

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Complaint of Ideatek)
Telcom, LLC Against Nex-Tech and Rural)
Telephone Service Company Regarding) Docket No. 19- RRLT-277-COM
Disconnection of Service, Request for Interim)
Ruling and Request for Expedited Review.)

MOTION TO SUSPEND PROCEEDING

COMES NOW Ideatek Telcom, LLC (“Ideatek”), and requests the Examiner suspend further activity in this docket for a period of three (3) weeks to allow the parties to continue efforts to resolve matters and dismiss the Complaint. In support of this request, Ideatek states as follows:

1. On January 18, 2019, Ideatek filed its Complaint and Request for Expedited Review and Request for Interim Ruling, and on January 30, 2019, Ideatek filed its Amended Complaint and Request for Expedited Review and Request for Interim Ruling (“Complaint”).

2. Rural Telephone Service Co., d/b/a Nex-Tech (Nex-Tech) filed its Initial Response to the Complaint on January 22, 2019, and on February 6, 2019, filed a motion requesting until February 15, 2019 to file its full response.

3. On February 1, 2019, the Examiner Order on Request for Expedited Review and Other Procedural Rulings (“Examiner Order”) was issued which, among other things, contained a list identifying ten (10) issues to be addressed in the docket and set a scheduling conference for February 13, 2019.

4. On February 11, 2019, Independent Telecommunications Group, Columbus et al., (“ITG”) filed a Petition for Leave to Intervene, and on February 12, 2019, the State Independent Alliance (“SIA”) filed a Petition to Intervene (“Petitions to Intervene”).

5. At the scheduling conference on February 13, 2019, the parties agreed to a procedural schedule that set the dates by which (1) Ideatek would respond to the Petitions to Intervene; (2) a requested date by which an Order on the Petitions to Intervene would issue; (3) the date by which the parties would file their issues list supplementing the list contained in the Examiner Order and identifying any issues upon which they believe discovery is needed before comments, briefs or testimony can be filed addressing them; and (4) the date by which comments and legal briefing would be filed on the issues in the list that do not require discovery prior to addressing them.

6. After the scheduling conference the parties met to discuss the potential for resolving the dispute by settlement. Ultimately, an agreement was reached between Nex-Tech and Ideatek that would allow Ideatek to dismiss this Complaint. Further time is needed to finalize the specific terms, but the parties believe three (3) weeks is adequate to complete the agreement. As such, the parties agreed to request suspension of this docket for a period of three (3) weeks to allow finalization, which, once completed, will result in Ideatek filing to dismiss this Complaint.

7. Ideatek notified the Examiner and parties¹ by email that a suspension of the docket was being requested for all pending deadlines and submittal dates. This Motion is intended to formally request the Examiner issue an Order granting a three (3) week suspension of further proceedings in the docket to allow Ideatek and Nex-Tech to finalize the agreement and file for dismissal. If a final agreement is not reached as expected, Ideatek and Nex-Tech will so notify the Examiner before the end of the three-week suspension so that the Examiner can proceed with issuing Orders as discussed at the scheduling conference.

¹ Although ITG and SIA have not been granted intervention at this point, they were included on the email notice.

8. Ideatek has been authorized to represent in this Motion that Nex-Tech and Commission Staff agree with the request for suspension set out herein.

WHEREFORE, for the reasons set forth above, Ideatek requests the Examiner suspend further proceedings in this docket for three (3) weeks to allow the parties to complete settlement efforts and file for dismissal of this Complaint. Such suspension would include:

- (1) Nex-Tech's deadline for filing its full response to the Complaint;
- (2) Ideatek's deadline to file a response to the Petitions to Intervene and the date by which an Order on the Petitions to Intervene would issue;
- (3) The date the parties will file their issues list supplementing the list contained in the Examiner Order and identifying any of the listed issues upon which they believe discovery is needed before comments, briefs or testimony can be filed addressing them; and
- (4) The date by which comments and legal briefing will be filed on the issues that do not require discovery prior to addressing them.

Respectfully submitted,

/s/ Glenda Cafer

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above pleading was electronically served this 15th day of February, 2019 to:

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