

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

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

In the Matter of Certification of Compliance)
with Section 254(e) of the Federal)
Telecommunications Act of 1996 and)
Certification of Appropriate Use of Kansas)
Universal Service Fund Support.)

Docket No. 25-GIMT-332-GIT

**ORDER DIRECTING SUBMISSION OF CERTIFICATION LETTERS TO THE FCC
AND USAC, AND PENALTIES FOR LATE FILINGS, NUNC PRO TUNC
(REFERENCING STAFF'S AMENDED REPORT AND RECOMMENDATION)**

This matter comes before the State Corporation Commission of the State of Kansas ("Commission") for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1. 47 C.F.R. § 54.314(a) requires states that desire eligible telecommunications carriers ("ETCs") to receive support pursuant to the federal high-cost subsidy program (also referred to herein as "Federal Universal Service Fund" or "FUSF" support) to file an annual certification with the Federal Communications Commission ("FCC") and the Universal Service Administrative Company ("USAC"). The 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. Using support as intended is also a statutory requirement under 47 U.S.C. § 254(e).

2. Pursuant to 47 C.F.R. § 54.314(c), the certification may be filed in letter form from the appropriate regulatory authority for the state and it must identify which carriers in the state are

eligible. Further, 47 C.F.R. § 54.314(d) requires the certification to be filed by October 1 of each year.

3. On March 11, 2025, the Commission issued an order opening the above captioned docket for purposes of collecting data from certain telecommunications carriers in Kansas. The data, due on or before July 1, 2025, is used to determine whether the Commission will certify to the FCC that ETCs in Kansas are utilizing FUSF funds only for the provision maintenance, upgrading of facilities, and services for which support is intended. The data is also used to determine whether Kansas ETCs utilized their Kansas Universal Service Fund (“KUSF”) monies appropriately.¹

4. On September 17, 2025, the Commission Staff (“Staff”) filed in this docket a Report and Recommendation, dated September 17, 2025. On September 26, 2025, Staff filed in this docket an amended Report and Recommendation dated September 26, 2025, (“amended R&R”) which corrected the omission of Epic Touch from the Exhibit 1 list carriers for certification with the FCC and the USAC by October 1, 2025.

5. Sixty-three (63) ETCs filed their forms as required by the Commission. Fourteen (14) individual carriers did not meet the filing deadline.² Staff’s amended R&R explains the circumstances of the delayed submissions for each carrier. Assessment of penalties for delayed submissions by six (6) carriers are recommended by Staff as follows: i-Wireless, LLC, \$200 for filing two (2) weeks late on July 15, 2025; Mercury Wireless \$600 for filing six (6) weeks late on August 15, 2025; Skybeam, LLC, \$300 for filing three (3) weeks late on July 18, 2025; Plains Internet, LLC, \$1,600 for filing eight (8) weeks late on August 25, 2025; Sage Telecom \$400 for

¹ See Staff’s amended R&R

² See Staff’s amended R&R at p.11.

filing four (4) weeks late on July 28, 2025; and Yourtel America, Inc., \$800 for filing four (4) weeks late on July 28, 2025. The Commission is authorized pursuant to K.S.A. 66-138 to issue penalties to any public utility that “fails, neglects or refuses to obey any lawful requirement or order made by the commission.” These penalties were calculated based on an amount of up to and including \$200 per week, as previously upheld by the Commission in Docket No. 19-GIMT-399-GIT.³

6. With respect to certification of appropriate use of federal high-cost support, Staff reviewed each ETC’s certification form to ensure that the ETC identified the FUSF support being certified, the ETC certified its use of its USF support received in 2024, and the ETC would use support it received in 2026 as intended. Staff also verified that each ETC receiving KUSF support certified its use of the support.⁴

7. Staff analyzed each ETC’s use of FUSF and KUSF support spent on new investments and expenses associated with providing universal service (USF expenditures) to its USF receipts. Staff did not evaluate whether each company’s USF expenditure exceeded USF receipts in a manner that would result in further audits this year.⁵

8. Staff received, verified, and certified that all high-cost FUSF support received by Kansas ETCs was used in the preceding calendar year (2024) and will be used in the upcoming calendar year (2026) as required by 49 U.S.C. § 254(e). Staff recommended the Commission submit letters to the FCC and the USAC on or before October 1, 2025, certifying that all federal high-cost support provided to carriers listed on Exhibit 1 of the Staff’s amended R&R, was used

³ See *Order on Petitions for Reconsideration* in 19-GIMT-399-GIT (Mar. 10, 2020).

⁴ See Staff’s amended R&R at p. 5.

⁵ *Id.* at pp. 6–7.

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 was intended.⁶

9. The Commission finds that Staff's amended R&R is adopted in its entirety and incorporated by reference herein.

10. The Commission finds that all federal high-cost support, provided to carriers listed on Exhibit 1 to Staff's amended R&R, was used in the preceding calendar year and will be used in the coming calendar year for only the provision, maintenance, and upgrading of facilities and services for which the support is intended and that letters should be issued to the FCC and USAC on or before October 1, 2025 certifying the same.

11. The Commission also finds that the penalties, as recommended by Staff, should be issued to i-Wireless, LLC, Mercury Wireless, Skybeam, LLC, Plains Internet, LLC, Sage Telecom, and Yourtel America, Inc.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Letters shall be submitted by the Commission to the FCC and USAC certifying that the carriers listed in Exhibit 1 to Staff's amended R&R have certified that their FUSF support 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.

B. The following companies are hereby assessed penalties as follows: i-Wireless, LLC, \$200; Mercury Wireless \$600; Skybeam, LLC, \$300; Plains Internet, LLC, \$1,600; Sage Telecom \$400; and Yourtel America, Inc., \$800. Payments by check shall reference this docket, (Docket No. 24-GIMT-612-GIT), be made payable to the Commission, and mailed to the

⁶ *Id* at p. 13.

Commission's Fiscal Office, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027, no later than thirty (30) days from the date of this Order.⁷

C. 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)(l).

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 10/09/2025



Celeste Chaney-Tucker
Executive Director

BWB

⁷ K.S.A. 66118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

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I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 10/09/2025.

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