIT (“the 25-141 Docket”).² The Order in the 25-141 Docket approved that the affordable residential service rate and affordable single-line business service rate for the Rural Local Exchange Carriers (“RLECs”) shall be \$19.00 and \$22.00, respectively.³ These approved affordable rates represented an increase of \$0.25 over the previous affordable rates of \$18.75 and \$21.75, respectively.⁴

¹ Tariff for Elkhart Telephone Company, Inc. (Jan. 13, 2025) (“Application”).

² Order Adopting KUSF Year 29 Assessment Rate and Affordable Rates, Docket No. 25-GIMT-141-GIT (Jan. 16, 2025) (“the 25-141 Docket”).

³ *Id.* at p. 4.

⁴ *Id.* at p. 3. and *See* Direct Testimony of Steve Garrett on Behalf of Kansas Corporation Commission Staff, Docket No. 25-GIMT-141-GIT (Dec. 13, 2024).

The Order in the 25-141 Docket directed RLECs who wish to adjust their rates to the affordable rates to file revised local service tariffs to include their new monthly service rates with an effective date of March 1, 2025, in the 25-141 Docket, no later than February 1, 2025.⁵

Elkhart responded to Staff's email inquiry on January 14, 2025, that it sent a notice to customers of these upcoming local rate changes with their filing in the 25-141 Docket. The Company's yearly revenue change from the rate increases is also reflected in the 25-141 Docket.⁶

Staff recommends approval of this Application. The Commission action date is Tuesday, February 11, 2025.

BACKGROUND:

The Commission derives its authority to review Local Exchange Carrier tariffs from K.S.A. 66-117(d), which states in part:

(d) Except as provided in subsection (c), no change shall be made in any rate, toll, charge, classification or schedule of charges or joint rates, or in any rule or regulation or practice pertaining to the service or rates of any such public utility or common carrier, without the consent of the commission.

Pursuant to K.S.A. 66-1,189, the Commission must review rates and terms for every telecommunication public utility to ensure they are "just and reasonable" and that the classifications, rules, and regulations regarding the services are not unduly discriminatory or preferential.

Additionally, K.S.A. 66-1,190 requires every public utility doing business in Kansas over which the Commission has control to publish and file with the Commission copies of all schedules of rates, joint rates, tolls, charges, classifications and divisions of rates affecting Kansas traffic, either state or interstate. The Commission has the power to prescribe reasonable rules and regulations regarding the form and filing of all schedules, tariffs and classifications of all rates, joint rates, tolls and charges, and all rules and regulations of such telecommunications public utilities as the Commission determines reasonable and appropriate.

Commission Staff reserves the right to request an audit consistent with Docket No. 04-GIMT-1080-GIT.

ANALYSIS:

Elkhart requests approval to increase the following rates:

- Residential Bundles.
 - Phone & 5 Mbps Broadband from \$67.09 to \$67.34.
 - Phone & 50 Mbps Broadband from \$88.09 to \$88.34.
 - Phone & 100 Mbps Broadband from \$138.09 to \$138.34.

⁵ *Id.* at p. 4.

⁶ Elkhart Tariff Filing, Docket No. 25-GIMT-141-GIT (Jan. 13, 2025).

- Phone & 150 Mbps Broadband from \$192.09 to \$192.34.
- Not For Profit Corporation Bundles.
 - Phone & 5 Mbps Broadband from \$70.49 to \$70.74.
 - Phone & 50 Mbps Broadband from \$91.49 to \$91.74.
 - Phone & 100 Mbps Broadband from \$141.49 to \$141.74.
 - Phone & 150 Mbps Broadband from \$195.49 to \$195.74.

Staff finds Elkhart to have properly sent out a Customer Notice. Staff finds that Elkhart's request to raise its Residential Bundles by \$0.25 per month and to increase its Not For Profit Corporation Bundles by \$0.25 per month is in compliance with the coordinated increases determined in the 25-141 Docket. Due to this finding, Staff believes these proposed rate increases are reasonable.

RECOMMENDATION:

Staff recommends the Commission approve Elkhart's revised tariff to increase the Residential and Not For Profit Corporation Bundles with an effective date of March 1, 2025, as requested by the company.

CERTIFICATE OF SERVICE

25-ELKT-273-TAR

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 02/04/2025.

MADISEN HANE, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
madisen.hane@ks.gov

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

TOM MAURER, DIRECTOR
TELCOM SUPPORT SERVICES
2708 ST CHRISTOPHER CIRCLE
MANHATTAN, KS 66502-2216
tmaurer@tssks.com

/S/ KCC Docket Room
KCC Docket Room
