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

Before Commissioners:

Jay Scott Emler, Chairman Shari Feist Albrecht Pat Apple

In the Matter of the Petition of CenturyLink and Dex Media, Inc. for Waiver of or) Exemption from the Commission's Directive) Distribution Telephone Regarding of Directories

Docket No. 16-UTDT-568-MIS

ORDER DENYING ADDITIONAL EXTENSION

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This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its files and records, the Commission finds:

1. On June 10, 2016, Dex Media, Inc. (Dex Media) and the United Telephone Company of Kansas d/b/a CenturyLink, United Telephone Company of Eastern Kansas d/b/a CenturyLink, United Telephone Company of Southcentral Kansas d/b/a CenturyLink, and Embarg Missouri, Inc. d/b/a CenturyLink (collectively CenturyLink) filed a joint petition requesting a permanent waiver of, or exemption from, the requirements of the Commission's May 1, 1967 Directive concerning the Issuance of Telephone Directories (the Directive).

2. On August 22, 2016, Staff filed a Motion to Dismiss Dex Media, Inc. from Proceeding, claiming since Dex Media is not a public utility, the Commission lacks both personal and subject matter jurisdiction over Dex Media, and Dex Media lacks standing to request relief from the Directive. Pursuant to K.A.R. 82-1-218(d), Dex Media's response was due September 1, 2016.

3. On September 1, 2016, Dex Media and CenturyLink filed a Joint Motion for an Extension of Time to Respond to Staff's August 22, 2016 Motion to Dismiss. On September 13, 2016, the Commission issued an Order Granting Joint Motion extending Dex Media's response date to October 1, 2016.

4. On September 23, 2016, CenturyLink and Dex Media filed a second Joint Motion for Additional Extension of Time to Respond to Staff's August 22, 2016 Motion to Dismiss, requesting an additional thirty-day extension to November 1, 2016, to respond to the Motion to Dismiss, so that the parties may continue discussions regarding a potential resolution of this docket.¹ On September 29, 2016, the Commission issued an Order Granting Additional Extension, allowing Dex Media until November 1, 2016 to respond to Staff's Motion to Dismiss.

5. On October 28, 2016, CenturyLink and Dex Media filed a third Joint Motion for an Additional Extension of Time to Respond to Staff's August 22, 2016 Motion to Dismiss. As with their first two requests for additional time to respond to Staff's Motion to Dismiss, CenturyLink and Dex Media assert an additional thirty days will allow them to continue to engage in productive negotiations to resolve this matter substantively.² The Joint Movants have not justified the need for a third extension. Instead, they have merely repeated the language from their previous two extensions that additional time is needed for further negotiations. The Commission believes two extensions are sufficient to allow negotiations.

6. Pursuant to K.A.R. 82-1-217(b), for good cause shown, the Commission may grant an enlargement of time to file. The Joint Movants failed to provide good cause for the Commission to grant a third enlargement of time.

¹ Joint Motion of CenturyLink and Dex Media for an Additional Extension of Time to Respond to Staff's August 22, 2016 Motion to Dismiss Dex Media, Sept. 23, 2016, ¶ 9.

² Joint Motion of CenturyLink and Dex Media for an Additional Extension of Time to Respond to Staff's August 22, 2016 Motion to Dismiss Dex Media, Oct. 28, 2016, ¶ 9.

THEREFORE, THE COMMISSION ORDERS:

A. The Joint Motion of CenturyLink and Dex Media for an Additional Extension of

Time to Respond to Staff's August 22, 2016 Motion to Dismiss Dex Media is denied.

B. The parties have fifteen (15) days from the date this order was served, plus three
(3) days if served by mail, to petition for reconsideration.³

C. The Commission retains jurisdiction over the subject matter and parties for the

purpose of issuing further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: NOV 0 8 2016

Amy L. Green Secretary to the Commission

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³ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

16-UTDT-568-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 _____NOV 0 8 2016

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