

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the Matter of the Application for Wisper ISP)
Inc. For Designation as an Eligible)
Telecommunications Carrier for Purposes of) Docket No. 19-WIIZ-225-ETC
Receiving Federal Universal Service Support)
From the FCC Connect America Fund - Phase II.)

**ORDER GRANTING AMENDED APPLICATION FOR ELIGIBLE
TELECOMMUNICATIONS CARRIER STATUS**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and record, and being duly advised in the premises, the Commission finds and concludes as follows:

I. BACKGROUND

1. On December 7, 2018, Wisper ISP Inc. (Wisper) filed an Application requesting designation as an Eligible Telecommunications Carrier (ETC) under Section 214(e)(2) of the Telecommunications Act of 1996 and Federal Communications Commission (FCC) Rule 54.201.¹ Wisper revised its Application on December 19, 2018. Specifically, Wisper seeks ETC status to be able to participate in the high-cost program within the federal universal service fund as a result of the reverse auction (Auction 903) process conducted by the FCC to provide support under the Connect America Fund (CAF), Phase II (Phase II), to receive support in the rendition of voice and broadband service in unserved high-cost areas in Kansas. Wisper was awarded \$1,607,524.30 for 414 locations under Phase II for certain census blocks located in the rural parts of Anderson,

¹ 47 U.S.C. § 214 (e) (1) and 47 C.F.R. § 54.201.

Bourbon, Cherokee, Crawford, Johnson, Labette, Linn, Miami and Montgomery counties and requests ETC designation for the census blocks identified in Revised Exhibit B of its Application filed on December 19, 2018.² The census blocks in which Wisper was designated to receive support by the FCC are located in the service areas of United Telephone Companies of Kansas d/b/a CenturyLink (CenturyLink), Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas), and Consolidated Communications of Missouri Company (Consolidated Missouri).³

2. On February 14, 2019, the Commission granted the Wisper Revised Application and designated it as an ETC in 196 census blocks for the purpose of qualifying for the high cost fund within the federal universal service program and the CAF II Auction. As a result of regulatory proceedings in other jurisdictions, Wisper became aware of a clerical error in its Revised Application that referenced a performance rate of 25 Mbps broadband download and 20 Mbps upload, rather than 100 Mbps download and 20 Mbps upload with low latency, which was the basis of the CAF II provisional award. To correct the clerical error in its Revised Application, Wisper filed a Motion to Re-Open this Docket to correct the error, and an Amended Application with the 100/20 Mbps performance standard was filed on September 9, 2019. This correction caused the Wisper ETC request to be in conformity with the FCC's CAF II selected bid offering of 100/20 Mbps.

3. On January 29, 2019, the Commission Staff (Staff) submitted its Report and Recommendation dated January 25, 2019, advising the Commission to grant Wisper's Application and designate it as an ETC for the purpose of participating in the high-cost federal universal service fund within the census blocks identified as part of its revised Application and in conjunction with

² Revised Application at 1-2 and Revised Exhibit B.

³ Staff Report and Recommendation January 25, 2019 at 1 (Staff R&R).

the Phase II auction held by the FCC from July 24, 2018 to August 21, 2018.⁴ However, based on the filing of the Wisper Amended Application, the Staff reexamined the Wisper ETC request and provided a Report and Recommendation dated September 27, 2019 and submitted to the Commission on September 30, 2019, which is attached and incorporated by reference. The Staff Report and Recommendation dated September 27, 2019, analyzed the Wisper ETC Amended Application on the basis of Wisper's actual commitment to provide broadband internet service at 100/20 Mbps with low-latency of 100 milliseconds or better in all of the census blocks in which Wisper applied for authority. The Staff recommended the Wisper Amended Application be approved based on the correction and the FCC above baseline performance rates.

II. DISCUSSION AND ANALYSIS

4. The FCC transformed its high-cost program for universal service with an order and rulemaking that changed intercarrier compensation and targeted support in rural, insular and high-cost areas to encourage the deployment of networks capable of providing broadband services.⁵ As part of this process, the FCC created the Connect America Fund.⁶ The Phase II reverse auction process was designed to award high-cost support up to \$1.98 billion in areas where incumbent price cap carriers had declined to provide a combination of voice and broadband service in high-cost areas of the country.⁷ As part of the Phase II process, it was required by a successful bidding

⁴ Staff R&R at 10.

⁵ See Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17692-94, 17695, paras. 77-83, 86 (2011) (USF/ICC Transformation Order and/or FNPRM), *aff'd sub nom. In re: FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014) (defining "voice telephony service" as the supported service and requiring Connect America Fund support recipients to offer broadband as a condition of receiving support).

⁶ USF/ICC Transformation Order, 26 FCC Rcd at 17710, para. 123.

⁷ See, USF/ICC Transformation Order and FNPRM, 26 FCC Rcd at 17732, 18085-108, paras. 178, 1189-1295.

telecommunications carrier to obtain ETC certification to be able to receive high-cost universal service support.⁸

5. The Staff Report and Recommendation provides an excellent summary of the Phase II auction process and describes the FCC's federal universal service reforms, which were designed to modernize telecommunication networks by bringing broadband to unserved areas, supporting advanced mobile and broadband networks in rural, insular and high-cost areas and expanding fixed broadband networks.⁹ The Staff notes the FCC awarded \$1.49 billion in high-cost support to 103 winning bidders to provide fixed broadband and voice services to over 700,000 locations in 45 states.¹⁰ Staff discusses the deployment schedule for Phase II recipients with 100% of the locations receiving broadband and voice services within 6 years, while 40% are to be in place by the third year and 20% each year thereafter.¹¹ Staff also sets forth the reporting, certification and data requirements to be filed with the Universal Service Administrative Company on an annual basis as part of the Phase II process.¹² Staff furthermore discusses the financial and letter of credit requirements to assure compliance with the bid proposals and their implementation.¹³

6. Under Section 214(e)(2) of the Federal Telecommunications Act of 1996 (Act), states possess primary authority for designating ETC status. Section 214(e)(2) states:

A State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State commission. Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional requesting carrier meets the

⁸ Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949, 5999, paras 141 et seq. (2016) (Phase II Auction Order and/or FNPRM).

⁹ Staff R&R at 2-3.

¹⁰ Id. at 2.

¹¹ Id.

¹² Id. at 2-3.

¹³ Id.

requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest.¹⁴

To be an ETC for federal support purposes, a telecommunications carrier must meet the requirements set forth in Section 214(e)(1) of the Act, unless those requirements have been subject to forbearance by the FCC. Section 214(e)(1) requirements have been applied consistently since the inception of the Act and appear as follows:

A common carrier designated as an eligible telecommunications carrier ... shall be eligible to receive universal service support in accordance with section 254 ... and shall, throughout the service area for which the designation is received--
(A) offer the services that are supported by Federal universal service support mechanisms under section 254(c) of this title, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and
(B) advertise the availability of such services and the charges therefor using media of general distribution.¹⁵

Universal Service is defined to be an evolving level of telecommunications services as defined by the FCC, "taking into account advances in telecommunications and information technologies and services." Universal Service is further defined to permit access to advanced telecommunications and information services in rural and high cost areas, as set forth in Section 254(b)(3), which states:

Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas.¹⁶

Services supported by Universal Service in rural, insular and high-cost areas are set forth in FCC Rule 54.101, which states:

¹⁴ 47 U.S.C. § 214 (e) (2).

¹⁵ 47 U.S.C. § 214 (e) (1).

¹⁶ 47 U.S.C. § 254 (b) (3).

(a) Services designated for support. Voice telephony services and broadband service shall be supported by federal universal service support mechanisms.

(1) Eligible voice telephony services must provide voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying low-income consumers as provided in subpart E of this part.

(2) Eligible broadband Internet access services must provide the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service.¹⁷

7. Based on these legal principles, the Commission now discusses Wisper's ETC Application and the supporting Staff Report and Recommendation.

Service or Functionalities

In the Application, Wisper indicates it will provide the supported services under the CAF Phase II universal service programs. Staff summarizes the services Wisper will offer as follows:

Voice-grade access to the public switched network – Wisper will provide voice-grade access to the PSTN by providing interconnected VoIP service throughout its designated service area. Its VoIP platform runs on a Linux Operating system with proprietary software. The system allows Wisper to deploy full-featured end-user services in a scalable, fault-tolerant and resilient way. The services to be provided include monitoring systems to support monitoring, statistics and reports that provide real-time data on performance, traffic statistics, usage and other features.

Local usage – Wisper will meet the local usage requirement by including local usage in its rate plans. The Company will comply with any minimum local usage requirements adopted by the FCC or this Commission. It also indicated in response to an information request that it would allow unlimited local calling and unlimited domestic calling in the continental United States.

Access to emergency services – Wisper will provide access to emergency services by providing 911 and E911 for all of its customers to the extent that the local governments in its designated service areas have implemented 911 and E911.

¹⁷ 47 C.F.R. § 54.101.

Toll limitations for qualifying low-income consumers – Wisper does not distinguish between toll and non-toll for its voice offering. To the extent Wisper offers a service that distinguishes between toll and non-toll calls, it will offer toll limitation to qualifying low-income consumers at no additional charge.

Broadband Internet Access Services – Pursuant to 47 C.F.R. 54.101(a)(2), Wisper will provide broadband services with the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service.

As a result of this analysis, Staff concludes Wisper will be able to provide the service and functionalities required by the federal universal support system, consistent with the requirements set forth in Rule 54.101(a).¹⁸

FCC Minimum Service Offering Requirements

8. As noted, Section 254(b)(3) of the Act requires reasonably comparable telecommunications and information services in high cost areas with those of urban areas. Staff's Report and Recommendation indicates there are reasonably comparable services being provided by Wisper with those existing in urban areas. ETCs must certify to the FCC that pricing for basic residential service must be within two standard deviations of the national urban monthly rate of \$25.50. Wisper offers a monthly rate of \$25.00 for voice with a broadband subscription and \$30.00 without broadband that will permit free nationwide and local calling, Call Waiting, Caller ID, Call Forwarding, Call Transfer, and Voicemail. Wisper also offers a mobile application and phone for additional charges. This compares with monthly residential access line ranges of between \$15.00 and \$30.00 in the designated census blocks for the various Incumbent Local Exchange Carriers (ILECs) serving in the exchanges covered by the Application with calling limited to the local exchange. Because Wisper provides expanded nationwide calling for the basic residential rate,

¹⁸ Staff R&R at 5.

Staff maintains that Wisper customers will have reasonably comparable voice service when compared to other Kansas households within the ILEC exchanges.¹⁹

9. With respect to broadband services, the urban benchmark rate is \$66.12 for 4Mbps/1Mbps and \$162.33 for 1,000Mbps/100Mbps. According to the FCC's online calculator, the comparable benchmark for the speed tier Wisper agreed to offer in its CAF II areas, 100/20 Mbps with unlimited usage, is \$105.27. This compares to the Wisper rate of \$100.00 per month for 100Mbps/20 Mbps, which is within the national benchmark and consequently, according to Staff, reasonably compares to broadband rates in urban areas. Additionally, consistent with FCC rules, Wisper offers to Lifeline-eligible customers one federal Lifeline discount per-household, which may be applied to the low-income consumer's voice service, broadband service, or a bundle of broadband and voice services. Accordingly, Staff has found that Wisper's voice and broadband service offerings all meet or exceed the FCC's minimum standards.

Types of Facilities Used

10. According to Staff, Wisper utilizes Voice over Internet Protocol (VoIP) technology throughout its designated service areas to provide voice telephony, including E911, online interface for account management and voicemail-to-email functionality. Wisper uses a wireless ring network with fixed base stations (access nodes) running at the 1+0 and/or 4+0 on licensed 11 GHz or 5 GHz spectrum. The system includes fiber and/or fixed wireless for interconnections (backhaul) and fixed wireless for last-mile service. Wisper will provide broadband Internet access service through a radio at a central tower.

¹⁹ Id at 6.

Service Areas

11. Section 214(e)(1) of the Act requires an ETC to offer supported services throughout the service area where a designation is made by a state commission. The relevant service area under Section 214(e)(5) is the geographic area established by the Commission for universal service support or in the case of a rural carrier, the company's study area unless otherwise established by the FCC taking into account any recommendations made by the Federal-State Joint Board. However, for purposes of CAF Phase II, the FCC indicated the relevant areas for eligibility in the competitive bidding process would be at a minimum the census block.²⁰ Accordingly, the FCC determined the statutory definition of a service area should not apply and would forebear application in favor of the census block as the relevant geographic designation for establishing service areas for universal service support.²¹ The Wisper Application therefore is based on the census block as the service area for the purpose of ETC designation.²²

12. As part of its application, Wisper seeks eligibility status in 196 census blocks awarded by the FCC in Auction 903, and those areas are provided in revised Exhibit B of the Application²³ and are set forth in Attachment 1 of the Staff Report and Recommendation. As noted by the Staff, the census blocks awarded to Wisper are located in AT&T, CenturyLink and Consolidated Missouri exchanges. The census blocks awarded to Wisper are located in the Drexel Missouri exchange served by Consolidated Missouri; the Altamont, Baxter Springs, Blue Mound, Bucyrus, Fontana, Galena, Greeley, Lane, Mapleton, Mound City, Mound Valley, Osawatomie, Oswego, Parker, Scammon, and Spring Hill exchanges served by CenturyLink; and the

²⁰ Connect America et al., Report and Order and Further Notice of Proposed Rulemaking, May 26, 2016, ¶ 61, "Phase II Auction Order".

²¹ Phase II Auction Order at ¶¶ 157-168.

²² Revised Application at 10.

²³ Id. at Revised Exhibit B.

Cherryvale, Chetopa, Coffeyville, Fort Scott, Kansas City-Melrose Zone, Parsons, Pittsburg, and Treece exchanges served by AT&T. Because the FCC forbore requiring the service areas of an ETC for CAF Phase II to conform to rural telephone company service exchanges and eliminated the need for redefinition of any rural telephone company areas in the context of CAF Phase II competitive bidding process, the Commission finds the use of the census block as a basis for establishing ETC service areas when reviewing applications under the CAF Phase II program is appropriate and rural exchange or wire centers should not be the basis for reviewing CAF Phase II ETC applications. Based on the Staff review, the Commission also finds it appropriate to consider ETC designation based on the census blocks identified in revised Exhibit B of the Application.²⁴

Advertising

13. ETCs are required to advertise the availability of services supported by universal service and the charges to be assessed throughout their designated service areas under Section 214(e)(1) of the Act. Wisper indicates it will advertise the availability of service through newspaper and radio. The Staff has reviewed the language Wisper proposes to use in advertising its services and has approved the content.²⁵ The language Wisper proposes to use in its advertising also conforms to requirements set forth by the Commission in Docket No. 06-GIMT-446-GIT and includes contact information for the Office of Public Affairs and Consumer Protection in the event customers need to ask questions about the service or register complaints.²⁶ Accordingly, the Commission finds Wisper will satisfy the advertising requirements set forth in Section 214(e)(1) of the Act.

²⁴ Staff R&R at 9.

²⁵ Id.

²⁶ Id.

Public Interest

14. The Commission is authorized to designate a carrier an ETC consistent with the public interest, convenience and necessity as set forth in Section 214(e)(2) of the Act. The Wisper Application seeks authority for ETC status in the service territories of two price cap carriers and a rural independent local exchange company. In conjunction with ETC designations, the Commission has utilized certain principles highlighted by the FCC in its *Virginia Cellular Order* as a basis for determining whether multiple ETC designations are in the public interest for a particular service area.²⁷

15. Wisper has provided several factors for the Commission to consider in determining whether its Application is in the public interest. They are:

Benefits of Increased Competitive Choice – Designation of Wisper as an ETC is also in the public interest because it will promote increased competitive choice, thereby increasing innovation and incenting other carriers to improve their existing networks in order to remain competitive. This will result in greater access to high-speed broadband and voice services, as well as improved service quality for residents of underserved communities in rural areas of Kansas. Wisper's services will provide consumers with additional choices in communications service providers, as well as a variety of service offerings at competitive rates.

Impact of Multiple Designations on the Universal Service Fund – This application will have a negligible, if any, impact on the Universal Service Fund. Wisper will be focused on building the network required to serve customers in its CAF II funding areas. All funding shall come from the Connect America Fund that has already been established.

Unique Advantages and Disadvantages of the Competitor's Service Offering – Wisper will be delivering state of the art broadband internet and affordable voice over internet protocol service to rural Kansas residents. Initial deployment will be in CAF II areas considered unserved or underserved. These areas currently have

²⁷ See In the Matter of Federal State Joint Board on Universal Service: Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier In the Commonwealth of Virginia, Rel. January 22, 2004 ("Virginia Cellular Order"), FCC Docket No. DA 03-338; and see also, Order in Docket No. 04-ALKT-283-ETC, September 24, 2004, and Order in Docket No. 04-RCCT-338-ETC, September 30, 2004.

been ignored by their local providers and have little or no broadband availability and more expensive, less flexible wireline telephone service.

Commitments Made Regarding High-quality Telecommunications Services By Company – Wisper will provide state of the art communications services to the coverage areas required by the CAF II award and then organically grow that network to deliver the services to more parts of the state.

Competitive ETC's Ability to Provide the Support Services Throughout the Designated Service Area Within a Reasonable Time Frame - CAF II financing will allow Wisper to deliver its services to rural eastern Kansas. Given the strict rules associated with that funding, Wisper must move quickly to build its network – 40% of its coverage area in 3 years and 100% in six. Wisper has grown dramatically since its inception so it is both well versed in expansion strategies and has the necessary funding to build expeditiously.

After reviewing the Application with the benefit of information requests and considering the public interest factors set forth above, the Staff concludes that designating Wisper an ETC as a result of the CAF Phase II Auction is in the public interest for the 196 census blocks identified in this docket.

III. FINDINGS AND CONCLUSIONS

16. The Commission adopts the Staff's Report and Recommendation of September 27, 2019, and its analysis in support of the Wisper Application for ETC status. The application is a product of the FCC CAF Phase II reverse auction and seeks ETC designation in order to participate in the high-cost program within the federal universal service fund. It proposes to deploy voice and broadband-capable networks in rural, high-cost areas under the Phase II Auction. The Application meets the requirements of Section 214(e)(1) and is consistent with the public interest, convenience and necessity.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Wisper ISP Inc. Amended Application filed in this matter on September 9, 2019, is hereby granted and Wisper ISP Inc. is designated as an Eligible Telecommunications Carrier in the 196 census blocks identified in its Application for the purpose of qualifying for the

high cost fund within the federal universal service program, and in conformity with the Connect America Fund Phase II Auction. The designated service area for the purpose of this order is identified as Exhibit 2 to the Staff Report and Recommendation of September 27, 2019, which is incorporated as part of the Order.

B. 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) (1).²⁸

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order, or orders, as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 10/08/2019



Lynn M. Retz
Executive Director

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²⁸ K.S.A. 66-118b; K.S.A. 77-503 (c) and K.S.A. 77-531(b).

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chair Dwight D. Keen
Commissioner Shari Feist Albrecht
Commissioner Susan K. Duffy

FROM: Christine Aarnes, Chief of Telecommunications & SPP Affairs
Jeff McClanahan, Director of Utilities

DATE: September 27, 2019

SUBJECT: 19-WIIZ-225-ETC
In the Matter of the Application for Wisper ISP Inc. For Designation as an Eligible Telecommunications Carrier for Purposes of Receiving Federal Universal Service Support From the FCC Connect America Fund - Phase II.

EXECUTIVE SUMMARY:

On December 7, 2018, Wisper ISP Inc. (Wisper) filed its Initial Application for designation as an Eligible Telecommunications Carrier (ETC) in order to be eligible to receive support from the Connect America Fund (CAF) Phase II Auction (Auction 903) for its awarded census blocks in the state of Kansas. Wisper filed a Revised Application on December 19, 2018.¹ The Commission approved Wisper's Revised ETC Application in an Order dated February 14, 2019. Wisper filed an Amended Application and Motion to Re-Open Docket to Correct Error in Application (Motion) on September 9, 2019.² Staff recommends approval of the Amended Application.

BACKGROUND:

Wisper filed an Initial Application in this Docket seeking designation as an ETC in Kansas on December 7, 2018. On December 19, 2018, Wisper filed a Revised Application with revised exhibits. In its Initial and Revised Applications, Wisper incorrectly indicated that, in the CAF II auction, it committed to the Federal Communications Commission (FCC) to offer broadband Internet service at 25 Megabits per second (Mbps) download and 3 Mbps upload speeds in all of its awarded Kansas census blocks. Wisper's commitment was actually to provide broadband

¹ The Initial Application filed on December 7, 2018, requested ETC designation in 51 census blocks. On December 19, 2018, Wisper filed a Revised Application correcting the error by seeking ETC designation in the 196 awarded census blocks.

² The Commission issued an Order on September 19, 2019, granting the Motion.

Internet service at 100/20 Mbps with low-latency of 100 milliseconds or better in all of its Kansas census blocks.

Staff filed its Report and Recommendation (R&R) on January 25, 2019, recommending approval of Wisper's ETC Application as being in the public interest. Staff's analysis was based on the 25/3 Mbps broadband Internet speeds provided in the Revised Application. The Commission issued an Order on February 14, 2019, approving Wisper's Revised Application and designating Wisper as an ETC in the requested census blocks.

On September 9, 2019, Wisper filed a Motion to reopen the Docket and an Amended Application to correct its error. The Revised Application incorrectly stated that, in the CAF II auction, it committed to offer broadband Internet service at 25/3 Mbps speeds with low-latency service of 100 milliseconds or better in its Kansas census blocks, but its commitment was actually 100/20 Mbps with low-latency of 100 milliseconds or better in all of its Kansas census blocks. Wisper states that the misstatement was a clerical mistake.

In its Motion, Wisper states that its response to one of Staff's discovery requests correctly identified the 100/20 Mbps speeds, but Wisper did not realize the Revised Application had the incorrect speeds; therefore, it did not amend the Revised Application at that time. Wisper briefly mentioned its award requirement of 100/20 Mbps in response to RFI 4, which is attached hereto as Staff Exhibit 1. Staff, however, did not catch the brief reference to Wisper's correct broadband speed obligation. Wisper states that it became aware of the error in its Revised Application during other regulatory proceedings.

Wisper states in its Amended Application that it incorporates the Revised Application into its Amended Application as to all parts not specifically modified by the Amended Application. Thus, it did not restate those unchanged parts unless it believed such restatement would be helpful or for purposes of confirmation.

ANALYSIS:

Connect America Fund Phase II

In 2011, the Federal Communications Commission (FCC) comprehensively reformed and began the modernization of the federal universal service and intercarrier compensation systems to ensure that robust, affordable voice and broadband service, both fixed and mobile, are available to Americans nationwide. Part of the reform was to establish a CAF to bring broadband to unserved areas; support advanced mobile voice and broadband networks in rural, insular and high-cost areas; and expand fixed broadband.³

CAF Phase II (Phase II) is part of the FCC's reform and modernization of its universal service support programs. The FCC conducted Auction 903 to allocate Phase II support to certain eligible areas across the United States. Auction 903 ran from July 24, 2018, to August 21, 2018. The FCC

³ See FCC Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, released November 18, 2011.

awarded a total of \$1.488 billion for 10 years to 103 winning bidders to provide fixed broadband and voice services to over 700,000 locations in 45 states.

Phase II support recipients must offer commercially at least one voice and one broadband service meeting the relevant service requirements to the required number of locations in the following timeframe:

- 40% of the required number of locations in a state by the end of the third year of support;
- An additional 20% in each subsequent year; and
- 100% deployment by the end of the sixth year of support.

Phase II Auction support recipients are also required to file with the Universal Service Administrative Company (USAC) annual reports and build-out milestone certifications, as well as data on the locations where service is available. Failure to meet the terms and conditions of support can result in increased reporting obligations and possible withholding and/or recovery of support.

Winning bidders are also required to provide the FCC with audited financials and obtain an irrevocable letter of credit from an eligible bank to cover the annual amount of support to be received prior to receiving any Phase II support. The FCC requires the letter of credit to remain open until the Phase II auction recipient has certified that it has deployed broadband and voice services meeting the FCC's requirements to 100% of the required number of locations and USAC has validated that the entity has fully deployed its network. Failure to meet the required milestones can result in the FCC issuing a letter evidencing the failure and declaring default. Phase II auction recipients are allowed to reduce the value of their letter of credit to 60% of the total support already disbursed plus the amount of support that will be disbursed in the coming year once it has been verified that the Phase II auction recipient has met the 80% service milestone.⁴

Bids were accepted for four services tiers, each with varying speed (10 Mbps to 1 Gbps) and usage allowances, and two latency tiers, one high latency and one low latency. For the census blocks awarded to Wisper in Kansas, Wisper committed to provide broadband at the "above baseline" service tier of $\geq 100/20$ Mbps, with low latency.

On August 28, 2018, the FCC announced the winners of Auction 903, but the results did not include the service tier bid on by each applicant. The results included the total assigned support to Wisper of \$1,607,524.30 to be received over ten years for 414 locations in Kansas.⁵ Wisper was the winning bidder in six states (Arkansas, Illinois, Indiana, Kansas, Missouri, and Oklahoma) for a total of \$220,319,375. Specifically, the CAF II funding areas awarded to Wisper in Kansas are in census blocks located in Anderson, Bourbon, Cherokee, Crawford, Johnson, Labette, Linn, Miami, and Montgomery counties in Eastern Kansas.

⁴ See FCC Order on Reconsideration, FCC 18-5, released January 31, 2018.

⁵ *Connect America Fund Phase II Auction (903) Closes Winning Bidders Announced FCC Form 683 Due October 15, 2018*, WC Docket No. 10-90, DA 18-887 (August 28, 2018), Attachment A.

Federal ETC Requirements

Pursuant to 47 U.S.C. § 214(e)(1), a common carrier designated as an eligible telecommunications carrier shall be eligible to receive universal service support in accordance with section 254 of the Federal Act and shall, throughout the service area for which the designation is received – (A) offer the services that are supported by Federal universal service support mechanism under section 254(c) of the Federal Act, either using its own facilities or a combination of its own facilities and resale of another carrier’s service (including the services offered by another eligible telecommunications carrier); and (B) advertise the availability of such service and the charges therefore using media of general distribution.⁶

Congress empowers the states to designate a common carrier as an ETC. Pursuant to 47 U.S.C. § 214(e)(2), “[u]pon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission.”

In order to be designated as an ETC, a company must be a “common carrier” as defined in 47 U.S.C. § 153(11). The term “common carrier” or “carrier” means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or interstate or foreign radio transmission of energy; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

As discussed in Staff’s January 25, 2019, R&R, Wisper will be a “common carrier” as required by 47 C.F.R. § 54.201(b) as it will offer communications services by wire for “hire” and transmit communications both interstate and intrastate. Moreover, in Docket No. 19-WIIZ-280-COC, the Commission granted Wisper’s Application for a Certificate to serve as a telecommunications service provider in the non-rural areas of Kansas. Staff remains satisfied that Wisper meets the common carrier requirement.

1. Service or Functionalities

The FCC identifies the services or functionalities that shall be supported by the federal universal service support mechanisms, pursuant to 47 U.S.C. § 254(c). The services designated for support are codified in 47 C.F.R. § 54.101(a),

- (1) Eligible voice telephony services must provide voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying low-income consumers as provided in subpart E of this part,
- (2) Eligible broadband Internet access services must provide the capability to transmit data to and receive data by wire or radio from all or substantially all

⁶ 47 U.S.C. § 254.

Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service.

Wisper incorporated its Revised Application into its Amended Application. In its Revised Application, Wisper provided the following explanations of how it proposed to provide the services designated for support.

Voice-grade access to the public switched network – In its USF/ICC Transformation Order, the FCC modified the definition of a supported service to a technologically neutral approach, allowing companies to provision voice service over any platform, including the PSTN and IP networks. Thus, the FCC amended Section 54.101 to specify that the functionalities of eligible voice telephony services include voice grade access to the public switched network or its functional equivalent. The FCC further explained that increasingly “consumers are obtaining voice services not through traditional means but instead through interconnected VoIP providers offering service over broadband networks.” Interconnected VoIP services “allow customers to make real-time voice calls to, and receive calls from, the PSTN, and increasingly appear to be viewed by consumers as substitutes for traditional voice telephone services.” Thus, the FCC concluded that its authority to promote universal services in this context “does not depend on whether interconnected VoIP services are telecommunications services or information services under the Communications Act.” Wisper will therefore provide voice-grade access to the PSTN by providing interconnected VoIP service throughout the designated service area. Its VoIP platform runs on a Linux Operating system with proprietary software. The system allows Wisper to deploy full-featured end-user services in a scalable, fault-tolerant and resilient way. The services to be provided include monitoring systems to support monitoring, statistics and reports that provide real-time data on performance, traffic statistics, usage and other features.

Local usage – “Local usage” means an amount of minutes of use of exchange services, prescribed by the FCC, provided free of charge to end users.” The FCC has not specified a minimum amount of local usage that an ETC must offer. Wisper will meet the local usage requirement by including local usage in its rate plans. The Company will comply with any minimum local usage requirements adopted by the FCC or this Commission.

Access to emergency services – ETCs are required to provide access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911 (“E911”), to the extent the local government in an ETC's service area has implemented 911 or enhanced 911 systems. Wisper will provide access to emergency services by providing 911 and E911 for all of its customers to the extent that the local governments in its designated service areas have implemented 911 and E911.

Toll limitations for qualifying low-income consumers – Wisper does not distinguish between toll and non-toll for its voice offering. To the extent Wisper offers a service that distinguishes between toll and non-toll calls, it will offer toll limitation to qualifying low-income consumers at no additional charge.

Broadband Internet Access Services – Pursuant to 47 C.F.R. 54.101(a)(2), Wisper will provide broadband services with the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service.

With regard to local usage, Wisper stated in its Amended Application that all of its calling packages in Kansas would allow for unlimited local calling and unlimited domestic calling in the continental United States.

Staff remains satisfied that Wisper has demonstrated an ability to provide the service or functionalities supported by the federal universal service support systems.

2. FCC Minimum Service Offering Requirements

The FCC requires all ETCs, including competitive ETCs providing fixed voice services, to certify to the FCC on Form 481, no later than July 1 of each year, that the pricing of its basic residential voice services is no more than two standard deviations above the urban average monthly rate. The 2019 urban average monthly rate is \$26.98. Therefore, the reasonable comparability benchmark for voice services is currently \$51.61.⁷

In its Amended and Revised Applications, Wisper states it will offer residential digital voice service at a rate of \$25.00 for those customers that also subscribe to Wisper broadband and \$30 for those without Wisper broadband service. Wisper's calling plan includes unlimited local calling, Call Waiting, Caller ID, Call Forwarding, Call Transfer, Voicemail, and free long distance in the United States. The customer can use its own VoIP-enabled phone, pay an additional fee to use Wisper's mobile application, or purchase a phone from Wisper. Lifeline customers will receive all of the same features as a non-Lifeline customer and will receive the federal Lifeline credit of \$9.25, which reduces the low-income consumer's rate by the same amount. Wisper's pricing of its basic residential voice service of \$25 or \$30 continue to be within the FCC's reasonable comparability benchmark.

With regard to the incumbent providers for the requested areas, the monthly rate for a residential access line is \$30.00 in the AT&T exchanges, \$19.48 in the CenturyLink exchanges, and \$15 in the Consolidated MO exchange. The local calling scope is the exchange, but local calls are unlimited. As Wisper offers unlimited local (and nationwide) calling, Staff believes the local usage offered by Wisper is clearly comparable to the ILECs' service offerings.

Recipients of high-cost and CAF support that are subject to broadband performance obligations, such as CAF II recipients, are required to offer broadband services at rates that are at or below the relevant reasonable comparability benchmark. The FCC's 2019 urban rate benchmarks range from \$66.12 for 4/1 Mbps broadband service to \$162.33 for 1,000/100 Mbps broadband service.⁸ To facilitate benchmark calculations for service offerings not listed in the FCC's table, the FCC posted an Excel file and online tool in which providers can enter the relevant variables to determine the

⁷ FCC Public Notice, DA 18-1280, Released December 20, 2018.

⁸ Id.

benchmark for specific service characteristics.⁹ According to the FCC's online calculator, the reasonable comparability benchmark for the speed tier Wisper agreed to offer in its CAF II areas, 100/20 Mbps with unlimited usage, is \$105.27.¹⁰

According to Wisper's Amended Application, its proposed CAF II broadband service plans are as follows: \$60.00 for 25/5 Mbps, \$80.00 for 50/10 Mbps, and \$100.00 for 100/20 Mbps. All of Wisper's proposed CAF II broadband service plans are at or below the relevant reasonable comparability benchmark.

The FCC further requires ETCs to meet the minimum speed and usage allowances for Lifeline-supported services to ensure Lifeline consumers have access to the same level of services subscribed to by a substantial majority of American consumers. Therefore, the current Lifeline minimum service standard for fixed broadband data usage is 1,000 Gigabytes (GB) per month and the speed must be at least 18 Mbps/2 Mbps.¹¹ Beginning December 1, 2019, the Lifeline minimum service standard for fixed broadband speed will be 20/3 Mbps.¹² In response to RFI 9, Wisper confirmed that all of its broadband plans offer unlimited usage.

Wisper's voice and broadband service offerings all meet or exceed the FCC's minimum standards. Consistent with FCC rules, Wisper offers to Lifeline-eligible customers one federal Lifeline discount per-household, which may be applied to the low-income consumer's voice service, broadband service, or a bundle of broadband and voice telephony service.¹³

Wisper stated in its Revised Application that it would require Lifeline applicants to include a copy of their SNAP card, Medicaid card, etc. as proof of eligibility in the various social programs. Not all beneficiary cards include the recipient's name, which is required to prove eligibility for Lifeline. Therefore, Wisper needs to ensure that it requests an award letter from the local state agency to verify participation when the beneficiary card does not include the recipient's name. Wisper states that it is familiar with USAC's National Verified Acceptable Documentation Guidelines for Lifeline service and agrees to abide by the guidelines, which includes the requirement to request additional proof of eligibility documentation. Furthermore, Wisper is familiar with the subscriber eligibility determination and certification requirements contained in 47 C.F.R. §54.410 and agrees to comply with the requirements.¹⁴

3. Type of Facilities Used to Provide Service

Wisper utilizes a wireless ring network with fixed base stations (access nodes) running at the 1+0 and/or 4+0 on the licensed 11 GHz or 5 GHz spectrum. According to the Revised Application, this network will have a 99.99% uptime and availability due to its ring structure. The technologies include fiber and/or fixed wireless (11 GHz or 5 GHz) for interconnection (backhaul) and fixed wireless for last-mile service.

⁹ <https://www.fcc.gov/reasonable-comparability-benchmark-calculator>, last viewed September 19, 2019.

¹⁰ Id.

¹¹ FCC Public Notice, DA 18-739, Released July 18, 2018.

¹² FCC Public Notice, DA 19-704, Released July 25, 2019.

¹³ 47 C.F.R. §54.401(b) and Wisper Application.

¹⁴ Wisper response to RFI 5.

Wisper will provide voice services through a hosted VoIP on premise server solution. The service includes E911, an online interface for account management, and voicemail-to-email functionality.

Wisper will provide broadband Internet access service through an antenna installed on the customer premise that will connect through a radio at a central tower. The tower either will connect directly to the Internet via fiber or will connect to another fiber-fed tower via fixed wireless technology.

4. Service Areas

As required by 47 U.S.C. § 214(e)(1), an ETC must offer the supported services throughout the service area for which the designation is received. Section 214(e)(5) of the Federal Act defines “service area” as:

The term “service area” means a geographic area established by a State commission for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, “service area” means such company’s “study area” unless and until the [Federal Communications] Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

The census blocks awarded to Wisper are in exchanges served by AT&T, CenturyLink, and Consolidated MO. Pursuant to 47 U.S.C. §214(e)(1), an ETC must offer the supported services throughout the service area for which designation is received, which is typically the entire exchange or study area of the incumbent local exchange carrier. However, the FCC forbore from requiring the service areas of an ETC for CAF Phase II to conform to the service area of any rural telephone company and eliminated the need for redefinition of any rural telephone company areas in the context of CAF Phase II competitive bidding.¹⁵ Furthermore, in its *Phase II Auction Order*, the FCC concluded that eligibility of areas for support in the Phase II competitive bidding process would be determined at the census block level.¹⁶ Specifically, the FCC stated:

For purposes of ongoing monitoring and oversight by the Commission, the relevant state commission, and the Tribal government, where applicable, we now conclude that it is preferable to require a winning bidder to serve all of the locations in a given census block, rather than some subset of those locations in a given block that are served by a given node to the extent possible. As a practical matter, bidders (and ultimate awardees of funding) may not know which locations in a given block are “funded” and therefore must be served, and which are not “funded” and do not have to be served. Accordingly, to simplify this issue for all parties concerned, we direct the Bureau to determine which census blocks are eligible by averaging costs at the census block level, to the extent possible, so that if a given census block is

¹⁵ *In the Matter of Connect America Fund*, WC Docket No. 10-90, Report and Order and Further Notice of Proposed Rulemaking, Rel. May 26, 2016, ¶¶157-168.

¹⁶ *Connect America et al.*, Report and Order and Further Notice of Proposed Rulemaking, May 26, 2016, ¶ 61, “*Phase II Auction Order*”.

eligible for funding, the deployment obligation applies to all the locations in that census block.¹⁷

This Commission has previously determined that the “service area” for non-rural telephone companies is the exchange or wire center and the study area for rural telephone company areas, unless redefinition has occurred. As discussed, however, for CAF Phase II bidding purposes, the FCC has determined that the service area should be more granular than an exchange or wire center and should instead be the census block. Thus, for CAF II bidding purposes, the service area is the census block rather than the exchange or wire center and redefinition is not necessary.

Wisper requests ETC designation in the 196 census blocks awarded to it in Auction 903, which are listed in Exhibit B to its Revised Application. The census blocks awarded to Wisper are located in the Drexel, MO, exchange served by Consolidated MO; the Altamont, Baxter Springs, Blue Mound, Bucyrus, Fontana, Galena, Greeley, Lane, Mapleton, Mound City, Mound Valley, Osawatomie, Oswego, Parker, Scammon, and Spring Hill exchanges served by CenturyLink; and the Cherryvale, Chetopa, Coffeyville, Fort Scott, Kansas City-Melrose Zone, Parsons, Pittsburg, and Treece exchanges served by AT&T. As discussed above, Wisper is required to provide the supported services throughout each awarded census block.

5. Advertising

As discussed previously, Section 214(e)(1) requires ETCs to advertise the availability of the supported services and charges throughout the designated service area using media of general distribution.

Wisper states it will advertise the availability of the supported services throughout its designated service areas using media of general distribution in a manner designed to reach those likely to qualify for such services. Specifically, the methods of advertising will include newspaper and radio advertisements.

Wisper further agrees to comply with all form and content requirements promulgated by the FCC and the KCC in the future, including the FCC requirement to disclose that the service is non-transferrable, is available only to eligible consumers, and limited to one discount per economic household.

In its October 2, 2006 Order in Docket No. 06-GIMT-446-GIT, the Commission required competitive ETCs to develop “meaningful language so that consumers will understand what they can expect from an ETC”. Furthermore, competitive ETCs shall include contact information for the Commission’s Office of Public Affairs and Consumer Protection (PACP) in its advertisements to make sure that customers know where to turn with questions and complaints.

In response to RFI 6(c), Wisper provided Staff with the following advertising language it intends to use in its designated ETC service area:

Wisper will provide Lifeline service throughout its service territory. To learn more about the Lifeline program and discounts you may be eligible to receive, visit our

¹⁷ Id. at ¶ 65.

Lifeline Terms and Conditions page available at www.WisperISP.com. Customers may contact the Kansas Corporation Commission's Office of Public Affairs and Consumer Protection with any concerns at (800) 662-0027 or (785) 271-3140.

Staff remains satisfied with the proposed advertising language and that Wisper will be able to comply with the advertising requirement.

6. Public Interest

Pursuant to 47 U.S.C. § 214(e)(2), the Commission must find that it is in the public interest to designate the Applicant as an ETC in the requested area. The FCC, in its Virginia Cellular Order, made new findings regarding determination of the public interest, including that designation of an additional ETC in a non-rural telephone company's study area based merely upon a showing that the requesting carrier complies with Section 214(e)(1) of the Act is necessarily consistent with the public interest in every instance.¹⁸ While the FCC's decision is not binding on this Commission, the Commission found in its ALLTEL and RCC Minnesota Orders that examination of the additional public interest factors enumerated in the FCC's Order is reasonable.¹⁹

In its Revised Application and in response to RFI 7, Wisper provided the following explanations of how it meets the guidelines that the Virginia Cellular Order suggested for evaluation:

- **Benefits of Increased Competitive Choice** – Designation of Wisper as an ETC is also in the public interest because it will promote increased competitive choice, thereby increasing innovation and inciting other carriers to improve their existing networks in order to remain competitive. This will result in greater access to high-speed broadband and voice services, as well as improved service quality for residents of underserved communities in rural areas of Kansas. Wisper's services will provide consumers with additional choices in communications service providers, as well as a variety of service offerings at competitive rates.
- **Impact of Multiple Designations on the Universal Service Fund** – This application will have a negligible, if any, impact on the Universal Service Fund. Wisper will be focused on building the network required to serve customers in its CAF II funding areas. All funding shall come from the Connect America Fund that has already been established.
- **Unique Advantages and Disadvantages of the Competitor's Service Offering** – Wisper will be delivering state of the art broadband internet and affordable voice over internet protocol service to rural Kansas residents. Initial deployment will be in CAF II areas considered unserved or underserved. These areas currently have been ignored by their local providers and have little or no broadband availability and more expensive, less flexible wireline telephone service.

¹⁸ See *In the Matter of Federal State Joint Board on Universal Service: Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier In the Commonwealth of Virginia*, Rel. January 22, 2004 ("Virginia Cellular Order"), FCC Docket No. DA 03-338.

¹⁹ See September 24, 2004 Order in Docket No. 04-ALKT-283-ETC and September 30, 2004 Order, in Docket No. 04-RCCT-338-ETC.

- **Commitments Made Regarding High-quality Telecommunications Services By Company** – Wisper will provide state of the art communications services to the coverage areas required by the CAF II award and then organically grow that network to deliver the services to more parts of the state.
- **Competitive ETC's Ability to Provide the Support Services Throughout the Designated Service Area Within a Reasonable Time Frame** – CAF II financing will allow Wisper to deliver its services to rural eastern Kansas. Given the strict rules associated with that funding, Wisper must move quickly to build its network – 40% of its coverage area in 3 years and 100% in six. Wisper has grown dramatically since its inception so it is both well versed in expansion strategies and has the necessary funding to build expeditiously.

After reviewing Wisper's Revised and Amended Applications and its responses to Staff RFIs, Staff continues to believe that Wisper has demonstrated that it is in the public interest to designate it as an ETC in the 196 census blocks it was awarded in the FCC's Auction 903, which are attached to this Report & Recommendation as Staff Exhibit 2.

RECOMMENDATION:

Staff remains satisfied that Wisper has demonstrated an ability to meet the federal requirements for being designated an ETC in the 196 requested census blocks, which are listed in Exhibit B to Wisper's Revised Application and Staff Exhibit 2, and recommends approval of the Amended Application. Furthermore, no party has opposed Wisper's request and being designated as an ETC in the requested census blocks will serve the public interest by allowing Wisper to participate in the FCC's CAF II program and provide voice and broadband services in the requested designated area.

Wisper should be advised that CAF Phase II support received must be used for its intended purpose and the Company will be required to certify that it uses the support as intended each year. Additionally, Wisper should be aware that any decisions made by the Commission in a generic docket regarding additional ETC requirements may affect the Company and the Company may be required to follow these to continue to receive support.

Kansas Corporation Commission
Information Request

Request No: 4

Company Name Wisper ISP Inc.

WIIZ

Docket Number 19-WIIZ-225-ETC

Request Date December 20, 2018

Date Information Needed January 4, 2019

RE: Broadband Rate Comparability Requirements

4. According to the Application, Wisper will provide broadband with download speeds of 30 Mbps or greater at custom rates. Please provide additional information regarding the speeds that will be offered and corresponding rates.

Response: Wisper's current rates can be found here:

<https://www.wisperisp.com/services/#internet> and are already offered in Kansas in the following areas: Baxter Springs, Chetopa, Columbus, Galena, Kansas City, Oswego, Riverton, Scammon, Seneca and surrounding areas. Wisper expects the current rates to be similar for new customers to be served in the ETC areas it will be serving.

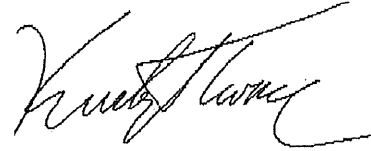
Wisper also offers 25 Mbps and 50 Mbps download packages in areas with recently updated fiber backhaul capacity to certain towers. Those plans are not advertised on the website to prevent customer confusion. Instead, they are offered directly to customers that qualify via direct mail or calls to existing customers. These higher speeds are currently available to some Kansas customers in Baxter and Riverton. Initially, however, Wisper will first need to construct new towers to reach the new CAF II customers. These higher speed packages will also be available to the areas to be funded by CAF II as the fiber facilities to new and existing tower sites are deployed over the course of the CAF II funding timeline.

Per Wisper's CAF II award requirements, 40% of the CAF II recipients should be capable of receiving 100 Mbps/20 Mbps speeds by the end of the third funding year, 60% at the end of the fourth, 80% at the end of the fifth, and 100% by the end of the sixth.

Verification of Response

I have read the foregoing Information Request and answer(s) thereto and find answer(s) to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request.

Kansas Corporation Commission
Information Request

A handwritten signature in black ink, appearing to read "Kristopher E. Twomey", written in a cursive style.

Signed: _____
Kristopher E. Twomey
Counsel to Wisper

Date: January 4, 2018

BIDDER	CENSUS BLOCK	COUNTY	EXCHANGE	ILEC
Wisper ISP, Inc	200039536001450	Anderson	Parker	CenturyLink
Wisper ISP, Inc	200039537003166	Anderson	Parker	CenturyLink
Wisper ISP, Inc	200119556001233	Bourbon	Fort Scott	AT&T
Wisper ISP, Inc	200119556002103	Bourbon	Mapleton	CenturyLink
Wisper ISP, Inc	200119556002141	Bourbon	Mapleton	CenturyLink
Wisper ISP, Inc	200119556002144	Bourbon	Mapleton	CenturyLink
Wisper ISP, Inc	200119557001002	Bourbon	Fort Scott	AT&T
Wisper ISP, Inc	200119557002055	Bourbon	Fort Scott	AT&T
Wisper ISP, Inc	200119557002076	Bourbon	Fort Scott	AT&T
Wisper ISP, Inc	200119557002080	Bourbon	Fort Scott	AT&T
Wisper ISP, Inc	200119557002081	Bourbon	Fort Scott	AT&T
Wisper ISP, Inc	200119557002203	Bourbon	Fort Scott	AT&T
Wisper ISP, Inc	200119557002238	Bourbon	Fort Scott	AT&T
Wisper ISP, Inc	200119557002335	Bourbon	Fort Scott	AT&T
Wisper ISP, Inc	200119558001005	Bourbon	Fort Scott	AT&T
Wisper ISP, Inc	200119558001027	Bourbon	Fort Scott	AT&T
Wisper ISP, Inc	200119558001077	Bourbon	Fort Scott	AT&T
Wisper ISP, Inc	200119558001162	Bourbon	Fort Scott	AT&T
Wisper ISP, Inc	200119559001058	Bourbon	Fort Scott	AT&T
Wisper ISP, Inc	200119559002006	Bourbon	Fort Scott	AT&T
Wisper ISP, Inc	200119559004019	Bourbon	Fort Scott	AT&T
Wisper ISP, Inc	200219581001028	Cherokee	Scammon	CenturyLink
Wisper ISP, Inc	200219582002116	Cherokee	Treece	AT&T
Wisper ISP, Inc	200219582002118	Cherokee	Treece	AT&T
Wisper ISP, Inc	200219582002123	Cherokee	Treece	AT&T
Wisper ISP, Inc	200219582002132	Cherokee	Treece	AT&T
Wisper ISP, Inc	200219582002147	Cherokee	Treece	AT&T
Wisper ISP, Inc	200219582002150	Cherokee	Treece	AT&T
Wisper ISP, Inc	200219582002151	Cherokee	Treece	AT&T
Wisper ISP, Inc	200219582002153	Cherokee	Treece	AT&T
Wisper ISP, Inc	200219582002154	Cherokee	Treece	AT&T
Wisper ISP, Inc	200219582002155	Cherokee	Treece	AT&T
Wisper ISP, Inc	200219582002156	Cherokee	Treece	AT&T
Wisper ISP, Inc	200219582002157	Cherokee	Treece	AT&T
Wisper ISP, Inc	200219582002181	Cherokee	Treece	AT&T
Wisper ISP, Inc	200219582002183	Cherokee	Baxter Springs	CenturyLink
Wisper ISP, Inc	200219585001058	Cherokee	Galena	CenturyLink
Wisper ISP, Inc	200219585001081	Cherokee	Galena	CenturyLink
Wisper ISP, Inc	200219585002049	Cherokee	Galena	CenturyLink
Wisper ISP, Inc	200219585004019	Cherokee	Baxter Springs/Galena	CenturyLink
Wisper ISP, Inc	200219585004069	Cherokee	Galena	CenturyLink
Wisper ISP, Inc	200379569001109	Crawford	Pittsburg	AT&T

BIDDER	CENSUS BLOCK	COUNTY	EXCHANGE	ILEC
Wisper ISP, Inc	200379569001197	Crawford	Pittsburg	AT&T
Wisper ISP, Inc	200379569001229	Crawford	Pittsburg	AT&T
Wisper ISP, Inc	200379570002026	Crawford	Pittsburg	AT&T
Wisper ISP, Inc	200379572001006	Crawford	Pittsburg	AT&T
Wisper ISP, Inc	200379572001026	Crawford	Pittsburg	AT&T
Wisper ISP, Inc	200379572001035	Crawford	Pittsburg	AT&T
Wisper ISP, Inc	200379572001040	Crawford	Pittsburg	AT&T
Wisper ISP, Inc	200379573001039	Crawford	Pittsburg	AT&T
Wisper ISP, Inc	200379573001071	Crawford	Pittsburg	AT&T
Wisper ISP, Inc	200379573001077	Crawford	Pittsburg	AT&T
Wisper ISP, Inc	200379573001103	Crawford	Pittsburg	AT&T
Wisper ISP, Inc	200379573001116	Crawford	Pittsburg	AT&T
Wisper ISP, Inc	200379573001121	Crawford	Pittsburg	AT&T
Wisper ISP, Inc	200379576002019	Crawford	Pittsburg	AT&T
Wisper ISP, Inc	200379576002033	Crawford	Pittsburg	AT&T
Wisper ISP, Inc	200379576002113	Crawford	Pittsburg	AT&T
Wisper ISP, Inc	200379576002139	Crawford	Pittsburg	AT&T
Wisper ISP, Inc	200910533011005	Johnson	Kansas City - Melrose Zone	AT&T
Wisper ISP, Inc	200910538012013	Johnson	Spring Hill	CenturyLink
Wisper ISP, Inc	200910538012024	Johnson	Spring Hill	CenturyLink
Wisper ISP, Inc	200910538012107	Johnson	Spring Hill	CenturyLink
Wisper ISP, Inc	200910538041038	Johnson	Spring Hill	CenturyLink
Wisper ISP, Inc	200999505002137	Labette	Cherryvale/Mound Valley	AT&T/CenturyLink
Wisper ISP, Inc	200999505003151	Labette	Parsons	AT&T
Wisper ISP, Inc	200999505003181	Labette	Parsons	AT&T
Wisper ISP, Inc	200999505003240	Labette	Parsons	AT&T
Wisper ISP, Inc	200999505003326	Labette	Oswego	CenturyLink
Wisper ISP, Inc	200999505003381	Labette	Oswego	CenturyLink
Wisper ISP, Inc	200999505003383	Labette	Oswego	CenturyLink
Wisper ISP, Inc	200999505003393	Labette	Oswego	CenturyLink
Wisper ISP, Inc	200999505003398	Labette	Oswego	CenturyLink
Wisper ISP, Inc	200999505003399	Labette	Parsons/Oswego	AT&T/CenturyLink
Wisper ISP, Inc	200999505003433	Labette	Altamont	CenturyLink
Wisper ISP, Inc	200999505003448	Labette	Mound Valley	CenturyLink
Wisper ISP, Inc	200999505003464	Labette	Altamont	CenturyLink
Wisper ISP, Inc	200999505003466	Labette	Mound Valley	CenturyLink
Wisper ISP, Inc	200999505003493	Labette	Oswego	CenturyLink
Wisper ISP, Inc	200999505003532	Labette	Altamont	CenturyLink
Wisper ISP, Inc	200999505003561	Labette	Altamont/Mound Valley	CenturyLink
Wisper ISP, Inc	200999505004113	Labette	Altamont	CenturyLink

BIDDER	CENSUS BLOCK	COUNTY	EXCHANGE	ILEC
Wisper ISP, Inc	200999506001025	Labette	Mound Valley	CenturyLink
Wisper ISP, Inc	200999506001056	Labette	Mound Valley	CenturyLink
Wisper ISP, Inc	200999506001059	Labette	Mound Valley	CenturyLink
Wisper ISP, Inc	200999506001069	Labette	Mound Valley	CenturyLink
Wisper ISP, Inc	200999506001127	Labette	Coffeyville	AT&T
Wisper ISP, Inc	200999506001150	Labette	Coffeyville	AT&T
Wisper ISP, Inc	200999506003010	Labette	Oswego	CenturyLink
Wisper ISP, Inc	200999506003017	Labette	Altamont	CenturyLink
Wisper ISP, Inc	200999506003030	Labette	Oswego	CenturyLink
Wisper ISP, Inc	200999506003058	Labette	Mound Valley	CenturyLink
Wisper ISP, Inc	200999506003138	Labette	Altamont	CenturyLink
Wisper ISP, Inc	200999506003145	Labette	Altamont	CenturyLink
Wisper ISP, Inc	200999506003305	Labette	Altamont	CenturyLink
Wisper ISP, Inc	200999506003309	Labette	Altamont	CenturyLink
Wisper ISP, Inc	200999507003008	Labette	Oswego	CenturyLink
Wisper ISP, Inc	200999508001006	Labette	Oswego	CenturyLink
Wisper ISP, Inc	200999508001016	Labette	Oswego	CenturyLink
Wisper ISP, Inc	200999508001017	Labette	Oswego	CenturyLink
Wisper ISP, Inc	200999508001029	Labette	Chetopa	AT&T
Wisper ISP, Inc	200999508001292	Labette	Oswego	CenturyLink
Wisper ISP, Inc	201079551001031	Linn	Greeley	CenturyLink
Wisper ISP, Inc	201079551001116	Linn	Parker	CenturyLink
Wisper ISP, Inc	201079551001154	Linn	Parker	CenturyLink
Wisper ISP, Inc	201079551002026	Linn	Fontana	CenturyLink
Wisper ISP, Inc	201079551002095	Linn	Parker	CenturyLink
Wisper ISP, Inc	201079551002196	Linn	Mound City	CenturyLink
Wisper ISP, Inc	201079551005073	Linn	Mound City	CenturyLink
Wisper ISP, Inc	201079551005094	Linn	Parker	CenturyLink
Wisper ISP, Inc	201079551005099	Linn	Parker	CenturyLink
Wisper ISP, Inc	201079551005114	Linn	Parker	CenturyLink
Wisper ISP, Inc	201079551005139	Linn	Parker	CenturyLink
Wisper ISP, Inc	201079551005140	Linn	Mound City/Parker	CenturyLink
Wisper ISP, Inc	201079551005141	Linn	Parker	CenturyLink
Wisper ISP, Inc	201079551005146	Linn	Parker	CenturyLink
Wisper ISP, Inc	201079551005170	Linn	Mound City	CenturyLink
Wisper ISP, Inc	201079551005174	Linn	Mound City	CenturyLink
Wisper ISP, Inc	201079551005177	Linn	Mound City	CenturyLink
Wisper ISP, Inc	201079551005181	Linn	Parker	CenturyLink
Wisper ISP, Inc	201079551005186	Linn	Parker	CenturyLink
Wisper ISP, Inc	201079551005192	Linn	Parker	CenturyLink
Wisper ISP, Inc	201079551005210	Linn	Blue Mound/Parker	CenturyLink
Wisper ISP, Inc	201079551005359	Linn	Parker	CenturyLink
Wisper ISP, Inc	201079551005360	Linn	Mound City	CenturyLink

BIDDER	CENSUS BLOCK	COUNTY	EXCHANGE	ILEC
Wisper ISP, Inc	201079552001002	Linn	Mound City	CenturyLink
Wisper ISP, Inc	201079552001006	Linn	Mound City	CenturyLink
Wisper ISP, Inc	201079552001008	Linn	Mound City/Parker	CenturyLink
Wisper ISP, Inc	201079552001019	Linn	Blue Mound	CenturyLink
Wisper ISP, Inc	201079552001035	Linn	Blue Mound	CenturyLink
Wisper ISP, Inc	201079552001059	Linn	Blue Mound	CenturyLink
Wisper ISP, Inc	201079552001061	Linn	Mound City	CenturyLink
Wisper ISP, Inc	201079552001064	Linn	Mound City	CenturyLink
Wisper ISP, Inc	201079552001079	Linn	Mound City	CenturyLink
Wisper ISP, Inc	201079552001082	Linn	Blue Mound	CenturyLink
Wisper ISP, Inc	201079552001140	Linn	Blue Mound	CenturyLink
Wisper ISP, Inc	201079552001149	Linn	Blue Mound	CenturyLink
Wisper ISP, Inc	201079552001157	Linn	Blue Mound	CenturyLink
Wisper ISP, Inc	201079552001202	Linn	Blue Mound	CenturyLink
Wisper ISP, Inc	201079552001212	Linn	Mapleton/Mound City	CenturyLink
Wisper ISP, Inc	201079552001219	Linn	Mound City	CenturyLink
Wisper ISP, Inc	201079552001228	Linn	Mound City	CenturyLink
Wisper ISP, Inc	201079552001232	Linn	Mapleton	CenturyLink
Wisper ISP, Inc	201079552002232	Linn	Mound City	CenturyLink
Wisper ISP, Inc	201079552002240	Linn	Mound City	CenturyLink
Wisper ISP, Inc	201079552002245	Linn	Mound City	CenturyLink
Wisper ISP, Inc	201079552005202	Linn	Mound City	CenturyLink
Wisper ISP, Inc	201079552005212	Linn	Mound City	CenturyLink
Wisper ISP, Inc	201079552005214	Linn	Mound City	CenturyLink
Wisper ISP, Inc	201211002002001	Miami	Spring Hill	CenturyLink
Wisper ISP, Inc	201211002002023	Miami	Spring Hill	CenturyLink
Wisper ISP, Inc	201211002002026	Miami	Spring Hill	CenturyLink
Wisper ISP, Inc	201211002002208	Miami	Bucyrus	CenturyLink
Wisper ISP, Inc	201211002002256	Miami	Bucyrus	CenturyLink
Wisper ISP, Inc	201211003001004	Miami	Drexel MO	Consolidated MO
Wisper ISP, Inc	201211004001122	Miami	Drexel MO	Consolidated MO
Wisper ISP, Inc	201211004001141	Miami	Drexel MO	Consolidated MO
Wisper ISP, Inc	201211005001160	Miami	Osawatomie	CenturyLink
Wisper ISP, Inc	201211005002062	Miami	Fontana	CenturyLink
Wisper ISP, Inc	201211005002127	Miami	Fontana	CenturyLink
Wisper ISP, Inc	201211007007059	Miami	Lane	CenturyLink
Wisper ISP, Inc	201211007007125	Miami	Lane	CenturyLink
Wisper ISP, Inc	201259507003009	Montgomery	Cherryvale	AT&T
Wisper ISP, Inc	201259507003010	Montgomery	Cherryvale	AT&T
Wisper ISP, Inc	201259507003016	Montgomery	Cherryvale	AT&T
Wisper ISP, Inc	201259507003019	Montgomery	Cherryvale	AT&T
Wisper ISP, Inc	201259507003037	Montgomery	Cherryvale	AT&T

BIDDER	CENSUS BLOCK	COUNTY	EXCHANGE	ILEC
Wisper ISP, Inc	201259507003041	Montgomery	Cherryvale	AT&T
Wisper ISP, Inc	201259507003047	Montgomery	Cherryvale	AT&T
Wisper ISP, Inc	201259507003049	Montgomery	Cherryvale	AT&T
Wisper ISP, Inc	201259507003050	Montgomery	Cherryvale	AT&T
Wisper ISP, Inc	201259507003134	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259507003160	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259507003188	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259507003190	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259507003197	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259507005113	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259508001048	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259508002029	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259508002076	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259508003006	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259509001041	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259509001066	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259509001071	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259509001074	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259509001075	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259509001102	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259509001104	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259509001111	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259509001112	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259509002000	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259509002132	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259511001003	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259511001014	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259511001030	Montgomery	Coffeyville	AT&T
Wisper ISP, Inc	201259512002044	Montgomery	Coffeyville	AT&T

CERTIFICATE OF SERVICE

19-WIIZ-225-ETC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 10/08/2019.

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