

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of)
Southwestern Bell Telephone Company d/b/a)
AT&T Kansas for an Order Confirming)
Relinquishment of its Eligible) Docket No. 17-SWBT-158-MIS
Telecommunications Carrier Designation in)
Specified Areas, and Notice Pursuant to K.S.A.)
2015 Supp. 66-2005(d) of Intent to Cease)
Participation in the Kansas Lifeline Service)
Program)

**STAFF'S RESPONSE TO AT&T KANSAS' REPLY TO STAFF'S RESPONSE TO
AT&T KANSAS' REQUEST FOR ORAL ARGUMENT**

The Staff of the Kansas Corporation Commission (Staff and Commission, respectively) states the following in response to *AT&T Kansas' Reply to Staff's Response to AT&T Kansas' Request for Oral Argument* (AT&T's Response) filed October 25, 2018:

Staff's Response to AT&T's Assertions Regarding Oral Argument

1. Staff does not assert that AT&T has no right to be heard¹ - Staff just disagrees that an oral argument or evidentiary hearing is necessary in this case given the nature of the dispute.
2. Staff stands by its original opposition to oral argument on the law. To be clear, Staff does not consider any of the statutes other than 47 U.S.C. § 214(e)(4) to be relevant to this case but has briefed several others at the Commission's request.² If the Commission desires oral argument to ask questions, Staff is not opposed to ensuring the Commission has such opportunity, however, Staff believes the pleadings and briefs already filed contain adequate analysis of the law.

¹See AT&T Kansas' Reply to Staff's Response to AT&T Kansas' Request for Oral Argument, p. 2 (Oct. 25, 2018) (AT&T's Response).

²See Staff's Response to Additional Commission Questions (July 21, 2017).

Additionally, Staff would request that any oral argument be limited to the question of how to interpret 47 U.S.C. § 214(e)(4).

3. An evidentiary hearing is also unnecessary. While there are some factual disagreements, the key question is legal in nature – the proper interpretation of 47 U.S.C. § 214(e)(4). Either 47 U.S.C. § 214(e)(4) requires replacement eligible telecommunications carriers (ETCs) of the same type/ability as the one relinquishing its designation or it does not. All of the information about AT&T's plans not to leave the area or what the usage patterns look like in particular census blocks is not relevant. Staff believes the matter can be handled summarily under K.S.A. 77-537.

WHEREFORE, Staff respectfully requests that the Commission deny AT&T's request for oral argument or evidentiary hearing.

Respectfully Submitted,



Michael Neeley, S. Ct. #25027
Senior Litigation Counsel
Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, Kansas 66604-4027
Phone: 785-271-3173

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

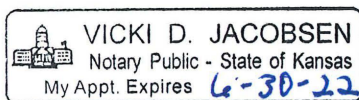
VERIFICATION

Michael Neeley, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas, that he has read and is familiar with the foregoing *Staff's Response to AT&T Kansas' Reply to Staff's Response to AT&T Kansas' Request for Oral Argument* and that the statements contained therein are true and correct to the best of his knowledge, information and belief.



Michael Neeley # 25027
Kansas Corporation Commission of the
State of Kansas

Subscribed and sworn to before me this 30th day of October, 2018.



Notary Public

My Appointment Expires: June 30, 2022

CERTIFICATE OF SERVICE

17-SWBT-158-MIS

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff's Response to AT&T Kansas' Reply to Staff's Response to AT&T Kansas' Request for Oral Argument was served via electronic service this 30th day of October, 2018, to the following:

THOMAS J. CONNORS, ATTORNEY AT LAW
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
tj.connors@curb.kansas.gov

TODD E. LOVE, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
t.love@curb.kansas.gov

DAVID W. NICKEL, CONSUMER COUNSEL
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
d.nickel@curb.kansas.gov

SHONDA RABB
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
s.rabb@curb.kansas.gov

DELLA SMITH
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
d.smith@curb.kansas.gov

ROB LOGSDON, DIRECTOR REGULATORY AFFAIRS**
COX KANSAS TELCOM, L.L.C.
D/B/A COX COMMUNICATIONS, INC
11505 WEST DODGE RD
OMAHA, NE 68154
Fax: 402-933-0011
rob.logsdon@cox.com

MARK DOTY
GLEASON & DOTY CHTD
401 S MAIN ST STE 10
PO BOX 490
OTTAWA, KS 66067-0490
Fax: 785-842-6800
doty.mark@gmail.com

THOMAS E. GLEASON, JR., ATTORNEY
GLEASON & DOTY CHTD
PO BOX 6
LAWRENCE, KS 66049-0006
Fax: 785-856-6800
gleason@sunflower.com

COLLEEN R. JAMISON
JAMES M. CAPLINGER, CHARTERED
823 SW 10TH AVE
TOPEKA, KS 66612-1618
Fax: 785-232-0724
colleen@caplinger.net

MICHAEL DUENES, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
m.duenes@kcc.ks.gov

CERTIFICATE OF SERVICE

17-SWBT-158-MIS

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
a.latif@kcc.ks.gov

MICHAEL NEELEY, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3167
m.neeley@kcc.ks.gov

SUSAN B. CUNNINGHAM, SVP, REGULATORY AND
GOVERNMENT AFFAIRS, GENERAL COUNSEL
KANSAS ELECTRIC POWER CO-OP, INC.
600 SW CORPORATE VIEW (66615)
PO BOX 4877
TOPEKA, KS 66604-0877
Fax: 785-271-4888
scunningham@kepco.org

JANET ARNOLD, AREA MANAGER EXTERNAL AFFAIRS
SOUTHWESTERN BELL TELEPHONE CO.
D/B/A AT&T KANSAS
220 SE SIXTH ST.
ROOM 505
TOPEKA, KS 66603-3596
Fax: 785-276-1988
js0746@att.com

BRUCE A. NEY, ATTORNEY
SOUTHWESTERN BELL TELEPHONE CO.
D/B/A AT&T KANSAS
816 CONGRESS AVE
SUITE 1100
AUSTIN, TX 78701-2471
Fax: 512-870-3420
bn7429@att.com


Vicki Jacobsen