

3. The Commission's March 25, 2025 *Order* also requires Nex-Tech to file an Affidavit in Docket No. 24-NTH-589-ETC confirming that notice has been given. Attached hereto is an Affidavit of Rhonda S. Goddard, Chief Financial Officer for Nex-Tech, confirming that Nex-Tech served a copy of the Commission's *Order* on all other ETCs in the Relinquished Area on April 7, 2025.

4. Also attached hereto is a copy of the Notice Of ETC Relinquishment provided to the other ETCs in the Relinquished Area that Nex-Tech included with the Commission's March 25, 2025 *Order*, and a service list identifying the other ETCs to which Nex-Tech provided notice.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anthony K. Veach', written in a cursive style.

Anthony K. Veach, KS Bar #29613
Anthony Veach Law PLLC
1575 Birdie Way, A107
Lawrence, KS 66047
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202.631.9190

Counsel for Nex-Tech, LLC

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

In the Matter of the Application of Nex-Tech,)	
LLC for an Order Confirming Relinquishment)	Docket No. 24-NTHT-589-ETC
Of its Eligible Telecommunications Carrier)	
Designation in Specified Census Blocks)	

AFFIDAVIT OF RHONDA S. GODDARD

STATE OF KANSAS

COUNTY OF NORTON

On April 7, 2025, Rhonda S. Goddard did personally appear before me, the undersigned Notarial Officer, and upon being duly sworn, declared to me the following:

1. My name is Rhonda S. Goddard, and I am the Chief Financial Officer for Nex-Tech, LLC (“Nex-Tech”), 145 N Main St, Lenora, KS 67645. As an officer of the company, I am authorized to provide this Affidavit on behalf of Nex-Tech. I am competent to testify to and have personal knowledge of the above-captioned proceeding, *In The Matter Of The Application Of Nex-Tech, LLC For An Order Confirming Relinquishment Of Its Eligible Telecommunications Carrier Designation In Specified Census Blocks*, Docket No. 24-NTHT-589-ETC. I verify the information and statements contained herein to be true and correct to the best of my knowledge and belief.
2. On March 25, 2025, the State Corporation Commission of the State of Kansas (“Commission”) issued an *Order* in Docket No. 24-NTHT-589-ETC granting Nex-Tech’s request to relinquish its Eligible Telecommunications Carrier (“ETC”) designation in 242 census blocks in the Abilene exchange in Dickinson County, Kansas (the “Relinquished Area”).
3. The March 25, 2025 *Order* requires Nex-Tech to provide notice of the Commission’s decision to all other ETCs in the Relinquished Area by serving them with a copy of the *Order* within 14 days. There are three other ETCs in the Relinquished Area.
4. On April 7, 2025, Nex-Tech provided notice to all ETCs in the Relinquished Area by serving them with a copy of the Commission’s March 25, 2025 *Order*; Staff’s March 11, 2025 *Amended Report And Recommendation*; and the list of the 242 census blocks in the Relinquished Area contained in Exhibit B to Nex-Tech’s March 7, 2025 *Amendment To Application Of Nex-Tech, LLC For An Order Confirming Relinquishment Of Its Eligible Telecommunications Carrier Designation*; all of which were filed in Docket No. 24-NTHT-589-ETC.

5. Notice was sent electronically via email to the list of ETCs in the Relinquished Area, which is attached hereto. This Affidavit confirms that notice was given.

Rhonda S. Goddard

Rhonda S. Goddard
Chief Financial Officer, Nex-Tech, LLC

Subscribed, acknowledged and sworn to before me, the undersigned, on April 7, 2025 by Rhonda S. Goddard.

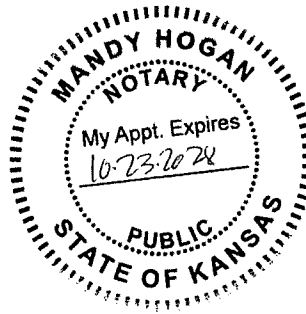
Mandy Hogan

Signature Of Notarial Officer

Bookkeeper

Title Of Office

My Commission Expires: 10-23-2028



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

In the Matter of the Application of Nex-Tech,)	
LLC for an Order Confirming Relinquishment)	Docket No. 24-NTHT-589-ETC
Of its Eligible Telecommunications Carrier)	
Designation in Specified Census Blocks)	

NOTICE OF ETC RELINQUISHMENT

This serves as notice that on March 25, 2025, the State Corporation Commission of the State of Kansas (the “Commission”) issued an *Order* in Docket No. 24-NTHT-589-ETC granting Nex-Tech, LLC’s request to relinquish its Eligible Telecommunications Carrier (“ETC”) designation in 242 census blocks in the Abilene exchange in Dickinson County, Kansas (the “Relinquished Area”).

The March 25, 2025 *Order* requires Nex-Tech to provide notice of the Commission’s decision to all other ETCs in the Relinquished Area by serving them with a copy of the *Order* within 14 days.

You are receiving this Notice Of ETC Relinquishment because you are a representative of an ETC in the Relinquished Area to which notice must be served.

Included with this Notice is a PDF consisting of four documents: The Commission’s March 25, 2025 *Order Approving Nex-Tech’s Application For Relinquishment Of Eligible Telecommunications Carrier Designation In Specified Areas*; Commission Staff’s March 11, 2025 *Amended Report And Recommendation*; The list of the 242 census blocks in the Relinquished Area which is set out in Exhibit B to Nex-Tech’s March 7, 2025 *Amendment To Application Of Nex-Tech, LLC For An Order Confirming Relinquishment Of Its Eligible Telecommunications Carrier Designation*; and The February 23, 2024 *Application Of Nex-Tech, LLC For An Order Confirming Relinquishment Of Its Eligible Telecommunications Carrier Designation*.

All four documents have been filed in Docket No. 24-NTHT-589-ETC, and are available on the Commission’s website at <https://estar.kcc.ks.gov/estar/portal/kcc/page/Dockets/portal.aspx>.

Any questions or correspondence should be directed to the representatives of Nex-Tech, LLC listed below.

Anthony K. Veach
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202.631.9190

Rhonda S. Goddard
Chief Financial Officer for Nex-Tech, LLC
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**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

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

In the Matter of the Application of Nex-)
Tech, LLC for an Order Confirming)
Relinquishment of its Eligible) Docket No. 24-NTHT-589-ETC
Telecommunications Carrier)
Designation in Specified Census Blocks)

**ORDER APPROVING NEX-TECH’S APPLICATION FOR RELINQUISHMENT OF
ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION IN SPECIFIED
AREAS**

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. PROCEDURAL HISTORY

1. On February 23, 2024, Nex-Tech, LLC (“Nex-Tech”) filed an Application in the above-captioned docket requesting approval to relinquish its Eligible Telecommunications Carrier (“ETC”) Designation in 240 census blocks in its Abeline local exchange service area, as specified in Exhibit A to Nex-Tech’s Application.¹

2. On March 7, 2025, Nex-Tech filed an Amended Application to add 2 census blocks to the 240 census blocks referenced in its February 23, 2024, relinquishment request.² Nex-Tech filed an Exhibit B with its Amended Application, which contains the complete list of the 242

¹ Nex-Tech, LLC Application (Feb. 23, 2024) (“Application”).

² Amendment to Application of Nex-Tech, LLC For an Order Confirming Relinquishment of its Eligible Telecommunications Carrier Designation (March 7, 2025) (“Amended Application”).

census blocks where Nex-Tech requests relinquishment and is intended to replace Nex-Tech's Exhibit A.

3. On March 3, 2025, Commission Staff ("Staff") filed its Report and Recommendation ("R&R") regarding Nex-Tech's initial Application.³ On March 11, 2025, after review of Nex-Tech's Amended Application, Staff filed an Amended R&R.⁴ Staff ultimately recommended the Commission find that (1) the census blocks in question are indeed served by at least one other ETC; and (2) all customers currently served by Nex-Tech will continue to be adequately served.⁵ Therefore, Staff recommended the Commission grant Nex-Tech's request to relinquish its ETC designation for high-cost purposes in the 242 census blocks in the Abeline local exchange area listed in Nex-Tech's Exhibit B.⁶

II. APPLICATION TO RELINQUISH ETC DESIGNATION IN SPECIFIED AREAS

4. Nex-Tech's Application requests to relinquish its ETC designation in certain portions of Kansas.⁷ Pursuant to 47 U.S.C. § 214(e)(1), a carrier must be designated by the state commission as an ETC to be eligible to receive federal and state universal service funding.⁸

5. The federal and Kansas Telecommunication(s) Act(s) of 1996 established the Federal Universal Service Fund ("FUSF") and the Kansas Universal Service Fund ("KUSF"), respectively, to provide financial support to ETCs to offer "high cost" services, including constructing and maintaining networks in rural and other high-cost areas, and funding for the

³ Report and Recommendation, Utilities Division, Docket No. 24-NTHT-589-ETC (March 3, 2025).

⁴ Amended Report and Recommendation, Utilities Division, Docket No. 24-NTHT-589-ETC (March 11, 2025) ("Staff's R&R" or "R&R").

⁵ *Id.* at p. 6.

⁶ *Id.*

⁷ Nex-Tech Application.

⁸ Staff's R&R, p. 2.

Lifeline Assistance Program (“Lifeline”).⁹ Lifeline is a service offered to low-income consumers, which provides a discount on their monthly local telephone bill so the service is more affordable.¹⁰

6. As detailed in Staff’s R&R, the Commission has granted several Nex-Tech applications to relinquish its ETC designation in certain census blocks over the course of Nex-Tech’s history as a carrier in Kansas.¹¹

7. Nex-Tech currently requests to relinquish its ETC designation in 242 census blocks in the Abeline exchange in Dickinson County, Kansas, as identified in Nex-Tech’s Exhibit B, included as Exhibit B to Staff’s R&R.

8. Nex-Tech represented that its relinquishment request: 1) is based on changes in both federal and state high-cost support in the Abeline exchange census blocks;¹² 2) will not adversely affect the ability of other ETCs to participate in state or federal universal service programs, or state or federal Lifeline programs;¹³ and 3) will not adversely affect any existing customers, as Nex-Tech will continue to offer services to customers in the relinquished areas of the Abeline exchange.¹⁴

III. ANALYSIS AND FINDINGS

9. The Commission’s jurisdiction and standard for approving ETC designation relinquishment is found in 47 U.S.C. § 214(e)(4):

A State Commission... shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier **in any area served by more than one eligible telecommunications carrier**. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more

⁹ *Id.* (“The FUSF provides support through four programs, including the high-cost program, which provides funding to carriers to ensure that residents in high-cost areas have access to reasonably comparable service at rates reasonably comparable to urban areas, and the Lifeline program, which assists low-income consumers by providing a discount on their monthly local telephone charges so that telephone service is more affordable”).

¹⁰ *Id.*

¹¹ *See* Staff R&R, p. 3.

¹² Nex-Tech Application, p. 2.

¹³ *Id.*

¹⁴ *Id.*

than one eligible telecommunications carrier shall give advance notice to the State Commission... of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, **the State Commission... shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served...** (emphasis added).¹⁵

10. Therefore, the Commission must determine that the proposed Relinquishment Area will be served by at least one other ETC, and that customers in the Relinquishment Area will continue to be served with high-cost or Lifeline-only service(s) by an ETC. The Commission finds that it has jurisdiction over Nex-Tech as a telecommunications carrier providing competitive local exchange services pursuant to its Certificate of Convenience and Authority issued by the Commission.¹⁶

11. The Commission finds that the recommendations contained in Staff's March 11, 2025, R&R are reasonable and adopts the same.

12. The Commission finds that there is at least one high-cost ETC that can provide high-cost support to customers in the proposed Relinquishment Area, consistent with the requirements of 49 U.S.C. § 214(e)(4). Resound Networks, LLC ("Resound") and Mercury Wireless Kansas, LLC d/b/a Mercury Broadband ("Mercury Broadband") operate under ETC authority in the census block pursuant to Dockets No. 21-RNWT-254-ETC and 21-MWKT-258-ETC, respectively.

13. The Commission finds that all customers currently served by Nex-Tech will continue to be adequately served with high-cost or Lifeline-only service(s) by an ETC, consistent with the requirements of 49 U.S.C. § 214(e)(4).

¹⁵ See also, 47 C.F.R. § 54.205 and K.S.A. 66-2006. Further, the Commission's jurisdiction to administer the Lifeline service is also contained in K.S.A. 66-2005(z)(3)(C).

¹⁶ See Application, p. 1.

14. The Commission concludes that Nex-Tech's Amended Application meets the requirements of 49 U.S.C. § 214(e)(4) for relinquishment of its ETC designation.

THEREFORE, THE COMMISSION ORDERS:

A. Nex-Tech's request for ETC relinquishment in the specified 242 census blocks in the Relinquishment Area is granted, as specified in Exhibit B to Staff's R&R.

B. Nex-Tech shall serve this Order to the ETCs in the Relinquishment Area within 14 days of this Order being issued and will file an Affidavit in this Docket confirming this notice was given.

C. The parties have 15 days from the date of electronic service of this Order to file a petition for reconsideration.¹⁷

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

03/25/2025

Dated: _____



Abigail D. Emery
Acting Secretary to the Commission

CRM/MKH

¹⁷ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

24-NTHT-589-ETC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 03/25/2025.

CARLY MASENTHIN, LITIGATION COUNSEL
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/S/ KCC Docket Room

KCC Docket Room

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

In the Matter of the Application of Nex-)
Tech, LLC for an Order Confirming)
Relinquishment of its Eligible) Docket No. 24-NTHT-589-ETC
Telecommunications Carrier)
Designation in Specified Census Blocks)

**NOTICE OF FILING OF STAFF'S
AMENDED REPORT AND RECOMMENDATION**

COMES NOW, the Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), and files the instant Amended Report and Recommendation in response to the Amended Application of Nex-Tech, LLC (“Nex-Tech”) requesting approval to relinquish the Company’s designation as a high-cost Eligible Telecommunications Carrier (“ETC”) in 242 specified census blocks in Kansas. Nex-Tech filed an Amended Application to add 2 more census blocks to the 240 census blocks listed in Exhibit A to its initial Application.

Staff believes Nex-Tech has met the requirements for relinquishment as identified in § 214(e)(4). For the reasons detailed herein, Staff recommends the Commission find (1) that the census blocks in question are indeed served by at least one other ETC; and (2) that all customers currently served by Nex-Tech will continue to be served. Staff recommends the Commission grant Nex-Tech’s request to relinquish its ETC designation for high-cost purposes in the 242 census blocks listed in Nex-Tech’s updated Exhibit B.

WHEREFORE, Staff submits its Report and Recommendation for Commission review and consideration and for such other relief as the Commission deems just and reasonable.

Respectfully submitted,
/s/ Madisen K. Hane
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REPORT AND RECOMMENDATION UTILITIES DIVISION

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

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

DATE: March 11, 2025

SUBJECT: Docket No. 24-NTHT-589-ETC

In the Matter of the Application of Nex-Tech, LLC for an Order Confirming Relinquishment of its Eligible Telecommunications Carrier Designation in Specified Census Blocks.

EXECUTIVE SUMMARY:

On February 23, 2024, Nex-Tech, LLC (Nex-Tech) filed an Application with the Kansas Corporation Commission (Commission) requesting approval to relinquish the Company's designation as a high-cost Eligible Telecommunications Carrier (ETC) for 240 census blocks in Kansas. Nex-Tech seeks relinquishment of ETC status in the Abilene exchange census blocks listed in Nex-Tech's Exhibit A.

On March 7, 2025, an Amended Application was filed to add 2 census blocks to their relinquishment request. Nex-Tech requests to add 2 census blocks to the 240 census blocks stated in the February 2024 application. Accordingly, Nex-Tech is requesting relinquishment of its ETC designation in a total of 242 census blocks in the Abilene exchange. Nex-Tech filed Exhibit B with this amendment replacing Exhibit A, which contains the complete list of census blocks where Nex-Tech requests relinquishment and also includes details of Staff's census block analysis.

Staff recommends the Commission issue an Order approving Nex-Tech's request to relinquish the Company's ETC designation and require the remaining ETCs to ensure that all customers served by Nex-Tech will continue to be served in the Abilene exchange.

Although all ETCs should know and understand the obligations they committed to when they applied to become an ETC, Staff recommends the Commission serve the Order on all competitive ETCs designated in the exchanges approved for relinquishment so that they fully understand their ongoing ETC obligations and requirement to serve Nex-Tech's remaining customers.

BACKGROUND:

The Federal and Kansas Telecommunications Acts contain provisions to develop universal service funds to maintain and advance universal service, which led to the establishment of the Federal Universal Service Fund (FUSF) and the Kansas Universal Service Fund (KUSF), respectively. The FUSF provides support through four programs, including the high-cost program, which provides funding to carriers to ensure that residents in high-cost areas have access to reasonably comparable service at rates reasonably comparable to urban areas, and the Lifeline program, which assists low-income consumers by providing a discount on their monthly local telephone charges so that telephone service is more affordable.

To be eligible to receive support from the FUSF, a carrier is required to be designated an ETC. A state commission may designate a carrier as an ETC in accordance with 47 U.S.C. § 214(e)(1), which requires:

A common carrier designated as an eligible telecommunications carrier under paragraph (2), (3), or (6) shall be eligible to receive universal service support in accordance with section 254 of this title and shall, throughout the service area for which the designation is received:

(A) offer the services that are supported by Federal universal service support mechanisms under section 254(c) of this title, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and

(B) advertise the availability of such services and the charges therefor using media of general distribution.

The Commission derives its authority to designate ETCs pursuant to 47 U.S.C. § 214(e)(2), which requires:

A State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State commission. Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest.

The Commission derives its authority to order carrier or carriers to provide service to unserved community or portion thereof pursuant to 47 U.S.C. § 214(e)(3), which requires:

If no common carrier will provide the services that are supported by Federal universal service support mechanisms under section 254(c) of this title to an unserved community or any portion thereof that requests such service, the Commission, with respect to interstate services or an area served by a common carrier to which paragraph (6) applies, or a State commission, with respect to intrastate services, shall determine which common carrier or carriers are best able to provide such service to the requesting unserved community or portion thereof and shall order such carrier or carriers to provide such service for that unserved community or portion thereof. Any carrier or carriers ordered to provide such service under this paragraph shall meet the requirements of paragraph (1) and shall be designated as an eligible telecommunications carrier for that community or portion thereof. (Emphasis added)

The Commission derives its authority to permit an eligible telecommunications carrier to relinquish its designation pursuant to 47 U.S.C. § 214(e)(4), which requires:

A State commission...shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission...of such relinquishment. **Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission ... shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.** The State commission ... shall establish a time, not to exceed one year after the State commission ... approves such relinquishment under this paragraph, within which such purchase or construction shall be completed. (Emphasis added)

Nex-Tech certified in Docket No. 24-GIMT-612-GIT that all federal high-cost dollars for 2023 were in compliance with 47 U.S.C. § 254(e) of the Federal Telecommunications Act of 1996.¹ This certification must indicate that all federal high-cost support provided to such carriers within the State was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

ANALYSIS:

Nex-Tech has filed four Applications with this Commission seeking ETC authority for both FUSF and KUSF purposes in Docket Nos. 03-NTHT-1051-ETC, 04-NTHT-498-ETC, 05-NTHT-140-ETC, and 06-NTHT-1022-ETC. The Commission granted the Applications as follows:

¹ *Order Directing Submission of Certification Letters to the FCC and USAC*, Docket No. 24-GIMT-612-GIT, September 24, 2024.

- On November 14, 2003, in Docket No. 03-NTHT-1051-ETC, the Commission granted Nex-Tech's Application for ETC authority in the Almena exchange in the Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) service area.
- On June 8, 2004, in Docket No. 04-NTHT-498-ETC, the Commission granted Nex-Tech's Application for ETC authority in the Brightspeed Companies of Kansas (BrightSpeed) formerly United Telephone Companies of Kansas (now d/b/a CenturyLink) entire United Study Area.² The approved Brightspeed Study Area exchanges are as follows: Alma, Altamont, Baldwin, Buhler, Burlingame, Burlington, Burrton, Clifton, Clyde, Delphos, Downs, Ellinwood, Eskridge, Fredonia, Garnett, Glasco, Haven, Hiawatha, Highland, Hillsboro, Holton, Horton, Junction City, Kincaid, Leonardville, Longford, Luray, Lyndon, Melvern, Milford, Moran, Morrill, Mound Valley, Olsburg, Onaga, Osawatometie, Osborne, Oskaloosa, Oswego, Paradise, Pomona, Powhattan, Quenemo, Riley, Russell, Troy, Valley Falls, Wakefield, Wathena, Waverly, Westmoreland, Westphalia, and White Cloud.³
- On October 18, 2004, in Docket No. 05-NTHT-140-ETC, the Commission granted Nex-Tech's Application for ETC authority in the Norton exchange in the AT&T service area.
- On June 15, 2006, in Docket No. 06-NTHT-1022-ETC, the Commission granted Nex-Tech's Application for ETC authority in the Abilene, Atwood, Bird City, Great Bend, Hays, Hoxie, McDonald, McPherson, Oakley, Oberlin, Phillipsburg, Plainville, Salina, Smith Center, St. Francis, and Stockton exchanges, which are all in AT&T's service area.

The Commission granted Nex-Tech's request to relinquish its ETC authority as follows:

- The Commission issued an Order on November 5, 2008, granting Nex-Tech's request to relinquish its ETC authority for federal and state high-cost support purposes in the Oakley exchange in Docket No. 09-NTHT-196-ETC;
- The Commission issued an Order on March 14, 2007, granting Nex-Tech's request to relinquish its ETC authority for federal and state high-cost support purposes in the entire United Study Area in Docket No. 07-NTTH-773-ETC; and
- The Commission issued an Order on April 23, 2019, granting Nex-Tech's request to relinquish its ETC authority for federal and state high-cost support purposes in the Atwood, Bird City, Great Bend, Hays, Hoxie, McDonald, McPherson, Norton, Oberlin, Phillipsburg-Kirwin, Plainville, Salina, Smith Center, St. Francis, and Stockton exchanges; but denying Nex-Tech's request to relinquish its ETC authority in the Abilene exchange in Docket No. 19-NTHT-244-ETC.⁴

Nex-Tech requests ETC relinquishment for certain census blocks in the Abilene exchange identified in Nex-Tech's Exhibit B. Nex-Tech states that its relinquishment request is prompted by the Commission's designation of other telecommunications carriers as ETCs for the purpose of being eligible to receive federal high-cost universal service fund ("USF") support in the Abilene exchange census blocks. As was the case in the previous relinquishment request in Docket No.

² *Order Approving Name Change*, Docket No. 24-UTDT-476-CCN, May 7, 2024.

³ The Downs, Luray, Paradise, and Russell exchanges were sold by CenturyLink to Rural Telephone Service Company, effective October 1, 2006. The sale of the exchanges did not affect Nex-Tech's ETC authority or obligations.

⁴ Nex-Tech filed a Petition for Reconsideration (PFR) of the Commission's April 23, 2019 Order on May 8, 2019. The Commission issued an Order Denying Nex-Tech's PFR on June 4, 2019. The Commission's April 23, 2019 Order also recognized Nex-Tech's desire to cease participation in the KLSP, effective May 31, 2019.

19-NTHT-244-ETC, this application is based on changes in both federal and state high-cost support. Furthermore, Nex-Tech states that the ETC designation creates increased regulatory obligations and believes maintaining its ETC designation in the Abilene exchange is no longer justified.⁵

Nex-Tech's relinquishment request will not adversely affect any existing customers, as it will continue to offer services to customers in the relinquished areas in the Abilene exchange. Furthermore, Nex-Tech relinquishment will not result in the removal of any telecommunications facilities in the relinquished areas.⁶

Thus, in order to grant relinquishment, the Commission must: (1) find that the area is served by at least one other ETC; and (2) that all customers served by the relinquishing carrier will continue to be served. As is evident in the statute and further articulated by the FCC,

...the section 214(e)(4) relinquishment process allows for the states (or the [FCC], if applicable) to conduct an inquiry at a sufficiently granular level to ensure that the customers in that area 'will continue to be served.' The relinquishment process not only entails an evaluation of what service providers are present in an area at a given point in time, but of the practical ability of those providers to take on additional consumers as might be needed once the relinquishing carrier is no longer an ETC subject to associated obligations in that area. Indeed, section 214(e)(4) not only involves an inquiry regarding the capabilities of other service providers, but to the extent needed, includes a grant of authority to obligate remaining ETCs to acquire adequate facilities within a defined time period.⁷

In its analysis of Nex-Tech's Application, Staff first looked into whether the subject census blocks were served by at least one other ETC; then, Staff analyzed whether the customers served currently by Nex-Tech will continue to be adequately served if Nex-Tech's relinquishment were granted.

Whether Requested Relinquishment Census Blocks are Served by Another ETC

For the 242 census blocks in the Nex-Tech relinquishment area, the Commission first needs to determine whether there is at least one other ETC that would be able to provide USF support to consumers. High-cost Eligible Telecommunications Carriers are required to offer services to consumers in their designated service area, which means the Commission needs to determine whether there is at least one high-cost ETC in the relinquished census blocks. Nex-Tech has indicated in their Amended Application and Staff has confirmed in the analysis in Exhibit B, other designated ETCs in the relinquishment area exist for high-cost purposes.⁸

Resound Networks, LLC (Resound), Mercury Wireless Kansas, LLC d/b/a Mercury Broadband (Mercury Broadband) and Southwestern Bell Telephone Company D/B/A AT&T Kansas (AT&T Kansas) ETC authority utilized 2010 census block data. Staff compared Nex-Tech's Exhibit B also using 2010 census block data to census block data from Resounds Docket No. 21-RNWT-254-ETC (Docket 21-254), Mercury Broadband Docket No. 21-MWKT-258-ETC (Docket 21-

⁵ Application ¶ 6.

⁶ *Id.* ¶ 8.

⁷ *USTelecom Forbearance Order*, FCC 15 166, ¶ 111.

⁸ See Staff Exhibit B.

258), and AT&T Kansas Docket No. 24-SWBT-318-MIS (Docket 24-318) to determine if another ETC serves the census block.⁹ Per Staff's review, there is at least one high-cost ETC that is able to provide high-cost support to consumers in all of the census blocks for which Nex-Tech is relinquishing.

Therefore, for high-cost purposes, Staff believes this step of the relinquishment process has been met.

Whether Relinquished Customers will Continue to be Adequately Served by Remaining ETCs

High-Cost ETCs

Staff believes the second requirement has also been met because the remaining high-cost ETCs have an obligation to ensure that the remaining customers will continue to be served in each census block for which each ETC has received high-cost ETC authority.

Although Staff believes the statutory requirement for ETC relinquishment has been met for the requested relinquishment areas in all 242 census blocks, some concerns still exist about the remaining ETCs' practical ability to ensure that all remaining customers will continue to be served.

Some high-cost ETCs have built their facilities in more densely populated parts of an exchange. It appears that the only occasion in which a high-cost ETC could be required to build out new facilities to a customer would be for a "reasonable request for service" for which another high-cost ETC does not currently have facilities (i.e., new construction).

As an ETC, Nex-Tech is required to offer universal service throughout its designated service area to all reasonable requests for service. Nex-Tech has historically been eligible to receive state and federal funding to assist with the cost to provide universal service in high-cost areas. To date, Nex-Tech has received \$877,216 in federal high-cost support.¹⁰

If the relinquishment request is granted, Nex-Tech would no longer be required to serve all requesting customers in accordance with 47 U.S.C. § 214(e)(4) in the Abilene exchange.

Nex-Tech is current with regard to Commission assessments. The Company is also current with regard to KUSF assessments.

RECOMMENDATION:

Staff believes Nex-Tech has met the requirements for relinquishment as identified in § 214(e)(4). Staff recommends the Commission find (1) that the census blocks in question are indeed served by at least one other ETC; and (2) that all customers currently served by Nex-Tech will continue to be served. Thus, Staff recommends the Commission grant Nex-Tech's request to relinquish its ETC designation for high-cost purposes in the 242 census blocks listed in Nex-Tech's Exhibit B.

⁹ See *Id.*

¹⁰ <https://opendata.usac.org/High-Cost/High-Cost-Funding-Disbursement-Search/cegz-dzzi>, last viewed February 13, 2025.

Staff recommends the Commission issue an Order granting Nex-Tech's request to relinquish its ETC designation in 242 census blocks, effective upon Commission Order.

Although all ETCs should know and understand the ETC obligations that they committed to when they applied to become an ETC, Staff recommends the Commission serve the Order on all ETCs designated in the Abilene exchange so that they fully understand their ongoing obligations.

CERTIFICATE OF SERVICE

24-NTHT-589-ETC

I, the undersigned, certify that a true and correct copy of the above and foregoing Notice of Filing of Staff's Amended Report and Recommendation was served via electronic service this 11th day of March, 2025, to the following:

CARLY MASENTHIN, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
carly.masenthin@ks.gov

ANTHONY VEACH
NEX-TECH, LLC
145 N. MAIN
LENORA, KS 67645
anthonyveach@anthonyveachlaw.com

Ann Murphy

Ann Murphy

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

In the Matter of the Application of Nex-Tech,)
LLC for an Order Confirming Relinquishment) Docket No. 24-NTHT-589-ETC
Of its Eligible Telecommunications Carrier)
Designation in Specified Census Blocks)

**AMENDMENT TO APPLICATION OF NEX-TECH, LLC FOR AN ORDER
CONFIRMING RELINQUISHMENT OF ITS ELIGIBLE TELECOMMUNICATIONS
CARRIER DESIGNATION**

COMES NOW Nex-Tech, LLC (“Nex-Tech”) pursuant to 47 U.S.C. § 214(e)(4), 47 C.F.R. § 54.205, K.S.A. 66-2008, K.S.A. 66-2009, K.A.R. 82-1-218, and K.A.R. 82-1-219, and hereby respectfully submits this amendment to its application requesting the Kansas Corporation Commission (the “Commission”) issue an order confirming relinquishment of its Eligible Telecommunications Carrier (“ETC”) designation in certain census blocks. In support of this amendment to its application, Nex-Tech shows the Commission as follows:

1. On February 23, 2024, Nex-Tech filed an application¹ requesting that the Commission issue an order confirming relinquishment of its ETC designation in 240 census blocks in the Abilene local exchange service area in Dickinson County, Kansas.
2. With this amendment, Nex-Tech is requesting relinquishment of its ETC designation in two additional census blocks in the Abilene exchange, which are identified on EXHIBIT A hereto.
3. EXHIBIT B to this amendment contains the full list of census blocks where Nex-Tech requests relinquishment of its ETC designation. Specifically, EXHIBIT B is a list of the census blocks where Nex-Tech requests relinquishment, consisting of: (1) the 240 census blocks

¹ *Application of Nex-Tech, LLC for an Order Confirming Relinquishment of its Eligible Telecommunications Carrier Designation In Specified Census Blocks*, Docket No. 24-NTHT-589-ETC, Application (Feb. 23, 2024). Nex-Tech, LLC is a wholly-owned subsidiary of Rural Telephone Service Company, Inc.

included in the February 2024 application, and (2) the two census blocks added by this amendment. Accordingly, Nex-Tech is requesting relinquishment of its ETC designation in a total of 242 census blocks in the Abilene exchange.

4. Nex-Tech's application, as amended herein, meets the requirements for relinquishment of ETC designation in 47 U.S.C. § 214(e)(4), as each census block where relinquishment is requested is served by one or more additional high-cost ETCs. EXHIBIT C hereto contains information on the additional high-cost ETC that serves the two census blocks located in the Abilene exchange that are the subject of this amendment.

WHEREFORE, Nex-Tech respectfully requests the Commission grant its application, as amended herein, and issue an Order confirming relinquishment of Nex-Tech's ETC designation in the 242 census blocks in the Abilene local exchange service area.

Respectfully submitted,



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202.631.9190


Counsel for Nex-Tech, LLC

VERIFICATION

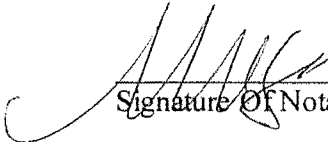
STATE OF KANSAS

COUNTY OF Norton

I, Rhonda S. Goddard, of lawful age, and being first duly sworn, now state: I am the Chief Financial Officer of Nex-Tech, LLC, and have read the foregoing Amendment To Application Of Nex-Tech, LLC For An Order Confirming Relinquishment Of Its Eligible Telecommunications Carrier Designation, and verify the information and statements contained therein to be true and correct to the best of my knowledge and belief.


Rhonda S. Goddard

Signed and sworn to before me on March 4, 2025 by Rhonda S. Goddard.



Signature Of Notarial Officer

Bookkeeper

Title Of Office:

My Commission Expires: 10-23-2028



CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a correct copy of the Amendment To Application Of Nex-Tech, LLC For An Order Confirming Relinquishment Of Its Eligible Telecommunications Carrier Designation was sent via electronic mail on March 6, 2025 to the following:

CARLY MASENTHIN, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
carly.masenthin@ks.gov

A handwritten signature in black ink, appearing to read 'Anthony Veach', is positioned above a horizontal line.

Anthony Veach

EXHIBIT A

	Census Block ID	State	County	ILEC	Exchange	WC CLI
1	200410842002027	Kansas	Dickinson	AT&T Kansas	Abilene	ABLNKSCD
2	200410845003061	Kansas	Dickinson	AT&T Kansas	Abilene	ABLNKSCD

These two census blocks are included and marked with a * on EXHIBIT B.

EXHIBIT B

# Total	Census Block ID	State	County	ILEC	Exchange
1	200410841001058	Kansas	Dickinson	AT&T Kansas	Abilene
2	200410841001061	Kansas	Dickinson	AT&T Kansas	Abilene
3	200410841001062	Kansas	Dickinson	AT&T Kansas	Abilene
4	200410841001064	Kansas	Dickinson	AT&T Kansas	Abilene
5	200410841001075	Kansas	Dickinson	AT&T Kansas	Abilene
6	200410841001076	Kansas	Dickinson	AT&T Kansas	Abilene
7	200410841001134	Kansas	Dickinson	AT&T Kansas	Abilene
8	200410841001135	Kansas	Dickinson	AT&T Kansas	Abilene
9	200410841001138	Kansas	Dickinson	AT&T Kansas	Abilene
10	200410841001139	Kansas	Dickinson	AT&T Kansas	Abilene
11	200410841001142	Kansas	Dickinson	AT&T Kansas	Abilene
12	200410841001143	Kansas	Dickinson	AT&T Kansas	Abilene
13	200410841001144	Kansas	Dickinson	AT&T Kansas	Abilene
14	200410841001145	Kansas	Dickinson	AT&T Kansas	Abilene
15	200410841001146	Kansas	Dickinson	AT&T Kansas	Abilene
16	200410841001148	Kansas	Dickinson	AT&T Kansas	Abilene
17	200410841001149	Kansas	Dickinson	AT&T Kansas	Abilene
18	200410841001156	Kansas	Dickinson	AT&T Kansas	Abilene
19	200410841001158	Kansas	Dickinson	AT&T Kansas	Abilene
20	200410841001159	Kansas	Dickinson	AT&T Kansas	Abilene
21	200410841001160	Kansas	Dickinson	AT&T Kansas	Abilene
22	200410841001202	Kansas	Dickinson	AT&T Kansas	Abilene
23	200410841001207	Kansas	Dickinson	AT&T Kansas	Abilene
24	200410841001208	Kansas	Dickinson	AT&T Kansas	Abilene
25	200410841001211	Kansas	Dickinson	AT&T Kansas	Abilene
26	200410841001212	Kansas	Dickinson	AT&T Kansas	Abilene
27	200410841001214	Kansas	Dickinson	AT&T Kansas	Abilene
28	200410841001217	Kansas	Dickinson	AT&T Kansas	Abilene
29	200410841001218	Kansas	Dickinson	AT&T Kansas	Abilene
30	200410841001219	Kansas	Dickinson	AT&T Kansas	Abilene
31	200410841001237	Kansas	Dickinson	AT&T Kansas	Abilene
32	200410841001238	Kansas	Dickinson	AT&T Kansas	Abilene
33	200410841001239	Kansas	Dickinson	AT&T Kansas	Abilene
34	200410841001240	Kansas	Dickinson	AT&T Kansas	Abilene
35	200410841001241	Kansas	Dickinson	AT&T Kansas	Abilene
36	200410841001253	Kansas	Dickinson	AT&T Kansas	Abilene

37	200410841001254	Kansas	Dickinson	AT&T Kansas	Abilene
38	200410841001255	Kansas	Dickinson	AT&T Kansas	Abilene
39	200410841001256	Kansas	Dickinson	AT&T Kansas	Abilene
40	200410841001257	Kansas	Dickinson	AT&T Kansas	Abilene
41	200410841001259	Kansas	Dickinson	AT&T Kansas	Abilene
42	200410841001266	Kansas	Dickinson	AT&T Kansas	Abilene
43	200410841001267	Kansas	Dickinson	AT&T Kansas	Abilene
44	200410841001268	Kansas	Dickinson	AT&T Kansas	Abilene
45	200410841001270	Kansas	Dickinson	AT&T Kansas	Abilene
46	200410841001278	Kansas	Dickinson	AT&T Kansas	Abilene
47	200410841001279	Kansas	Dickinson	AT&T Kansas	Abilene
48	200410842002000	Kansas	Dickinson	AT&T Kansas	Abilene
49	200410842002001	Kansas	Dickinson	AT&T Kansas	Abilene
50	200410842002016	Kansas	Dickinson	AT&T Kansas	Abilene
51	200410842002018	Kansas	Dickinson	AT&T Kansas	Abilene
52	200410842002019	Kansas	Dickinson	AT&T Kansas	Abilene
53	200410842002020	Kansas	Dickinson	AT&T Kansas	Abilene
54	200410842002021	Kansas	Dickinson	AT&T Kansas	Abilene
55	200410842002024	Kansas	Dickinson	AT&T Kansas	Abilene
56	200410842002026	Kansas	Dickinson	AT&T Kansas	Abilene
*57	200410842002027	Kansas	Dickinson	AT&T Kansas	Abilene
58	200410842002028	Kansas	Dickinson	AT&T Kansas	Abilene
59	200410842002040	Kansas	Dickinson	AT&T Kansas	Abilene
60	200410842002047	Kansas	Dickinson	AT&T Kansas	Abilene
61	200410842002048	Kansas	Dickinson	AT&T Kansas	Abilene
62	200410842002049	Kansas	Dickinson	AT&T Kansas	Abilene
63	200410842002050	Kansas	Dickinson	AT&T Kansas	Abilene
64	200410842002051	Kansas	Dickinson	AT&T Kansas	Abilene
65	200410842002054	Kansas	Dickinson	AT&T Kansas	Abilene
66	200410842002114	Kansas	Dickinson	AT&T Kansas	Abilene
67	200410842002120	Kansas	Dickinson	AT&T Kansas	Abilene
68	200410842002121	Kansas	Dickinson	AT&T Kansas	Abilene
69	200410842002137	Kansas	Dickinson	AT&T Kansas	Abilene
70	200410842002255	Kansas	Dickinson	AT&T Kansas	Abilene
71	200410843001001	Kansas	Dickinson	AT&T Kansas	Abilene
72	200410843001002	Kansas	Dickinson	AT&T Kansas	Abilene
73	200410843001003	Kansas	Dickinson	AT&T Kansas	Abilene
74	200410843001010	Kansas	Dickinson	AT&T Kansas	Abilene
75	200410843001011	Kansas	Dickinson	AT&T Kansas	Abilene
76	200410843001018	Kansas	Dickinson	AT&T Kansas	Abilene

77	200410843001021	Kansas	Dickinson	AT&T Kansas	Abilene
78	200410843001032	Kansas	Dickinson	AT&T Kansas	Abilene
79	200410843001036	Kansas	Dickinson	AT&T Kansas	Abilene
80	200410843001038	Kansas	Dickinson	AT&T Kansas	Abilene
81	200410843001041	Kansas	Dickinson	AT&T Kansas	Abilene
82	200410843001044	Kansas	Dickinson	AT&T Kansas	Abilene
83	200410843001045	Kansas	Dickinson	AT&T Kansas	Abilene
84	200410843001046	Kansas	Dickinson	AT&T Kansas	Abilene
85	200410843001056	Kansas	Dickinson	AT&T Kansas	Abilene
86	200410843001075	Kansas	Dickinson	AT&T Kansas	Abilene
87	200410843001077	Kansas	Dickinson	AT&T Kansas	Abilene
88	200410843001082	Kansas	Dickinson	AT&T Kansas	Abilene
89	200410843001083	Kansas	Dickinson	AT&T Kansas	Abilene
90	200410843001084	Kansas	Dickinson	AT&T Kansas	Abilene
91	200410843001087	Kansas	Dickinson	AT&T Kansas	Abilene
92	200410843001092	Kansas	Dickinson	AT&T Kansas	Abilene
93	200410843001098	Kansas	Dickinson	AT&T Kansas	Abilene
94	200410843001099	Kansas	Dickinson	AT&T Kansas	Abilene
95	200410843001101	Kansas	Dickinson	AT&T Kansas	Abilene
96	200410843001102	Kansas	Dickinson	AT&T Kansas	Abilene
97	200410843001105	Kansas	Dickinson	AT&T Kansas	Abilene
98	200410843001108	Kansas	Dickinson	AT&T Kansas	Abilene
99	200410843001109	Kansas	Dickinson	AT&T Kansas	Abilene
100	200410843001111	Kansas	Dickinson	AT&T Kansas	Abilene
101	200410843001112	Kansas	Dickinson	AT&T Kansas	Abilene
102	200410843001113	Kansas	Dickinson	AT&T Kansas	Abilene
103	200410843001133	Kansas	Dickinson	AT&T Kansas	Abilene
104	200410843002000	Kansas	Dickinson	AT&T Kansas	Abilene
105	200410843002001	Kansas	Dickinson	AT&T Kansas	Abilene
106	200410843002007	Kansas	Dickinson	AT&T Kansas	Abilene
107	200410843002014	Kansas	Dickinson	AT&T Kansas	Abilene
108	200410843002015	Kansas	Dickinson	AT&T Kansas	Abilene
109	200410843002020	Kansas	Dickinson	AT&T Kansas	Abilene
110	200410843002025	Kansas	Dickinson	AT&T Kansas	Abilene
111	200410843002027	Kansas	Dickinson	AT&T Kansas	Abilene
112	200410843002029	Kansas	Dickinson	AT&T Kansas	Abilene
113	200410843002030	Kansas	Dickinson	AT&T Kansas	Abilene
114	200410843002031	Kansas	Dickinson	AT&T Kansas	Abilene
115	200410843002032	Kansas	Dickinson	AT&T Kansas	Abilene
116	200410843002034	Kansas	Dickinson	AT&T Kansas	Abilene

117	200410843002036	Kansas	Dickinson	AT&T Kansas	Abilene
118	200410843002038	Kansas	Dickinson	AT&T Kansas	Abilene
119	200410843002039	Kansas	Dickinson	AT&T Kansas	Abilene
120	200410843002041	Kansas	Dickinson	AT&T Kansas	Abilene
121	200410843002057	Kansas	Dickinson	AT&T Kansas	Abilene
122	200410843002058	Kansas	Dickinson	AT&T Kansas	Abilene
123	200410843002060	Kansas	Dickinson	AT&T Kansas	Abilene
124	200410843002066	Kansas	Dickinson	AT&T Kansas	Abilene
125	200410843002067	Kansas	Dickinson	AT&T Kansas	Abilene
126	200410843002081	Kansas	Dickinson	AT&T Kansas	Abilene
127	200410844001000	Kansas	Dickinson	AT&T Kansas	Abilene
128	200410844001001	Kansas	Dickinson	AT&T Kansas	Abilene
129	200410844001002	Kansas	Dickinson	AT&T Kansas	Abilene
130	200410844001003	Kansas	Dickinson	AT&T Kansas	Abilene
131	200410844001004	Kansas	Dickinson	AT&T Kansas	Abilene
132	200410844001011	Kansas	Dickinson	AT&T Kansas	Abilene
133	200410844001017	Kansas	Dickinson	AT&T Kansas	Abilene
134	200410844001022	Kansas	Dickinson	AT&T Kansas	Abilene
135	200410844001049	Kansas	Dickinson	AT&T Kansas	Abilene
136	200410844001050	Kansas	Dickinson	AT&T Kansas	Abilene
137	200410844004003	Kansas	Dickinson	AT&T Kansas	Abilene
138	200410844004004	Kansas	Dickinson	AT&T Kansas	Abilene
139	200410844004005	Kansas	Dickinson	AT&T Kansas	Abilene
140	200410844004006	Kansas	Dickinson	AT&T Kansas	Abilene
141	200410844004007	Kansas	Dickinson	AT&T Kansas	Abilene
142	200410844004008	Kansas	Dickinson	AT&T Kansas	Abilene
143	200410844004011	Kansas	Dickinson	AT&T Kansas	Abilene
144	200410844004013	Kansas	Dickinson	AT&T Kansas	Abilene
145	200410844004019	Kansas	Dickinson	AT&T Kansas	Abilene
146	200410844004023	Kansas	Dickinson	AT&T Kansas	Abilene
147	200410844004024	Kansas	Dickinson	AT&T Kansas	Abilene
148	200410844004031	Kansas	Dickinson	AT&T Kansas	Abilene
149	200410845001112	Kansas	Dickinson	AT&T Kansas	Abilene
150	200410845001114	Kansas	Dickinson	AT&T Kansas	Abilene
151	200410845001115	Kansas	Dickinson	AT&T Kansas	Abilene
152	200410845001116	Kansas	Dickinson	AT&T Kansas	Abilene
153	200410845001120	Kansas	Dickinson	AT&T Kansas	Abilene
154	200410845001122	Kansas	Dickinson	AT&T Kansas	Abilene
155	200410845001124	Kansas	Dickinson	AT&T Kansas	Abilene
156	200410845001125	Kansas	Dickinson	AT&T Kansas	Abilene

157	200410845001126	Kansas	Dickinson	AT&T Kansas	Abilene
158	200410845001127	Kansas	Dickinson	AT&T Kansas	Abilene
159	200410845001129	Kansas	Dickinson	AT&T Kansas	Abilene
160	200410845001130	Kansas	Dickinson	AT&T Kansas	Abilene
161	200410845001131	Kansas	Dickinson	AT&T Kansas	Abilene
162	200410845001133	Kansas	Dickinson	AT&T Kansas	Abilene
163	200410845001135	Kansas	Dickinson	AT&T Kansas	Abilene
164	200410845001136	Kansas	Dickinson	AT&T Kansas	Abilene
165	200410845001138	Kansas	Dickinson	AT&T Kansas	Abilene
166	200410845001139	Kansas	Dickinson	AT&T Kansas	Abilene
167	200410845001148	Kansas	Dickinson	AT&T Kansas	Abilene
168	200410845001167	Kansas	Dickinson	AT&T Kansas	Abilene
169	200410845001171	Kansas	Dickinson	AT&T Kansas	Abilene
170	200410845003012	Kansas	Dickinson	AT&T Kansas	Abilene
171	200410845003021	Kansas	Dickinson	AT&T Kansas	Abilene
172	200410845003023	Kansas	Dickinson	AT&T Kansas	Abilene
173	200410845003028	Kansas	Dickinson	AT&T Kansas	Abilene
174	200410845003031	Kansas	Dickinson	AT&T Kansas	Abilene
175	200410845003034	Kansas	Dickinson	AT&T Kansas	Abilene
176	200410845003037	Kansas	Dickinson	AT&T Kansas	Abilene
177	200410845003040	Kansas	Dickinson	AT&T Kansas	Abilene
178	200410845003043	Kansas	Dickinson	AT&T Kansas	Abilene
179	200410845003047	Kansas	Dickinson	AT&T Kansas	Abilene
180	200410845003048	Kansas	Dickinson	AT&T Kansas	Abilene
181	200410845003049	Kansas	Dickinson	AT&T Kansas	Abilene
182	200410845003051	Kansas	Dickinson	AT&T Kansas	Abilene
183	200410845003053	Kansas	Dickinson	AT&T Kansas	Abilene
184	200410845003055	Kansas	Dickinson	AT&T Kansas	Abilene
185	200410845003058	Kansas	Dickinson	AT&T Kansas	Abilene
186	200410845003060	Kansas	Dickinson	AT&T Kansas	Abilene
*187	200410845003061	Kansas	Dickinson	AT&T Kansas	Abilene
188	200410845003062	Kansas	Dickinson	AT&T Kansas	Abilene
189	200410845003063	Kansas	Dickinson	AT&T Kansas	Abilene
190	200410845003065	Kansas	Dickinson	AT&T Kansas	Abilene
191	200410845003071	Kansas	Dickinson	AT&T Kansas	Abilene
192	200410845003076	Kansas	Dickinson	AT&T Kansas	Abilene
193	200410845003077	Kansas	Dickinson	AT&T Kansas	Abilene
194	200410845003078	Kansas	Dickinson	AT&T Kansas	Abilene
195	200410845003079	Kansas	Dickinson	AT&T Kansas	Abilene
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197	200410845003081	Kansas	Dickinson	AT&T Kansas	Abilene
198	200410845003082	Kansas	Dickinson	AT&T Kansas	Abilene
199	200410845003084	Kansas	Dickinson	AT&T Kansas	Abilene
200	200410845003094	Kansas	Dickinson	AT&T Kansas	Abilene
201	200410845003096	Kansas	Dickinson	AT&T Kansas	Abilene
202	200410845003097	Kansas	Dickinson	AT&T Kansas	Abilene
203	200410845003101	Kansas	Dickinson	AT&T Kansas	Abilene
204	200410845003102	Kansas	Dickinson	AT&T Kansas	Abilene
205	200410845003104	Kansas	Dickinson	AT&T Kansas	Abilene
206	200410845003109	Kansas	Dickinson	AT&T Kansas	Abilene
207	200410845003111	Kansas	Dickinson	AT&T Kansas	Abilene
208	200410845003113	Kansas	Dickinson	AT&T Kansas	Abilene
209	200410845003114	Kansas	Dickinson	AT&T Kansas	Abilene
210	200410845003115	Kansas	Dickinson	AT&T Kansas	Abilene
211	200410845003117	Kansas	Dickinson	AT&T Kansas	Abilene
212	200410845003118	Kansas	Dickinson	AT&T Kansas	Abilene
213	200410845003120	Kansas	Dickinson	AT&T Kansas	Abilene
214	200410845003122	Kansas	Dickinson	AT&T Kansas	Abilene
215	200410845003123	Kansas	Dickinson	AT&T Kansas	Abilene
216	200410845003124	Kansas	Dickinson	AT&T Kansas	Abilene
217	200410845003126	Kansas	Dickinson	AT&T Kansas	Abilene
218	200410845003128	Kansas	Dickinson	AT&T Kansas	Abilene
219	200410845003134	Kansas	Dickinson	AT&T Kansas	Abilene
220	200410845003142	Kansas	Dickinson	AT&T Kansas	Abilene
221	200410845003144	Kansas	Dickinson	AT&T Kansas	Abilene
222	200410845003145	Kansas	Dickinson	AT&T Kansas	Abilene
223	200410845003148	Kansas	Dickinson	AT&T Kansas	Abilene
224	200410845003149	Kansas	Dickinson	AT&T Kansas	Abilene
225	200410845003150	Kansas	Dickinson	AT&T Kansas	Abilene
226	200410845003151	Kansas	Dickinson	AT&T Kansas	Abilene
227	200410845003154	Kansas	Dickinson	AT&T Kansas	Abilene
228	200410845003155	Kansas	Dickinson	AT&T Kansas	Abilene
229	200410845003156	Kansas	Dickinson	AT&T Kansas	Abilene
230	200410845003158	Kansas	Dickinson	AT&T Kansas	Abilene
231	200410845003159	Kansas	Dickinson	AT&T Kansas	Abilene
232	200410845003160	Kansas	Dickinson	AT&T Kansas	Abilene
233	200410845003163	Kansas	Dickinson	AT&T Kansas	Abilene
234	200410845003164	Kansas	Dickinson	AT&T Kansas	Abilene
235	200410845003165	Kansas	Dickinson	AT&T Kansas	Abilene
236	200410845003167	Kansas	Dickinson	AT&T Kansas	Abilene

237	200410845003169	Kansas	Dickinson	AT&T Kansas	Abilene
238	200410845003172	Kansas	Dickinson	AT&T Kansas	Abilene
239	200410845003174	Kansas	Dickinson	AT&T Kansas	Abilene
240	200410845003175	Kansas	Dickinson	AT&T Kansas	Abilene
241	200410845003176	Kansas	Dickinson	AT&T Kansas	Abilene
242	200410845003177	Kansas	Dickinson	AT&T Kansas	Abilene

EXHIBIT C

In the two census blocks in the Abilene exchange that are the subject of this amendment and identified on EXHIBIT A, Southwestern Bell Telephone Company d/b/a AT&T Kansas has been designated as a high-cost ETC by the Commission.

In a December 24, 2024 Order, the Commission granted AT&T Kansas' request for ETC relinquishment in 14,600 census blocks in its exchange areas and wire centers. *Order Approving AT&T Kansas' Application For Relinquishment Of Eligible Telecommunications Carrier Designation In Specified Areas*, Docket No. 24-SWBT-318-MIS (Dec. 24, 2024).

In that same proceeding, AT&T Kansas retained its ETC designation in 1,518 census blocks in its service area. Two of those 1,518 census blocks are located in the Abilene exchange in Dickinson County, Kansas. *Order Approving AT&T Kansas' Application For Relinquishment Of Eligible Telecommunications Carrier Designation In Specified Areas*, Docket No. 24-SWBT-318-MIS, Exhibit D AT&T Kansas' Retained ETC Service Area at p. 1. (Dec. 24, 2024). These are the two census blocks that Nex-Tech is requesting to add to its ETC relinquishment application with this filing.

Lynn M. Retz, Executive Director
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

February 23, 2024

**RE: Application of Nex-Tech, LLC for an Order Confirming Relinquishment Of its
Eligible Telecommunications Carrier Designation in Specified Census Blocks,
Docket No. _____**

Dear Ms. Retz,

Attached is an Application of Nex-Tech, LLC for an Order Confirming Relinquishment Of its Eligible Telecommunications Carrier Designation in Specified Census Blocks, filed with the Kansas Corporation Commission.

Should you have questions or require further information, please do not hesitate to contact me.

Sincerely,



Anthony K. Veach, KS Bar #29613
Anthony Veach Law PLLC
anthonyveach@anthonyveachlaw.com
202.631.9190

Counsel for Nex-Tech, LLC

Attachment

cc: Commission Staff

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

In the Matter of the Application of Nex-Tech,)	
LLC for an Order Confirming Relinquishment)	Docket No. <u>24-NTHT-589-ETC</u>
Of its Eligible Telecommunications Carrier)	
Designation in Specified Census Blocks)	

**APPLICATION OF NEX-TECH, LLC FOR AN ORDER CONFIRMING
RELINQUISHMENT OF ITS ELIGIBLE TELECOMMUNICATIONS CARRIER
DESIGNATION**

COMES NOW Nex-Tech, LLC (“Nex-Tech”) pursuant to 47 U.S.C. § 214(e)(4), 47 C.F.R. § 54.205, K.S.A. 66-2008, K.S.A. 66-2009, K.A.R. 82-1-218, and K.A.R. 82-1-219, and hereby respectfully requests the Kansas Corporation Commission (the “Commission”) issue an order confirming relinquishment of its Eligible Telecommunications Carrier (“ETC”) designation in certain census blocks in its Abilene local exchange service area, identified on EXHIBIT A.

As described herein, this Application provides the advance notice to the Commission required by 47 U.S.C. § 214(e)(4) that Nex-Tech seeks to relinquish its ETC designation for an area served by one or more remaining ETCs. In support of its Application, Nex-Tech shows the Commission as follows:

BACKGROUND

1. Nex-Tech¹ is a Kansas Limited Liability Company and telecommunications carrier providing competitive local exchange services pursuant to a Certificate Of Convenience And Authority issued by the Commission. Nex-Tech was designated an ETC in the Southwestern Bell Telephone Company d/b/a AT&T Kansas (“AT&T Kansas”) exchanges by the Commission in an Order dated October 18, 2004 in Docket No. 05-NTHT-140-ETC and an Order dated June 16, 2006 in Docket No. 06-NTHT-1022-ETC. Nex-Tech was additionally designated an ETC in the

¹ Nex-Tech, LLC is a wholly-owned subsidiary of Rural Telephone Service Company, Inc.

Sprint/United (“CenturyLink”) exchanges by the Commission in an Order dated June 8, 2004 in Docket No. 04-NTHT-498-ETC.

2. In an April 23, 2019 Order in Docket No. 19-NTHT-244-ETC, the Commission granted Nex-Tech’s request for ETC relinquishment in the Atwood, Bird City, Great Bend, Hays, Hoxie, McDonald, McPherson, Norton, Oberlin, Phillipsburg-Kirwin, Plainville, Salina, Smith Center, St. Francis, and Stockton exchanges.²

3. In the April 23, 2019 Order, however, the Commission denied Nex-Tech’s request for ETC relinquishment in the Abilene exchange.³ Nex-Tech’s request was denied because it was “the only remaining ‘high-cost’ or full ETC in the Abilene exchange.”⁴

4. Additionally, the Commission’s April 23, 2019 Order permitted Nex-Tech to cease participation in the Kansas Lifeline Services Program (“KLSP”), for all of its exchanges, including the Abilene exchange, effective May 31, 2019.⁵ Accordingly, Nex-Tech no longer participates in the KLSP.

5. With the present Application, Nex-Tech desires to relinquish its ETC designation in certain census blocks in the Abilene exchange in Dickinson County, Kansas, which are identified on EXHIBIT A.

6. Nex-Tech’s ETC relinquishment Application is prompted by the Commission’s designation of other telecommunications carriers as ETCs for purposes of being eligible to receive federal high-cost universal service fund (“USF”) support in the Abilene exchange census

² *Application Of Nex-Tech, LLC For An Order Confirming Relinquishment Of Its Eligible Telecommunications Carrier Designation And Notice Pursuant To K.S.A. 2015 Supp. 66-2005(D) Of Intent To Cease Participation In The Kansas Lifeline Services Program*, Docket No. 19-NTHT-244-ETC, Order On Nex-Tech, LLC’s ETC Relinquishment And KLSP Non-Participation, Subsection B, pp. 11-12 (Apr. 23, 2019) (April 23, 2019 Order).

³ *Id.* at Subsection C, p. 12.

⁴ *Id.* at ¶ 16 (citing Staff Reply to Nex-Tech, LLC’s Response to Staffs Report and Recommendation at ¶ 3, Docket No. 19-NTHT-244-ETC (Mar. 29, 2019)).

⁵ *Id.* at Subsection A, p. 11.

blocks. As was the case with Nex-Tech's prior ETC relinquishment request, this Application is based on changes in both federal and state high-cost support. ETC designation creates increased regulatory obligations, and Nex-Tech believes maintaining its designation is no longer justified.

7. Nex-Tech's relinquishment of ETC status in the identified census blocks will not affect the ability of other ETCs to participate in state or federal universal service programs, or state or federal Lifeline programs.

8. Nex-Tech's relinquishment of ETC status in the Abilene exchange census blocks will not adversely affect any existing customers, as Nex-Tech will continue to offer services to customers in the relinquished areas in the Abilene exchange. Furthermore, Nex-Tech's relinquishment of ETC status will not result in the removal of any telecommunications facilities in the relinquished areas in the Abilene exchange.

LEGAL STANDARD FOR RELINQUISHING ETC STATUS

9. The standard for relinquishing an ETC designation is set forth in 47 U.S.C. § 214(e)(4), which states in part:

A State commission...shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunication carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission...of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State Commission...shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by 'any remaining eligible telecommunications carrier. The State commission...shall establish a time, not to exceed one year after the State commission...approves such relinquishment under this paragraph, within which such purchase or construction shall be completed.

10. Nex-Tech's Application meets the requirements of Section 214(e)(4) for relinquishment of its ETC designation, as each relinquished census block is served by one or more remaining ETCs.

11. In the census blocks identified on EXHIBIT A, the Commission has designated two telecommunications carriers as ETCs for purposes of receiving federal high-cost USF support and participating in the KLSP and federal Lifeline program. Additional information on the other ETCs in the census blocks in the Abilene exchange are included on EXHIBIT B.

12. Nex-Tech will retain ETC designation in the remaining census blocks located within the Abilene exchange.

RELIEF REQUESTED

WHEREFORE, Nex-Tech respectfully requests the Commission grant its Application and issue an Order confirming relinquishment of its ETC designation in the census blocks in its Abilene local exchange service area which are identified on EXHIBIT A.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anthony K. Veach', is written over a horizontal line.

Anthony K. Veach, KS Bar #29613
Anthony Veach Law PLLC
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Lawrence, KS 66047
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202.631.9190

Counsel for Nex-Tech, LLC

VERIFICATION

STATE OF KANSAS

COUNTY OF Norton

I, Rhonda S. Goddard, of lawful age, and being first duly sworn, now state: I am the Chief Financial Officer of Nex-Tech, LLC, and have read the foregoing Petition of Nex-Tech, LLC For An Order Confirming Relinquishment of its Eligible Telecommunications Carrier Designation in Specified Census Blocks, and verify the information and statements contained therein to be true and correct to the best of my knowledge and belief.



Rhonda S. Goddard

Signed and sworn to before me on February 22, 2024 by Rhonda S. Goddard.



Signature Of Notarial Officer





Title Of Office:

My Commission Expires: 3/15/2024

EXHIBIT A

Census Block ID	State	County	ILEC	Exchange
200410841001058	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001061	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001062	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001064	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001075	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001076	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001134	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001135	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001138	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001139	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001142	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001143	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001144	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001145	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001146	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001148	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001149	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001156	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001158	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001159	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001160	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001202	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001207	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001208	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001211	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001212	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001214	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001217	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001218	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001219	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001237	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001238	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001239	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001240	Kansas	Dickinson	AT&T Kansas	Abilene
200410841001241	Kansas	Dickinson	AT&T Kansas	Abilene

200410845003172	Kansas	Dickinson	AT&T Kansas	Abilene
200410845003174	Kansas	Dickinson	AT&T Kansas	Abilene
200410845003175	Kansas	Dickinson	AT&T Kansas	Abilene
200410845003176	Kansas	Dickinson	AT&T Kansas	Abilene
200410845003177	Kansas	Dickinson	AT&T Kansas	Abilene

EXHIBIT B

In the 240 census blocks in the Abilene exchange identified on EXHIBIT A where Nex-Tech, LLC is relinquishing its ETC designation, two other telecommunications carriers have been designated as ETCs by the Commission.

Both telecommunications carriers are considered “full” or “high-cost” ETCs because they have received ETC designation for the purposes of being eligible to receive federal high-cost universal service fund support and participate in the state and federal Lifeline programs.

As of the date of this filing, the status of each telecommunications carrier as a full ETC in the identified census blocks in the Abilene exchange has not changed.

1. Mercury Wireless Kansas, LLC d/b/a Mercury Broadband – March 11, 2021

On March 11, 2021, the Kansas Corporation Commission designated Mercury Wireless Kansas, LLC d/b/a Mercury Broadband an Eligible Telecommunications Carrier in 72 census blocks located in the AT&T Kansas Abilene exchange in Dickinson County, Kansas for purposes of receiving Rural Digital Opportunity Fund support. *Application Of Mercury Wireless Kansas, LLC For Expansion Of An Eligible Telecommunications Carrier Area For The Purpose Of Rural Digital Opportunity Fund Support*, Docket No. 21-MWKT-258-ETC, Order Granting Eligible Telecommunications Carrier Status (Mar. 11, 2021).

2. Resound Networks, LLC – May 27, 2021

On May 27, 2021, the Kansas Corporation Commission designated Resound Networks, LLC an Eligible Telecommunications Carrier in 168 census blocks located in the AT&T Kansas Abilene exchange in Dickinson County, Kansas for purposes of receiving Rural Digital Opportunity Fund support. *Application of Resound Networks, LLC for Designation as an Eligible Telecommunications Carrier for the Purpose of Receiving Federal Universal Service Support from the FCC Rural Digital Opportunity Fund*, Docket No. 21-RNWT-254-ETC, Order Granting Eligible Telecommunications Carrier Status (May 27, 2021).

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a correct copy of the foregoing Application of Nex-Tech, LLC for an Order Confirming Relinquishment Of its Eligible Telecommunications Carrier Designation in Specified Census Blocks was sent via electronic mail on February 23, 2024, to the following individuals:

BRETT W. BERRY

Litigation Counsel
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STEVE GARRETT

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Anthony K. Veach

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

In the Matter of the Application of Nex-Tech,)	
LLC for an Order Confirming Relinquishment)	Docket No. 24-NTHT-589-ETC
Of its Eligible Telecommunications Carrier)	
Designation in Specified Census Blocks)	

SERVICE LIST FOR NOTIFICATION OF ETC RELINQUISHMENT

Southwestern Bell Telephone Company, LLC d/b/a AT&T Kansas

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of this Compliance Filing was sent via electronic mail on April 7, 2025 to the following as shown on the Commission's service list for Docket No. Docket No. 24-NTHT-589-ETC:

CARLY MASENTHIN, LITIGATION COUNSEL
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Carly.Masenthin@ks.gov

A handwritten signature in black ink, appearing to read 'Anthony K. Veach', is written above a horizontal line.

Anthony K. Veach