

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

Before Commissioners:                     Dwight D. Keen, Chair  
  Shari Feist Albrecht  
  Jay Scott Emler

In the Matter of the Complaint of Ideatek                     )  
Telecom, LLC against Wamego                                     )  
Telecommunications Company, Inc., to                     )         Docket No. 19-WTCT-393-COM  
Require Wamego to (1) Port Customers and                     )  
(2) Refrain from Taking any Action that                     )  
Could Result in the Blocking of Customer                     )  
Calls.   )

**INTERIM ORDER ON PORTING**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Examiner makes the following findings:

1.        On March 26, 2019, Ideatek Telecom, LLC (Ideatek) filed a Complaint and Request for Interim Emergency Relief and Expedited Review seeking an order mandating Wamego Telecommunications Company, Inc. (Wamego) to port Ideatek’s customers and prevent Wamego from refusing to perform fundamental tasks relating to routing telephone calls over the Public Switched Telephone Network.<sup>1</sup>

2.        On April 4, 2019, the Commission appointed Brian G. Fedotin, Deputy General Counsel & Chief Appellate Counsel, as the Examiner in this matter.<sup>2</sup>

3.        On April 16, 2019, the Commission set a Scheduling Conference for April 24, 2019, at 10:00 a.m. at the Commission’s Topeka office and directed the Examiner to conduct any meeting

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<sup>1</sup> Complaint and Request for Interim Emergency Order and Expedited Review and Motion to Assess Costs Pursuant to K.S.A. 66-1502, March 28, 2019, ¶ 7.

<sup>2</sup> Order Appointing Examiner Pursuant to K.A.R. 82-1-220a(f), Apr. 4, 2019, ¶ 5.

that may be necessary to facilitate a resolution of this Docket, including the rendition of mediation and negotiations.<sup>3</sup>

4. The parties appeared with counsel and counsel for Independent Telecommunications Group and the State Independent Alliance appeared at the April 24, 2019 Scheduling Conference. Both the Independent Telecommunications Group and the State Independent Alliance have pending motions to intervene in this Docket.

5. During the April 24, 2019 Scheduling Conference, the Examiner was able to mediate an agreement between the parties. The parties submitted terms of their agreement for inclusion in an interim order. Accordingly, the Examiner adopts the following terms:

6. Wamego's agreement does not constitute a waiver of its objection to the Commission's jurisdiction over the subject matter of this proceeding, either in this proceeding or in a general investigation into the responsibilities to port number and complete calls to include transiting traffic.

7. Ideatek will immediately file an LSR with Wamego for any ports pending at this time and will file an LSR for any ports to be requested during the pendency of this Interim Order.

8. Wamego will begin processing Ideatek's port requests no later than the issuance of the Interim Order.

9. Wamego and Ideatek will jointly establish temporary direct VoIP interconnection trunk(s) for the exchange of local traffic and Ideatek will pay 50% of Wamego's retail VoIP trunk rate (\$20.00 per trunk).

10. Unless otherwise mutually resolved by the parties prior to receiving the final order, amounts paid by Ideatek under paragraph 9 will be refunded by Wamego if Wamego is ultimately

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<sup>3</sup>Order Granting Petition for Reconsideration, Denying Motion to Disqualify and Other Procedural Rulings, Apr. 16, 2019, ¶ 22.

determined to be responsible for such costs in the Commission's final order in this docket. If Ideatek is ultimately determined to be responsible for such costs in the Commission's final order, then Ideatek will pay the other 50% of the charge to Wamego. Any refunds will be computed back to the date of service initiation. A decision on the allocation of costs in the proceedings is reserved for later consideration based on the evidence of record, the arguments of the parties and such other factors as may be appropriate to assigning the costs incurred by the Commission in this Docket. The determination of costs shall relate back to the inception of the proceedings with regard to the parties of record at this time.

11. Independent Telecommunications Group and the State Independent Alliance will withdraw their petitions for intervention by May 1, 2019. The Independent Telecommunications Group and the State Independent Alliance will be made parties to the general investigation addressing the responsibilities to port number and complete calls to include transiting traffic.

12. The procedural deadlines established in the Commission's Order Granting Petition for Reconsideration, Denying Motion to Disqualify and Other Procedural Rulings are suspended. The parties understand the Commission will open a generic docket that will investigate the general issues identified by any party or by Commission Staff related to this Complaint. It is also expected that both parties and other parties to the anticipated general investigation shall be allowed to raise additional relevant issues related to the general matters at hand.

13. This agreement will not be considered precedential, and no party is surrendering any rights, positions or arguments by agreeing to these terms for purposes of the Interim Order.

**THEREFORE, THE EXAMINER ORDERS:**

A. Wamego and Ideatek will jointly establish temporary direct VoIP interconnection trunk(s) for the exchange of local traffic. Ideatek will pay 50% of Wamego's retail VoIP trunk rate (\$20.00 per trunk). Wamego will refund Ideatek if Wamego is ultimately determined to be responsible for trunk-related costs by the Commission. If the Commission ultimately determines Ideatek is responsible for those costs, then Ideatek will pay the other 50% of the charge to Wamego. Any refunds will be computed back to the date of service initiation.

B. The allocation of the costs to be incurred in this Docket is reserved for later determination in conjunction with other issues to be decided in these proceedings.

C. By May 1, 2019, Independent Telecommunications Group and the State Independent Alliance will withdraw their petitions for intervention.

D. This Order will be served by electronic service.

E. As an interim order, this ruling shall be considered a non-final agency action.<sup>4</sup>

F. 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).<sup>5</sup>

G. The Commission retains jurisdiction over the subject matter and the parties to enter further orders as it deems necessary.

**BY THE EXAMINER, IT IS SO ORDERED.**

Dated: April 26, 2019

/s/ Brian G. Fedotin

Brian G. Fedotin

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<sup>4</sup> K.A.R. 82-1-220a(h).

<sup>5</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

**CERTIFICATE OF SERVICE**

19-WTCT-393-COM

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 04/26/2019.

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**CERTIFICATE OF SERVICE**

19-WTCT-393-COM

/S/ DeeAnn Shupe

DeeAnn Shupe

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