

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the Matter of the Application Windstream)
Nebraska, Inc.'s Response to Blue Valley Tele-)
Communications Exchange Boundary Request.)
Oketo Exchange and Windstream Nebraska's)
Barneston Exchange Order Modifying the)
Boundary of its Local Exchange Area)

Docket No.
20-WMNT-070-CXB

**ORDER GRANTING APPLICATION TO CEASE TRANSACTING
THE BUSINESS OF A TELEPHONE PUBLIC UTILITY**

NOW, the above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission). The Commission, after giving due consideration to the Application and being fully advised in the premises, finds that:

1. The Application of Windstream Nebraska, Inc. (Windstream) in the above-captioned docket was filed with this Commission on August 1, 2019. A public hearing was not held on the instant Application.

2. The Commission's authority to supervise telecommunications public utilities derives from K.S.A. 2018 Supp. 66-1,188. The Commission's authority to certificate and de-certificate public utilities derives from K.S.A. 2018 Supp. 66-131. Pursuant to K.S.A. 2018 Supp. 66-131, the Commission must review all certification and de-certification applications to determine whether the public convenience will be promoted by granting the request.

3. Windstream requests permission to cease transacting the business of a telephone public utility in the following described territory:

Territory to be transferred to Blue Valley Tele-Communications, Inc. (Blue Valley) Oketo exchange from Windstream Nebraska's exchange territory :

Beginning at a point $\frac{1}{4}$ mile south of the Kansas-Nebraska State Line and $\frac{1}{4}$ mile east of the NW corner of Section 3, T1S, R8E, Marshall County, Kansas; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{8}$ mile; thence north $\frac{1}{4}$ mile, thence west $\frac{1}{2}$ mile, thence south $\frac{3}{4}$ mile, thence east $\frac{5}{8}$ mile to the point of beginning.

4. Previously, on April 26, 2019, Blue Valley Tele-Communications, Inc. made a companion filing in Docket No. 19-BLVT-446-CXB requesting to transact the business of a telephone public utility in the territory described in paragraph 3 above.

5. With the granting of this instant application, the area of the Applicants exchange territory will be described as follows:

WINDSTREAM NEBRASKA's KANSAS TERRITORY BARNESTON/LIBERTY

From a point $\frac{1}{4}$ mile east of the northwest corner of Section 5, T1S, R7E; thence south $1\frac{1}{4}$ miles; thence west 1 mile; thence north $1\frac{1}{4}$ miles to the Kansas-Nebraska State Line; thence east 1 mile to point of beginning

From the northeast corner of Section 3, T01S, R08E, thence south $\frac{1}{4}$ mile; thence west $\frac{1}{16}$ mile; thence south $\frac{1}{2}$ mile; thence west $\frac{11}{16}$ mile; thence north $\frac{3}{4}$ mile; thence east $\frac{3}{4}$ mile to the point of beginning.

From $\frac{3}{8}$ mile west of the northeast corner of Section 4, T01S, R08E, thence south $\frac{1}{4}$ mile thence west approximately $4\frac{3}{8}$ miles to a point $\frac{1}{4}$ mile east and $\frac{1}{4}$ mile south of the northwest corner of Section 2, T1S, R7E; thence south $\frac{1}{2}$ mile; thence west $1\frac{3}{4}$ miles; thence north $\frac{3}{4}$ mile to the Kansas-Nebraska State Line; thence east approximately $6\frac{1}{8}$ mile to the point of beginning.

From a point $\frac{1}{16}$ mile west of the northeast corner of Section 2, T01S08E, thence south $\frac{1}{4}$ mile; thence west $\frac{7}{16}$ mile; thence north $\frac{1}{4}$ mile; thence east $\frac{7}{16}$ to point of beginning.

6. Staff identified a difference between what the Commission records indicate the proper exchange name for the territory above is and what Windstream describes as the exchange for the area covered by this Application. The Commission records indicate the legal description

is part of the exchange described as Windstream Nebraska's Liberty Exchange, whereas Windstream indicates it is the Barneston exchange. Because of employee succession at Windstream, the Commission Staff was unable to determine the appropriate exchange name designation. The Commission did not have jurisdiction over Windstream with the exchanges being principally located in Nebraska with a portion of the exchange boundaries extending into Kansas. Consequently, the territory will be referenced as the Windstream territory and not the specific Windstream exchange name. Attachment A to the Order confirms Windstream's general understanding of the acreage to be transferred to Blue Valley.

7. The Commission finds that public convenience will be promoted by granting the instant Application authorizing Windstream to cease transacting the business of a telephone public utility in the territory described in paragraph 3 above.

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application filed by Windstream Nebraska, Inc. on August 1, 2019, is hereby granted and Windstream is authorized to cease transacting the business of a telephone public utility in the territory described in paragraph 3 above.

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).¹

C. The Commission retains jurisdiction over the subject matter of this Docket for the purpose of entering such further Order or Orders as it may deem necessary.

¹ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

BY THE COMMISSION IT IS SO ORDERED.

Dated: 10/01/2019

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner.



Lynn M. Retz
Executive Director

WAH

**Kansas Corporation Commission
Information Request**

Request No: 2

Company Name BLUE VALLEY TELE-COMMUNICATIONS, INC. BLVT
 Docket Number 19-BLVT-446-CXB
 Request Date September 11, 2019
 Date Information Needed September 20, 2019

RE: Blue Valley transfer with Windstream

Please Provide the Following:

The Commission GIS maps do not agree with the revised legal once Blue Valley receives the transfer from Windstream in this Docket. Please verify the legal description and either concur with the new legal description or provide additional information by the due date. **Response: The Company concurs with Staff's new legal description. Please see Page 2 for the complete Oketo Metes & Bounds.**

Filing provided:

...thence north 1 1/2 miles to a point 1/2 mile west and 1/4 mile north of the southeast corner of Section 1, T1S, R8E; thence east 3/4 mile; thence north 3/4 mile to the Kansas-Nebraska State Line; thence west along said State Line 1 5/16 miles; thence south 1/4 mile; thence west 7/16 mile; thence north 1/4 mile; thence west 1/2 mile; thence south 1/4 mile; thence west 1/16 mile; thence south 1/2 mile; thence west 11/16 mile; thence north 1/2 mile; thence west 1/8 mile; thence north 1/4 mile; thence west 1/2 mile; thence south 3/4 mile; thence west approximately 5 4 3/8 miles to a point 1/4 mile east and 1/4 mile south of the northwest corner of Section 2, T1S, R7E; ..

Transferring that property to Blue Valley made the new legal description for the Blue Valley Exchange

...to a point 1/2 mile west and 1/4 mile north of the southeast corner of Section 1, T1S, R8E; thence east 3/4 mile; thence north 3/4 mile to the Kansas-Nebraska State Line; thence west along said State Line 1 5/16 miles; thence south 1/4 mile; thence west 7/16 mile; thence north 1/4 mile; thence west 1/2 mile; thence south 1/4 mile; thence west 1/16 mile; thence south 1/2 mile; thence west 11/16 mile; thence north 3/4 mile; thence west 5/8 mile; thence south 1/4 mile; thence west approximately 4 3/8 miles to a point 1/4 mile east and 1/4 mile south of the northwest corner of Section 2, T1S, R7E;... per the Commission records

If for some reason, the above information cannot be provided by the date requested, please provide a written explanation of those reasons.

Verification of Response

I have read the foregoing Information Request and answer(s) thereto and find answer(s) to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request.

Signed: /s/ Tom Maurer
 o/b/o Blue Valley Tele-Communications

Date: September 20, 2019

Submitted By: Paula L. Artzer

Submitted To: Tom Maurer

Kansas Corporation Commission
Information Request

Page 2 of 2

Request No: 2

Company Name	BLUE VALLEY TELE-COMMUNICATIONS, INC.	BLVT
Docket Number	19-BLVT-446-CXB	
Request Date	September 11, 2019	
Date Information Needed	September 20, 2019	

RE: Blue Valley transfer with Windstream

With this revision, the total area certificated to Blue Valley for the Oketo exchange within the State of Kansas is:

OKETO, KANSAS EXCHANGE:

Beginning at a point $\frac{1}{2}$ mile south and $\frac{1}{4}$ mile west of the northeast corner of Section 10, T1S, R6E, Marshall County, Kansas; thence south 1 mile; thence west $\frac{1}{4}$ mile; thence south $\frac{7}{16}$ mile; thence west 1 mile to a point $\frac{1}{2}$ mile west and $\frac{1}{16}$ mile north of the southeast corner of Section 16, T1S, R6E; thence south $2\frac{5}{16}$ miles; thence east $\frac{3}{4}$ mile; thence south $\frac{1}{2}$ mile; thence west $\frac{3}{4}$ mile to a point $\frac{1}{2}$ mile west and $\frac{1}{4}$ mile north of the southeast corner of Section 33, T1S, R6E; thence south $1\frac{3}{4}$ miles; thence east $1\frac{1}{4}$ miles; thence south $1\frac{1}{4}$ miles; thence west $\frac{1}{4}$ mile; thence south $\frac{3}{4}$ mile to a point $\frac{1}{2}$ mile west and $\frac{1}{2}$ mile south of the northeast corner of Section 22, T2S, R6E; thence east $3\frac{1}{4}$ miles; thence north 3 miles; thence west $\frac{1}{2}$ mile; thence north $\frac{3}{4}$ mile; thence east $1\frac{1}{2}$ miles to a point $\frac{1}{4}$ mile west and $\frac{1}{4}$ mile north of the southeast corner of Section 32, T1S, R7E; thence south $\frac{3}{4}$ mile; thence east $3\frac{1}{4}$ miles; thence north $\frac{1}{4}$ mile; thence east approximately $1\frac{1}{4}$ miles to a point $\frac{1}{4}$ mile west and $\frac{1}{4}$ mile south of the northeast corner of Section 6, T2S, R8E; thence north $\frac{1}{2}$ mile; thence east $3\frac{1}{2}$ miles; thence north $1\frac{1}{2}$ miles; thence east $1\frac{3}{4}$ miles to a point $\frac{1}{4}$ mile south of the northeast corner of Section 25, T1S, R8E; thence north 2 miles; thence west $\frac{1}{2}$ mile; thence north $1\frac{1}{2}$ miles to a point $\frac{1}{2}$ mile west and $\frac{1}{4}$ mile north of the southeast corner of Section 1, T1S, R8E; thence east $\frac{3}{4}$ mile; thence north $\frac{3}{4}$ mile to the Kansas-Nebraska State Line; thence west along said State Line $1\frac{5}{16}$ miles; thence south $\frac{1}{4}$ mile; thence west $\frac{7}{16}$ mile; thence north $\frac{1}{4}$ mile; thence west $\frac{1}{2}$ mile; thence south $\frac{1}{4}$ mile; thence west $\frac{1}{16}$ mile; thence south $\frac{1}{2}$ mile; thence west $\frac{11}{16}$ mile; thence north $\frac{3}{4}$ mile; thence west $\frac{5}{8}$ mile; thence south $\frac{1}{4}$ mile; thence west approximately $4\frac{3}{8}$ miles to a point $\frac{1}{4}$ mile east and $\frac{1}{4}$ mile south of the northwest corner of Section 2, T1S, R7E; thence south $\frac{1}{2}$ mile; thence west $1\frac{3}{4}$ miles; thence north $\frac{3}{4}$ mile to the Kansas-Nebraska State Line; thence west along said State Line $1\frac{1}{4}$ miles to a point $\frac{1}{4}$ mile east of the northwest corner of Section 5, T1S, R7E; thence south $1\frac{1}{4}$ miles; thence west 1 mile; thence north $1\frac{1}{4}$ miles to the Kansas-Nebraska State Line; thence west along said State Line $\frac{3}{4}$ mile; thence south $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence south 1 mile; thence west $1\frac{1}{4}$ miles to the point of beginning.

CERTIFICATE OF SERVICE

20-WMNT-070-CXB

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 10/01/2019.

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/S/ DeeAnn Shupe
DeeAnn Shupe