

**Mark E. Caplinger, P.A.**

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December 19, 2018

Ms. Lynn M. Retz  
Secretary to the Commission  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604

Re: Nex-Tech, LLC Relinquishment Application

Dear Ms. Retz,

Enclosed please find the Application of Nex-Tech, LLC for an Order Confirming Relinquishment of its Eligible Telecommunications Carrier Designation and Notice of Intent to Cease Participation in the Kansas Lifeline Services Program.

Please do not hesitate to contact my office with any questions you may have.

Very truly yours,



Mark E. Caplinger  
Mark E. Caplinger, PA  
Attorney for Nex-Tech, LLC

enclosures  
MEC/njm

cc: Jimmy Todd  
Rhonda Goddard

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

In the Matter of an the Application of Nex-Tech,	)	
LLC for an Order Confirming Relinquishment	)	
Of its Eligible Telecommunications Carrier	)	
Designation and Notice Pursuant to K.S.A.	)	Docket No. _____
2015 Supp. 66-2005(d) of Intent to Cease	)	
Participation in the Kansas Lifeline Services	)	
Program.	)	

**APPLICATION OF NEX-TECH, LLC FOR AN ORDER CONFIRMING  
RELINQUISHMENT OF ITS ELIGIBLE TELECOMMUNICATIONS CARRIER  
DESIGNATION AND NOTICE OF INTENT TO CEASE PARTICIPATION IN  
THE KANSAS LIFELINE SERVICES PROGRAM**

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. 2015 Supp. 66-2006(d), K.S.A. 2015 Supp. 66-2008, K.S.A. 2015 Supp. 2009, K.A.R. 82-1-218 and K.A.R. 2015 Supp. 82-1-219, and respectfully requests an order confirming:

- (i)     relinquishment of its Eligible Telecommunications Carrier ("ETC") designation for all of its local exchange service areas in Kansas specified herein, effective May 31, 2019; and
  
- (ii)    its notice of intent to cease participation in the Kansas Lifeline Services Program ("KLSP"), effective May 31, 2019.

This application and notice provides both the notice required by 47 U.S.C. § 214(e)(4) to relinquish an ETC designation and the ninety-day written notification of Nex-Tech's intent to cease participation in the KLSP required by K.S.A 2015 Supp. 66-2006(d). In support of its application and notice Nex-Tech states as follows:

## **BACKGROUND**

1. Nex-Tech is a Kansas Limited Liability Company and telecommunications carrier providing competitive local exchange service pursuant to certificate of convenience and authority issued by this Commission. Nex-Tech was designated an ETC in the Southwestern Bell Telephone Company d/b/a AT&T Kansas ("AT&T") exchanges by Commission Order dated October 18, 2004 in KCC Docket 05-NTHT-140-ETC and Commission Order dated June 16, 2006 in KCC Docket 06-NTHT-1022-ETC. Nex-Tech was additionally designated an ETC in the Sprint/United ("CenturyLink") exchanges by Commission Order dated June 8, 2004 in KCC Docket 04-NTHT-498-ETC.

2. Nex-Tech desires to relinquish its ETC designation in all exchanges in which it has been designated. Those exchanges are contained in Exhibits A and B.

3. Nex-Tech's relinquishment request is prompted by changes in both federal and state high cost support. Additionally, the ETC designation creates increased regulatory obligations. Nex Tech believes maintaining its ETC designation is not justified.

4. Nex-Tech's relinquishment of ETC status will not affect the ability of other ETCs to participate in the federal universal service program, including Lifeline.

5. Nex-Tech's relinquishment of ETC status will not adversely affect any consumers as Nex-Tech will continue to offer services to customers in the relinquished areas.

## **LEGAL STANDARD FOR RELINQUISHING ETC STATUS**

6. 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.

7. Nex-Tech's Application meets the requirements of Section 214(e)(4) for relinquishment of its ETC designation. The relinquished areas are served by one or more remaining Eligible Telecommunications Carriers.

8. In the AT&T exchanges listed in Exhibit A, the Commission Staff has identified the remaining ETCs available to consumers in Staff's Exhibit 2 in its Second Report and Recommendation dated May 3, 2017 in Docket 17-SWBT-158-MIS (attached as Exhibit C). AT&T is committed to continue to provide voice service in all of its relinquished areas. In those areas AT&T is not relinquishing, AT&T remains an ETC.

9. CenturyLink remains an ETC in the areas identified in attached Exhibit B of the requested relinquishment areas.

#### **NOTICE OF INTENT TO CEASE PARTICIPATION IN THE KLSP**

10. Under K.S.A. 2015 66-2006(d) "Telecommunications carriers and electing carriers may cease participation in the KLSP at any time upon provision of 90-days prior written notification to the commission."

11. Pursuant to and in accordance with K.S.A. 66-2006(d), Nex-Tech hereby provides the Commission written notification of its intention to cease participation in the KLSP as of May 31, 2019. This is the same date as the requested relinquishment effective date, which is important to coordinate with the notice messages Nex-Tech will provide to affected customers.



**CUSTOMER NOTIFICATION OF TERMINATION OF KLSP  
DISCOUNT AND ETC RELINQUISHMENT**

12. To ensure that each of its affected Lifeline customers receives ample notice of the need to select another ETC in order to continue receiving the Lifeline and KLSP discount, Nex-Tech will provide two separate notices to customers in the area where Nex-Tech is relinquishing its ETC designation.

13. Specifically, at least 60 days prior to May 31, 2019, Nex-Tech will provide notice in a separate letter via U.S. Mail to each of its affected Lifeline customers in the relinquishment area explaining that Nex-Tech will no longer offer a Lifeline or KLSP discount. Nex-Tech will also send affected customers a similar second notice letter and a bill message at least 15 days prior to the effective date. All notices will inform each affected customer that a Lifeline discount and/or KLSP discount may be obtained from the remaining ETCs in the area and will provide a link to [lifelinesupport.org](http://lifelinesupport.org) through which a customer may obtain carrier-specific contact information. All affected Lifeline customers will continue to receive service from Nex-Tech, although the KLSP discount will be removed as of May 31, 2019. Exhibit D is a sample copy of the language that will be used in the two separate sets of letters and bill messages that Nex-Tech intends to deliver to each of its affected customers.

14. To avoid customer confusion and assist with a smooth transition process, as of January 1, 2019, Nex-Tech will discontinue enrolling customers in the KLSP and also discontinue enrolling customers in the relinquishment area of the federal Lifeline program.

**RELIEF REQUESTED**

WHEREFORE Nex-Tech respectfully requests the Commission grant its application and issue an order confirming relinquishment of its ETC designation in all previously granted Exchanges effective

May 31, 2019 and confirming the foregoing notice that it will cease participation in the KLSP effective on  
May 31, 2019.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark E. Caplinger', is written over a horizontal line.

Mark E. Caplinger, (#12550)  
Mark E. Caplinger, P.A.  
7936 SW Indian Woods Place  
Topeka, Kansas 66615  
Telephone: (785) 478-9916  
[mark@caplingerlaw.net](mailto:mark@caplingerlaw.net)

Attorney for Nex-Tech, LLC

**VERIFICATION**

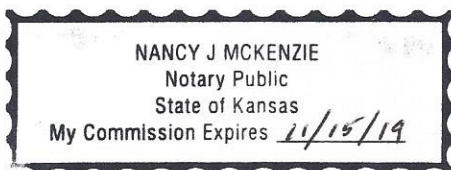
STATE OF KANSAS            )  
  ) ss.  
COUNTY OF SHAWNEE        )

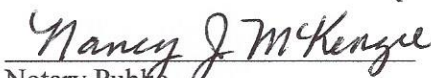
I, Mark E. Caplinger, of lawful age, being first duly sworn upon his oath states:

That he is an attorney for Nex-Tech, LLC, that he has read the above and foregoing document, and upon information and belief, states that the matters therein appearing are true and correct.

  
\_\_\_\_\_  
Mark E. Caplinger

SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of December, 2018.



  
\_\_\_\_\_  
Notary Public

My Commission Expires:

11/15/19

**CERTIFICATE OF SERVICE**

I, Mark E. Caplinger, hereby certify that a true and correct copy of the above and foregoing document was electronically served to the following on this 19 day of December, 2018.

Michael Neeley  
Kansas Corporation Commission  
1500 SW Arrowhead  
Topeka, KS 66604

  
\_\_\_\_\_  
Mark E. Caplinger

EXHIBIT A



Docket 05-NTHT-140-ETC

Kansas Service Area of Southwestern Bell Telephone Company

Norton

Docket 06-NTHT-1022-ETC

Kansas Service Areas of Southwestern Bell Telephone Company

Abilene  
Atwood  
Bird City  
Great Bend  
Hays  
Hoxie  
McDonald  
McPherson  
Oakley  
Oberlin  
Phillipsburg  
Plainville  
Salina  
Smith Center  
St. Francis  
Stockton

EXHIBIT B

Docket 04-NTHT-498-ETC

Kansas Service Areas of Sprint/United Companies  
(CenturyLink)

Alma	Lyndon
Altamont	Melvern
Baldwin	Milford
Buhler	Moran
Burlingame	Morrill
Burrton	Mound Valley
Clifton	Olsburg
Clyde	Onaga
Delphos	Osawatomie
Downs	Oskaloosa
Ellinwood	Oswego
Eskridge	Paradise
Fredonia	Pomona
Garnett	Powhattan
Glasco	Quenemo
Haven	Riley
Hiawatha	Russell
Highland	Troy
Hillsboro	Valley Falls
Holton	Wakefield
Horton	Wathena
Junction City	Waverly
Kincaid	Westmoreland
Leonardville	Westphalia
Longford	White Cloud
Luray	

EXHIBIT C

**Docket 17-SWBT-158-MIS**

STAFF'S SECOND REPORT AND RECOMMENDATION  
DATED MAY 3, 2017

STAFF EXHIBIT 2:  
LISTING OF EXCHANGES/WIRE CENTERS  
AND  
COMPETITIVE ETCS



## LISTING OF COMPETITIVE ETCs

Exchange	High-Cost ETCs	Lifeline-Only ETCs
Abilene	4, 7	9, 10, 12, 13, 14, 16, 17, 18, 19, 20, 21
Almena	3, 5	9, 10, 13, 14, 16, 17, 19, 21
Andale	8	9, 12, 13, 14, 16, 17, 18, 19, 20, 21
Anthony	1	9, 13, 16, 17, 19, 21
Arkansas City	8	9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21
Atchison		9, 12, 13, 14, 16, 17, 19, 21
Attica	1, 8	9, 13, 14, 16, 17, 19, 21
Atwood	3, 4, 5	9, 13, 14, 15, 16, 17, 19, 21
Basehor		9, 10, 17, 18, 19, 21
Belleville	5, 8	9, 12, 13, 14, 15, 16, 19, 20, 21
Beloit	5, 8	9, 13, 14, 15, 16, 17, 19, 21
Bird City	3, 4, 5	9, 13, 14, 16, 17, 21
Blue Rapids-Waterville	3, 7	9, 13, 14, 16, 17, 20, 21
Bucklin	7	9, 13, 14, 16, 17, 19, 21
Burns	8	9, 12, 13, 14, 16, 17, 20, 21
Caney	1	9, 11, 13, 14, 16, 17, 19, 21
Canton	7, 8	9, 12, 13, 14, 16, 17, 21
Cedar Vale	1	9, 13, 14, 17
Chanute		9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21
Chapman	7, 8	9, 12, 13, 14, 16, 17, 19, 20, 21
Chase	2, 5, 7, 8	9, 13, 14, 16, 17, 19, 21
Cheney	8	9, 10, 11, 12, 13, 14, 16, 17, 19, 20, 21
Cherryvale	1	9, 10, 11, 13, 14, 16, 17, 19, 21
Chetopa		9, 12, 13, 14, 16, 17, 19, 21
Clay Center	7	13, 14, 15, 16, 17, 19, 21
Clinton		9, 10, 17, 21
Coffeyville	1	9, 10, 11, 13, 14, 15, 16, 17, 19, 21
Colby-Gem	3, 5, 6, 7	9, 10, 13, 14, 15, 16, 17, 19, 21
Coldwater	7	9, 13, 14, 16, 17, 19, 21
Concordia	5, 7	9, 12, 13, 14, 15, 16, 17, 19, 20, 21
Cottonwood Falls	3, 7	9, 12, 13, 14, 16, 17, 19, 21
De Soto		9, 10, 12, 13, 14, 16, 17, 18, 19, 21
Dodge City	7	9, 10, 11, 13, 14, 15, 16, 17, 19, 21
Douglass	1	9, 12, 13, 14, 16, 17, 19, 21
El Dorado	1	9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21
Ellsworth	5, 7, 8	9, 10, 14, 15, 16, 17, 19, 21
Elwood		9, 17, 19
Emporia	7	9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21

## KEY

High-Cost ETCs

- 1 Cellular Network Partnership
- 2 H&B Cable Service, Inc.
- 3 NE Colorado Cellular, Inc.
- 4 Nex-Tech, Inc.
- 5 Nex-Tech Wireless, LLC
- 6 S&T Communications, LLC
- 7 United Wireless, Inc.
- 8 USCOC of Nebraska/Kansas, LLC

Lifeline-Only ETCs

- 9 Boomerang Wireless, LLC
- 10 Budget Prepay, Inc.
- 11 Cox Kansas Telcom, LLC
- 12 Global Connection, Inc. of America
- 13 i-wireless, LLC
- 14 Q Link Wireless, LLC
- 15 Sage Telecom
- 16 TAG Mobile, LLC
- 17 Telrite Corporation
- 18 Tempo Telecom, LLC
- 19 TracFone Wireless, Inc.
- 20 Virgin Mobile USA, LP
- 21 YourTel America, Inc.

## LISTING OF COMPETITIVE ETCS

Erie		9, 10, 11, 12, 13, 14, 16, 17, 19, 20, 21
Eudora		9, 12, 13, 14, 16, 17, 19, 20, 21
Eureka	8	9, 10, 12, 13, 14, 15, 16, 17, 19, 21
Florence	8	9, 13, 14, 16, 17, 21
Fort Scott	8	9, 12, 13, 14, 15, 16, 17, 19
Fowler	7	9, 13, 14, 16, 17, 19, 21
Frankfort	3, 8	9, 14, 16, 17, 19, 21
Garden City	7	9, 10, 11, 13, 14, 15, 16, 17, 19, 20, 21
Garden Plain	7	9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21
Goodland	5, 6	9, 10, 13, 14, 15, 16, 17, 19, 21
Great Bend	4, 5, 7	9, 10, 11, 13, 14, 15, 16, 17, 19, 21
Greensburg	7	9, 12, 13, 14, 16, 17, 19, 21
Gypsum	7, 8	9, 12, 13, 14, 16, 17, 21
Halstead	7, 8	9, 11, 12, 13, 14, 16, 17, 19, 20, 21
Hamilton-Virgil	7	9, 13, 16, 17, 19, 21
Hanover-Hollenberg	3, 7	9, 13, 14, 16, 17, 21
Harper	1	9, 14, 16, 17, 19, 21
Hartford	3, 8	9, 12, 13, 14, 16, 17, 19, 20, 21
Hays	3, 4, 5, 7	9, 10, 11, 13, 14, 15, 16, 17, 19, 21
Herington	8	9, 11, 13, 14, 16, 17, 19
Herndon		9, 17, 19
Howard	8	9, 13, 14, 16, 17, 19, 21
Hoxie	3, 4, 5	9, 13, 14, 15, 16, 17, 19
Humboldt	8	9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 21
Hutchinson	7, 8	9, 10, 11, 13, 14, 15, 16, 17, 19, 21
Independence	1	9, 10, 13, 14, 15, 16, 17, 21
Iola	7	9, 10, 11, 12, 13, 14, 15, 16, 17, 19
Jewell	5, 8	9, 13, 14, 16, 17, 19, 21
Kansas City		9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21
Kingman	7, 8	9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21
Kinsley	7	9, 10, 11, 12, 13, 14, 16, 17, 19, 21
La Crosse	5, 7	9, 13, 14, 16, 17, 19, 20, 21
Larned	5, 7	9, 10, 11, 13, 14, 15, 16, 17, 19, 21
Lawrence		9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21
Leavenworth-Lansing		9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21
Leon		9, 12, 13, 14, 16, 19, 20, 21
Liberal	7	9, 13, 14, 15, 16, 17, 19, 21
Lincoln	5, 7	9, 13, 14, 16, 17, 19, 21
Lindsborg	7	9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21
Lyons	5, 7, 8	9, 10, 11, 13, 14, 15, 16, 17, 21
Manhattan	8	9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21
Mankato	5, 8	9, 13, 14, 16, 17, 19, 21



## LISTING OF COMPETITIVE ETCS

Marion	8	9, 13, 14, 15, 16, 17, 19, 21
Marquette	5, 7, 8	9, 12, 13, 14, 16, 17, 20, 21
Marysville	8	9, 13, 14, 15, 16, 17, 19, 21
McDonald	3, 4, 5	9, 13, 14, 16, 17, 21
McPherson	4, 7, 8	9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21
Meade	7	9, 13, 14, 16, 17, 19, 21
Medicine Lodge	1	9, 10, 13, 15, 16, 17, 19, 21
Minneapolis	5, 7, 8	9, 12, 13, 14, 15, 16, 17, 19, 20, 21
Minneola	7	9, 13, 14, 16, 17, 21
Moline		9, 13, 14, 16, 17, 21
Mount Hope	8	9, 12, 13, 14, 16, 17, 18, 19, 20, 21
Neodesha	1	9, 10, 13, 14, 15, 16, 17, 21
Newton	7, 8	9, 10, 11, 12, 13, 14, 16, 17, 19, 20, 21
Nickerson	5, 7, 8	9, 10, 11, 12, 13, 14, 16, 17, 19, 21
Norcatour	5	9, 17, 21
Norton	4, 5	9, 10, 13, 14, 15, 16, 17, 19, 21
Oakley	3, 5, 6, 7	9, 10, 13, 14, 15, 16, 17, 19, 21
Oberlin	3, 4, 5	9, 13, 15, 16, 17, 19, 21
Ottawa	8	9, 12, 13, 14, 15, 16, 17, 19, 21
Paola	8	9, 12, 13, 14, 15, 16, 17, 19, 21
Parsons		9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21
Pawnee Rock	5, 7	9, 13, 14, 16, 17, 19, 21
Peabody	8	9, 13, 14, 16, 17, 21
Phillipsburg-Kirwin	4, 5	9, 10, 13, 14, 15, 16, 17, 20, 21
Pittsburg		9, 10, 11, 12, 13, 14, 15, 17, 19, 21
Plains	7	9, 13, 14, 16, 17, 19, 21
Plainville	3, 4, 5	9, 10, 13, 14, 16, 17, 19, 21
Pratt	7	9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21
Protection	7	9, 13, 14, 16, 17, 19, 21
Reading		9, 17, 19, 21
Sabetha	8	9, 13, 14, 15, 16, 17, 19, 21
Salina	4, 7, 8	9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21
Scandia	5, 8	9, 12, 13, 14, 16, 7, 19, 20, 21
Scott City	5, 7	9, 11, 13, 14, 16, 17, 19, 21
Sedan-Peru	1	9, 13, 14, 16, 17, 19
Seneca	3, 8	13, 14, 15, 16, 17, 19, 21
Severy	8	9, 13, 14, 17, 19, 21
Smith Center	4, 5	9, 10, 13, 14, 16, 17, 21
Solomon	7, 8	9, 12, 13, 14, 16, 17, 18, 19, 21
St. Francis	3, 4, 5	9, 14, 17, 15, 16, 19, 21
St. Paul		9, 12, 13, 14, 16, 17, 19, 20, 21
Stafford	5, 7	9, 13, 14, 16, 17, 19, 21

## LISTING OF COMPETITIVE ETCS

Stockton	3, 5, 7	9, 13, 14, 16, 17, 19, 21
Sublette	7	9, 13, 14, 16, 17, 19, 21
Tonganoxie		9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21
Topeka		9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21
Towanda		9, 10, 11, 12, 13, 14, 16, 17, 18, 19
Treece		17, 19
Washington	8	9, 13, 14, 16, 17, 19, 21
Wellington	1, 8	9, 11, 12, 13, 14, 15, 16, 17, 19, 21
Wichita		9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21
Williamsburg	8	9, 12, 13, 16, 17, 19, 21
Winfield	8	9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21
Yates Center	8	9, 11, 13, 14, 16, 17, 19, 21

EXHIBIT D



### **1<sup>st</sup> contact**

After much deliberation, Nex-Tech determined that it will no longer offer a Lifeline or Kansas Lifeline Services Program (KLSP) discount effective [date]. Changes in federal and state high cost support and increased regulatory obligations prompted this decision.

Lifeline customers will continue to receive service from Nex-Tech but the KLSP discount will end on [date]. This notification is to provide Lifeline customers wishing to change providers in order to continue receiving the Lifeline and KLSP discount ample time to do so. A Lifeline and/or KLSP discount may be obtained from an Eligible Telecommunications Carrier (ETC). Carrier contact information that is specific to your location can be found at [lifelinesupport.org](http://lifelinesupport.org).

It has been our pleasure to serve you as a Lifeline customer; we understand if you opt to change providers in order to keep your discount. Please don't hesitate to contact us if you have any questions.

Sincerely,

Jimmy Todd  
CEO / General Manager

### **2<sup>nd</sup> Letter**

This letter is a follow-up to the notification sent [date].

### **Bill Notice**

Effective [date] Nex-Tech will no longer offer Lifeline service. If you wish to continue to receive a Lifeline discount and/or Kansas Lifeline Services Program discount, please go to [lifelinesupport.org](http://lifelinesupport.org) to review carrier-specific contact information and select a new provider.