

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Andrew J. French, Chairperson
Dwight D. Keen
Annie Kuether

In the Matter of the Complaint Against)
Everfast Fiber Networks by Lakeview) **Docket No. 25-EFNT-342-COM**
Village, Inc.) Docket No. 25-EFNT-343-COM

**ORDER MAKING PRIMA FACIE DETERMINATION AND CONSOLIDATING
DOCKETS**

This matter comes before the State Corporation Commission of the State of Kansas (“Commission”). Having examined its pleadings and records, the Commission concludes the following:

1. On March 6, 2025, Lakeview Village, Inc., by and through Heath Leuck, CFO and Pam Hermon, COO (“Complainant” or “Lakeview Village”) filed a Formal Complaint against Everfast Fiber Networks (“Everfast”) alleging that beginning on or about February 1, 2025, Complainant’s campus experienced a phone outage.¹ Complainant alleges the outage was reported to Everfast and Complainant was told it would be resolved in about “48-72 hours”.² Lakeview Village alleges it was told by Everfast that “a network card” was down but it was not until February 21, 2025 “that the majority of the business services lines” were restored but outages are still occurring for the “approximately 200 lines including federally required services to our licensed Skilled Nursing Facility, Assisted Living Facility, Fire Panels and Elevator Call Boxes.”³

¹ Formal Complaint Against Everfast Fiber Networks by Lakeview Village Inc. (Mar. 6, 2025) (Docket No. 25-EFNT-342-COM).

² *Id.*

³ *Id.*

2. Lakeview Village requests the Commission (in Docket No. 25-EFNT-342-COM):
(a) for “Everfast to have necessary equipment in place for redundancy should a similar event happen in the future”; (b) for “Everfast to improve and provide daily communication” when outages occur; (c) for Everfast “to provide a guaranteed level of service with 99.99% uptime on the business phone lines.”⁴

3. On March 6, 2025, Lakeview Village, Inc., by and through Heath Leuck, CFO and Pam Hermon, COO (“Complainant” or “Lakeview Village”) filed another Formal Complaint against Everfast Fiber Networks (“Everfast”) alleging that beginning on or about February 1, 2025, Complainant’s campus experienced a phone outage.⁵ Complainant alleges the outage was reported to Everfast and Complainant was told it would be resolved in about “48-72 hours”.⁶ Lakeview Village alleges it was told by Everfast that “a network card” was down but it was not until February 21, 2025 “that the majority of residential” lines were restored but outages are still occurring for the “approximately 665 residential phone lines purchased under a bulk services agreement.”⁷

4. Lakeview Village requests the Commission (in Docket No. 25-EFNT-343-COM):
(a) for “Everfast to have necessary equipment in place for redundancy should a similar event happen in the future”; (b) for “Everfast to improve and provide daily communication” when outages occur; (c) for Everfast “to provide a guaranteed level of service with 99.99% uptime on the residential phone lines.”⁸

5. Under K.A.R. 82-1-224, the Commission may consolidate two or more dockets for hearing on a common record if the Commission deems it to be in the public interest. The Commission deems it in

⁴ *Id.*

⁵ Formal Complaint Against Everfast Fiber Networks by Lakeview Village Inc. (Mar. 6, 2025) Docket No. 25-EFNT-343-COM).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

the public interest, as a matter of judiciary efficiency, to consolidate the captioned dockets as the two complaints have the same parties and identical allegations.

6. K.A.R. 82-1-220(b) sets forth the following procedural requirements for a Formal Complaints. To establish a prima facie case, a Complaint must:

(a) Fully and completely advise each Respondent and the Commission as to the provisions of law or the regulations or orders of the Commission that have been or are being violated by the acts or omissions complained of, or that will be violated by a continuance of acts or omissions;

(b) Set forth concisely and in plain language the facts claimed by the Complainant to constitute the violation(s); and

(c) State the relief sought by the Complainant.

7. Upon review, the Formal Complaints complies with the requirements above and establishes a prima facie case for Commission action.⁹ The Formal Complaints (1) fully and completely advises the Respondent and the Commission as to the provisions of law or the regulations or orders of the Commission that have been or are being violated by the acts or omissions complained of, or that will be violated by a continuance of acts or omissions; or (2) sets forth concisely and in plain language the facts claimed by the Complainant constitute a violation; and (3) states the relief sought. The Commission concludes the Formal Complaints establish a prima facie case and, pursuant to K.A.R. 82-1-220(c), shall be served upon Everfast for an answer.

THEREFORE, THE COMMISSION ORDERS:

A. The captioned dockets are consolidated. Each subsequent filing submitted for either of these consolidated dockets shall carry the caption of both dockets and shall be filed only in

⁹ See K.A.R 82-1-220(a) (a complaint must allege a service performed by the public utility is unreasonable, unfair, [or] unjust).

Docket 25-EFNT-342-COM, which shall serve as the primary docket. Commission employees shall then populate the filing in Docket 25-EFNT-343-COM.

B. The Formal Complaints meet the procedural requirements of K.A.R. 82-1-220(b) and shall be served upon Everfast for an answer within 10 days of service.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 03/13/2025



Abigail D. Emery, Acting Secretary to the
Commission

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CERTIFICATE OF SERVICE

25-EFNT-342-COM; 25-EFNT-343-COM

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 03/13/2025.

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/S/ KCC Docket Room

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