

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

Before Commissioners: Pat Apple, Chairman
Shari Feist Albrecht
Jay Scott Emler

In the Matter of the Application of Cox)
Kansas Telecom, LLC for Waiver of) Docket No. 18-COXT-057-MIS
Requirement to Offer Equal Access to)
Interexchange Carriers.)

**PREHEARING OFFICER ORDER GRANTING COX'S MOTION FOR EXTENSION
OF BRIEFING SCHEDULE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Prehearing Officer makes the following findings:

1. On August 1, 2017, Cox Kansas Telecom, LLC (Cox) filed an Application to waive the requirement to provide access to interexchange carriers within the local calling area when offering Lifeline service.¹ If granted, Cox would cease offering its customers the option to presubscribe to long-distance service offered by other providers.²

2. Cox cites a sharp decline in customer requests for stand-alone long distance, making it no longer economical to offer.³ Currently, Cox utilizes two technologies to provide service: (1) circuit-switched and (2) voice over internet protocol (VoIP).⁴ Stand-alone long distance traffic is handled over the circuit-switching network. Cox is transitioning away from the circuit-switched network, and argues it is no longer cost-effective to continue to upgrade its

¹ Application of Cox Kansas Telecom, LLC, Aug. 1, 2017, p. 1.

² *Id.*

³ *Id.*, ¶ 2.

⁴ *Id.*, ¶¶ 13, 16.

circuit-switched network for a dwindling number of customers.⁵ Cox estimates that less than 1% of its customers subscribe to stand-alone long distance service.⁶

3. On November 6, 2017, Staff filed a Report and Recommendation (R&R) advising the Commission deny Cox's Application because K.S.A. 66-1,187(p)'s definition of universal service does not allow for waiver of the equal access requirement.⁷ Staff agrees that Cox is not required to provide equal access to interexchange carriers for federal Lifeline purposes, but argues Cox is required to provide universal service as defined in K.S.A. 66-1,187(p) to low-income consumers receiving Kansas Lifeline Support Program (KLSP) assistance.⁸

4. On December 7, 2017, the Commission issued an Order Establishing Briefing Schedule, setting a due date of January 5, 2018 for initial briefs and January 19, 2018 for reply briefs.⁹

5. On January 4, 2018, Cox filed a Motion for an Extension of the Briefing Schedule, seeking a one-week extension until January 12, 2018 to file initial briefs and a corresponding extension to January 26, 2018 for reply briefs.¹⁰ Cox explains an extension is warranted due to the holidays and its counsel taking ill.¹¹ Provided that the extension applies to the briefs of all parties, Staff does not oppose the requested extension.¹²

6. K.A.R. 82-1-217(b) grants the Commission discretion to allow additional time for good cause shown. The Prehearing Officer finds that good cause exists for the enlargement of time and that the enlargement of time will not prejudice the parties. Accordingly, Cox's Motion for an Extension of the Briefing Schedule is granted. The parties' initial briefs are due January

⁵ See *id.*

⁶ *Id.*, ¶ 19.

⁷ Report and Recommendation, Nov. 6, 2017, p. 1.

⁸ *Id.*, p. 3.

⁹ Order Establishing Briefing Schedule, Dec. 7, 2017, ¶ 7.

¹⁰ Motion of Cox Kansas Telecom, LLC, for Extension of Briefing Schedule, Jan. 4, 2018, ¶ 5.

¹¹ *Id.*, ¶ 6.

¹² *Id.*, ¶ 8.

12, 2018, and reply briefs are due January 26, 2018. The page limits imposed in the Order Establishing Briefing Schedule remain in effect.

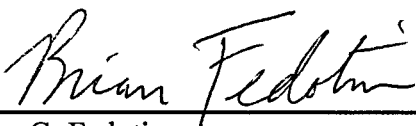
THEREFORE, THE PREHEARING OFFICER ORDERS:

A. Cox's Motion for an Extension of the Briefing Schedule is granted. The parties' initial briefs are due January 12, 2018, and reply briefs are due January 26, 2018.

B. The parties have 15 days from the date of electronic service of this Order to petition for reconsideration.¹³

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it deems necessary.

Dated: January 5, 2018



Brian G. Fedotin
Prehearing Officer

¹³ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

18-COXT-057-MIS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

Electronic Service on **JAN 5 2018**.

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/S/ DeeAnn Shupe

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EMAILED

JAN 5 2018