

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of Interconnection )  
Agreement Between Cebridge Telecom )  
KS, LLC d/b/a Suddenlink ) Docket No. 24-CKST-248-IAT  
Communications and MoKan Dial, )  
Inc. )

In the Matter of the Application of )  
Cebridge Telecom KS, LLC for a )  
Certificate of Convenience and ) Docket No. 13-CKST-711-COC  
Authority to Provide Local Exchange )  
and Exchange Access Service Within )  
the State of Kansas. )

**PETITION TO INTERVENE, OBJECTION TO INTERCONNECTION AGREEMENT  
AND PETITION TO APPROPRIATELY LIMIT CLEC CERTIFICATE OF  
CONVENIENCE**

COME NOW the identified rural telephone companies<sup>1</sup> (“RLECs”) and petition the  
Commission to be allowed to intervene in this docket, as explained further herein.

**ISSUES SUMMARY**

Cebridge Telecom KS, LLC d/b/a Suddenlink Communications (“Suddenlink”), under  
Kansas law, does not possess authority to operate outside of AT&T and CenturyLink legacy  
service areas in Kansas. As a result, Suddenlink does not have authority to operate in any rural  
telephone company service area in Kansas, including MoKan Dial, Inc.’s (“MoKan”) service

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<sup>1</sup> Blue Valley Tele-Communications, Inc., Craw-Kan Telephone Cooperative, Inc., Golden Belt Telephone  
Association, Inc., Haviland Telephone Co., Inc., JBN Telephone Co., Inc., KanOkla Telephone Association,  
Madison Telephone, LLC, Mutual Telephone Company, Peoples Telecommunications, LLC, Pioneer Telephone  
Association, Inc., Rainbow Telecommunications Association, Inc., S&A Telephone Company, LLC, S&T  
Telephone Cooperative Association, Inc., South Central Telephone Association, Inc., Tri-County Telephone  
Association, Inc., United Telephone Association, Inc., Wheat State Telephone, Inc., d/b/a Wheat State Technologies,  
Columbus Communications Services, LLC, Cunningham Telephone Co., Inc., Gorham Telephone Co., Inc., H&B  
Communications, Inc., Home Telephone Co. Inc., LaHarpe Telephone Co., Inc., Southern Kansas Telephone Co.,  
Inc., Totah Communications, Inc., Twin Valley Telephone, Inc., Wamego Telecommunications Co., Inc.. Wilson  
Telephone Co., Inc., Zenda Telephone Co., Inc., and Rural Telephone Service Co., Inc.

area. Because SuddenLink does not have authority to operate in MoKan's service area, SuddenLink and MoKan have no legal basis to enter into an interconnection agreement in Kansas. SuddenLink's certificate of convenience must be corrected to conform to Kansas law and in Docket No. 13-CKST-711-COC appropriately limit SuddenLink's operating authority in Kansas to areas allowed by law, e.g., AT&T and CenturyLink legacy service areas, and the Commission should dismiss without prejudice the application for approval of an interconnection agreement between MoKan and SuddenLink in Docket No. 24-CKST-248-IAT.

### **PETITION TO INTERVENE**

1. The RLECs, pursuant to K.A.R. 82-1-225(a) and K.S.A. 77-521(a), petition the Commission to intervene in this docket. K.S.A. 77-521(a) provides:

The presiding officer shall grant a petition for intervention if:

- (1) The petition is submitted in writing to the presiding officer, with copies served upon all parties named in the presiding officer's notice of the hearing, at least three business days before the hearing;
- (2) the petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervener under any provision of law; and
- (3) the presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.

The language of K.A.R. 82-1-225(a) is essentially identical to K.S.A. 77-521(a).

2. Condition (a)(1) has been met in that no notice of hearing has been issued in this docket.

3. With respect to condition (a)(2), the RLECs state that they will show the Commission that by not correcting SuddenLink's certificate of convenience and authority and limiting that authority appropriately to just AT&T and CenturyLink areas in Kansas significantly

affects the legal rights and interests of all rural telephone companies in Kansas, potentially opening the door to unintended, illegal, and unwarranted competition.

4. With respect to condition (a)(3), the RLECs state that the application for approval of an interconnection agreement was filed only a few short days ago and, as such no significant amount of time has passed nor has any significant amount of time been expended by Commission Staff processing the application. No Order Assessing Costs has yet been issued. As a result, the orderly and prompt conduct of the proceeding will not be impaired by allowing the intervention, and the interests of justice will be fully served by following Kansas law and prior Commission precedent in like matters, correctly limiting SuddenLink's certificate of convenience and authority and dismissing the application for approval of an interconnection agreement as having no basis or authority under Kansas law.

5. The Rural Companies qualify for intervention in this docket as a matter of right and, as a result, the Commission shall grant intervention.

**NO AUTHORITY IN RURAL TELEPHONE COMPANY SERVICE AREAS**

6. SuddenLink, under Kansas law and despite the language of a 2013 Commission order in Docket No. 13-CKST-711-COC on its face to the contrary, does not legally possess "statewide" operating authority. Therefore, the order granting SuddenLink its authority to operate in Kansas must appropriately be limited to AT&T and CenturyLink areas in Kansas.

7. As an initial matter, SuddenLink has not applied for nor received eligible telecommunications carrier ("ETC") designation in Kansas, generally, or MoKan Dial, Inc.'s service area, specifically. K.S.A. 66-2004(c) and (d) provide that:

(c) Pursuant to 47 U.S.C. § 253(f), any telecommunications carrier that seeks to provide telephone exchange service or local exchange access in a service area served by a rural telephone company **shall meet the requirements of 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier for that**

**area** before being permitted by the commission to provide such service; however, the guidelines shall be consistent with the provisions of 47 U.S.C. § 253(f)(1) and (2).

(d) The commission may grant a certificate to provide local exchange or exchange access service in the service area of a rural telephone company if, among other issues to be considered by the commission, the **application for such certificate complies with commission guidelines issued pursuant to subsection (b).**

8. SuddenLink has made no application to the Commission to be designated as an ETC in any area in Kansas. Pursuant to K.S.A. 66-2004(c), SuddenLink must have that designation, granted by the Commission, before being permitted to provide service in MoKan Dial, Inc.'s service area.

9. The "guidelines" referred to in K.S.A. 66-2004(c) and (d) are the rural entry guidelines mandated by K.S.A. 66-2004(b) and established by the Commission in an Order dated December 27, 1996, in Docket No. 94-GIMT-478-GIT in Attachment B (also attached hereto) and reaffirmed by the Commission in its Order on Reconsideration in that same docket issued February 3, 1997. Those guidelines reaffirm the requirement that the carrier must meet the ETC requirements as set forth in K.S.A. 66-2004 and **47 U.S.C. § 214(e)(1).**

10. Recently a similar situation occurred between an RLEC and a CLEC with a certificate of convenience order purporting to grant statewide authority and the Commission recognized the issue and appropriately limited the CLEC certificate of convenience. In Docket No. 22-RRLT-205-IAT, Rural Telephone Service Company, Inc. ("RuralTel") and Teleport Communications America, LLC, ("Teleport") petitioned for approval of an interconnection agreement. RuralTel, like MoKan is a rural telephone company in Kansas and Teleport, like SuddenLink, possessed a CLEC certificate of convenience which did not conform to Kansas law and purported to grant Teleport "statewide" operating authority. See Docket No. 13-TCAT-374-COC. After the RLECs petitioned to intervene, the Commission ultimately issued an order

limiting Teleport’s authority to operate only in nonrural company areas in Kansas; e.g., AT&T and CenturyLink area. The parties then withdrew the application for approval of the interconnection agreement as a result.

11. In 2015, in Docket No. 15-COXT-396-ETC, Cox Communications filed an application requesting to be designated as an ETC in portions of two of the three exchanges that comprise the Wamego study area. Cox ultimately withdrew its application because Staff recognized that even though Wamego’s three exchange study area had been previously redefined by the Commission to the exchange level (without notice to Wamego), the rural entry guidelines still applied and required Cox to obtain ETC designation throughout the entirety of each exchange in which it was requesting ETC designation and not just portions. See Staff’s Reply to Wamego’s Reply to Staff and Cox; Motion to Dismiss Cox’s Application, filed May 21, 2015.

12. The Commission has previously, *sua sponte*, corrected dockets in which applicants have requested “statewide” local exchange and exchange access authority in Kansas. For instance, in Docket No. 19-EAET-344-COC, the applicant requested local exchange and exchange access operating authority “throughout the state of Kansas.” The Commission’s May 23, 2019, Order and Certificate limited the applicant’s operating authority to AT&T and CenturyLink territories.

WHEREFORE the RLECs petition the Commission to be allowed to intervene in Docket No. 13-CKST-711-COC and Docket No. 24-CKST-248-IAT, as stated above. Further, the RLECs petition the Commission to conform SuddenLink’s operating authority to Kansas law and limit SuddenLink’s authority to operate to only legacy AT&T and CenturyLink service areas in Kansas. The RLECs further petition the Commission to then dismiss the SuddenLink application

for approval of an interconnection agreement with MoKan, and for such other and further relief as the Commission deems just and equitable.

Respectfully submitted,

/s/ Colleen R. Jamison

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### **VERIFICATION**

I, the undersigned, hereby certify under penalty of perjury pursuant to K.S.A. 53-601 that I am an attorney for the companies listed above and that the foregoing is true and correct.  
Executed on September 15, 2023.

/s/Colleen R. Jamison

Colleen R. Jamison

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the above and foregoing was sent via electronic mail this 15th day of September 2023, addressed to the following:

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