

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of Interconnection)
Agreement Between Cebridge Telecom)
KS, LLC d/b/a Suddenlink) Docket No. 24-CKST-248-IAT
Communications and MoKan Dial,)
Inc.)

In the Matter of the Application of)
Cebridge Telecom KS, LLC for a)
Certificate of Convenience and) Docket No. 13-CKST-711-COC
Authority to Provide Local Exchange)
and Exchange Access Service Within)
the State of Kansas.)

RESPONSE TO MOTION TO DISMISS

COME NOW the identified rural telephone companies¹ (“RLECs”) and for their response to the Motion to Dismiss filed by Cebridge Telecom KS, LLC d/b/a Suddenlink (“Suddenlink”) state as follows:

1. As stated by the RLECs in their original Petition to Appropriately Limit Certificate of Convenience filed herein, the original certificate of convenience and authority to provide local exchange and exchange access service granted to Suddenlink erroneously granted

¹ Blue Valley Tele-Communications, Inc., Craw-Kan Telephone Cooperative, Inc., Golden Belt Telephone Association, Inc., Haviland Telephone Co., Inc., JBN Telephone Co., Inc., KanOkla Telephone Association, Madison Telephone, LLC, Mutual Telephone Company, Peoples Telecommunications, LLC, Pioneer Telephone Association, Inc., Rainbow Telecommunications Association, Inc., S&A Telephone Company, LLC, S&T Telephone Cooperative Association, Inc., South Central Telephone Association, Inc., Tri-County Telephone Association, Inc., United Telephone Association, Inc., Wheat State Telephone, Inc., d/b/a Wheat State Technologies, Columbus Communications Services, LLC, Cunningham Telephone Co., Inc., Gorham Telephone Co., Inc., H&B Communications, Inc., Home Telephone Co. Inc., LaHarpe Telephone Co., Inc., Southern Kansas Telephone Co., Inc., Totah Communications, Inc., Twin Valley Telephone, Inc., Wamego Telecommunications Co., Inc., Wilson Telephone Co., Inc., Zenda Telephone Co., Inc., and Rural Telephone Service Co., Inc.

broader geographic authority than is allowed under Kansas law. That original grant remains in effect and has not been corrected.

2. Suddenlink, in its Motion to Dismiss, claims to have “abided by all Kansas statutes and regulations governing its operations in Kansas.” If Suddenlink is serving a rural company area with local exchange or exchange access service, then it is not. Conformance with Kansas law would include Suddenlink’s conformance with the Kansas Rural Entry Guidelines which limit the geographic areas in which it is allowed to provide local exchange and exchange access service.

3. If Suddenlink’s assertions are correct, there will be no adverse consequence to correcting the erroneous Certificate of Convenience to provide local exchange and exchange access service and appropriately limiting the provision of that service to legacy AT&T and CenturyLink/Brightspeed study areas, and Suddenlink will not be unduly burdened or prejudiced by such a correction. From information available on the KCC website and reported by Suddenlink to the KCC, it appears Suddenlink only offers local exchange and exchange access service in three cities in Kansas, all of which are in legacy AT&T or CenturyLink/Brightspeed areas.² If Suddenlink offers local exchange and exchange access service in more areas than listed in footnote 2, below, then it has further not conformed to KCC requirements in that it has not updated this information on the annual interrogatory required to be filed by all competitive local exchange service providers on or before May 1 every year.

4. The RLECs do not in any way intend to interfere with Suddenlink’s provisioning of local exchange and exchange access services in AT&T and CenturyLink legacy areas. The RLECs merely seek to correct the prior error and avoid any future disputes. While Suddenlink

² <https://estar.kcc.ks.gov/estar/portal/kcc/page/ServiceProvidersSearch/portal.aspx>

may not have attempted to provide local exchange and exchange access service in an area where it is not permitted to do so, there is no guarantee that it, or a future successor, will not attempt to do so. Correction of the certificate will ensure that cannot happen. Failing to recognize the potential for future confusion and declining to correct the certificate would be administratively irresponsible and invite further disputes in the future.

5. In the alternative, the RLECs suggest that should Suddenlink be currently offering local exchange and exchange access service in a rural company service area or should it desire to do so in the future, then it should be required to conform to Kansas law and file an application to be designated as an eligible telecommunications carrier in each rural company study area in which it wishes to offer or continue to provide local exchange and exchange access service. If Suddenlink indeed intends to comply with all Kansas laws, rules, and regulations, then it should have no objection.

WHEREFORE, for the reasons stated herein and in the original motion, the Commission should grant the RLECs' request, and issue an order correcting SuddenLink's erroneous Certificate of Convenience to conform to Kansas law and appropriately limit SuddenLink's local exchange and exchange access operating authority in Kansas to AT&T and CenturyLink legacy service areas. In the alternative, the Commission should require Suddenlink to file an application to be designated as an eligible telecommunications carrier in any rural company study area in which it is either currently offering or intends to offer local exchange and exchange access service.

Respectfully submitted,

/s/ Colleen R. Jamison

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VERIFICATION

I, the undersigned, hereby certify under penalty of perjury pursuant to K.S.A. 53-601 that I am an attorney for the companies listed above and that the foregoing is true and correct. Executed on December 13, 2023.

/s/Colleen R. Jamison

Colleen R. Jamison

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the above and foregoing was sent via electronic mail this 13th day of December 2023, to the entities listed on the Commission's service list as last modified November 1, 2023, addressed to the following:

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