

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

IN THE MATTER OF MERCURY
WIRELESS KANSAS, LLC'S
APPLICATION TO AMEND ITS ETC
DESIGNATED SERVICE AREA
AND FOR APPROVAL TO
RELINQUISH ETC DESIGNATION
IN RDOF CENSUS BLOCKS BEING
RETURNED

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Docket No. 25-MWKT-402-ETC

**MERCURY WIRELESS KANSAS, LLC'S APPLICATION TO AMEND ITS ETC
DESIGNATED SERVICE AREA AND FOR APPROVAL TO RELINQUISH ETC
DESIGNATION IN RDOF CENSUS BLOCKS BEING RETURNED**

Mercury Wireless Kansas, LLC d/b/a Mercury Broadband ("Mercury Wireless"), pursuant to 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205, hereby respectfully submits this Application to the Kansas Corporation Commission ("KCC") seeking to revise its service area for its existing designation as an Eligible Telecommunications Carrier ("ETC") and for approval to relinquish its ETC designation in Rural Digital Opportunities Fund ("RDOF") census blocks being returned. In support of this Application, Mercury Wireless submits the following:

I. BACKGROUND

In August 2018, the Federal Communications Commission ("FCC") announced Mercury Wireless as one of the winning bidders of the FCC's Connect America Fund Phase II ("CAF II") Auction. On September 28, 2018, Mercury Wireless filed an application with the KCC seeking designation as an ETC for purposes of becoming authorized to receive CAF II funding support to deploy its high-speed broadband and voice services for residents of rural Kansas in the census blocks for which it received CAF II funding awards.¹ On February 14, 2019, the KCC granted

¹ *Application of Mercury Wireless Kansas, LLC for Designation as an Eligible Telecommunications Carrier for the Purposes of Connect America Fund Phase II Support*, Docket No. 19-MWKT-123-ETC (Sept. 28, 2018) ("Mercury Kansas ETC Designation Application for CAF II Support").

Mercury Wireless’s application for ETC designation for CAF II support.²

In December 2020, the FCC named Mercury Wireless a winning bidder of support in the RDOF program. On January 7, 2021, Mercury Wireless filed an application with the KCC seeking the KCC’s approval to expand Mercury Wireless’s designation as an ETC to certain specified areas for purposes of becoming authorized to receive RDOF support.³ On March 11, 2021, the KCC granted Mercury Wireless’s application for ETC designation for RDOF support.⁴

As a result of the KCC’s order granting that approval, Mercury Wireless received federal RDOF support to expand its broadband network into certain rural census blocks in Kansas that are currently unserved by high-speed broadband service (the “RDOF Census Blocks”). Additionally, as a condition to receiving the RDOF support, Mercury Wireless became an ETC in the RDOF Census Blocks in which it received RDOF support.

II. REQUEST FOR ETC CENSUS BLOCK MODIFICATION AND RELINQUISHMENT OF ETC DESIGNATION IN RDOF CENSUS BLOCKS BEING RETURNED

A. Census Block Return

In November 2024, Mercury Wireless notified the FCC that it is returning its RDOF Census Blocks in Kansas due to unforeseen circumstances beyond Mercury Wireless’s control.⁵ The RDOF Census Blocks for which Mercury Wireless will no longer receive support are identified in

² *In the Matter of the Application of Mercury Wireless Kansas, LLC for Designation as an Eligible Telecommunications Carrier for Purposes of Connect America Fund Phase II Support*, Order Granting Eligible Telecommunications Carrier Status, Docket No. 19-MWKT-123-ETC (Feb. 14, 2019) (“Mercury Kansas ETC Designation for CAF II Support Order”).

³ *Application of Mercury Wireless Kansas, LLC for Expansion of Eligible Telecommunications Carrier Service Area for the Purposes of Rural Digital Opportunity Fund Support*, Docket No. 21-MWKT-258-ETC (Jan. 7, 2021) (“Mercury Kansas ETC Expansion Application for RDOF Support”).

⁴ *In the Matter of the Application of Mercury Wireless Kansas, LLC for Expansion of Eligible Telecommunications Carrier Service Area for Purposes of Rural Digital Opportunities Fund Support*, Order Granting Eligible Telecommunications Carrier Status, Docket No. 21-MWKT-258-ETC (Mar. 11, 2021) (Mercury Kansas ETC Expansion for RDOF Support Order”).

⁵ Mercury Broadband’s Letter to Mr. Trent Harkrader, Chief, Wireline Competition Bureau, Federal Communications Commission, *Re: Rural Digital Opportunity Fund WC Docket No. 19-126; Rural Digital Opportunity Fund AU Docket No. 20-34 (KANSAS—FWA)* (Nov. 6, 2024).

Exhibit 1 attached to this Application. Because Mercury Wireless will not receive RDOF support in these RDOF Census Blocks, Mercury Wireless now seeks to return these RDOF ETC Census Blocks and amend its ETC-designated service area so that the list of census blocks for which Mercury Wireless maintains ETC obligations reflects only its CAF II census blocks.

B. Relinquishment of ETC Designation in RDOF Census Blocks Being Returned

Pursuant to 47 U.S.C. § 214(e)(4), Mercury Wireless also seeks KCC approval for relinquishment of Mercury Wireless's ETC designation for the RDOF Census Blocks for which Mercury Wireless will no longer receive support and are being returned. Mercury Wireless is entitled to relinquish its ETC designation pursuant to 47 U.S.C. § 214(e)(4), which states in, in relevant part:

A State commission . . . shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission . . . of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission . . . shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.

47 C.F.R. § 54.205 of the FCC rules reflects these statutory requirements and establishes the following requirements for relinquishing an ETC designation: (1) there must be more than one ETC serving in the area of the ETC seeking relinquishment; (2) the ETC seeking relinquishment must provide advance notice to the relevant state commission; (3) the customers served by the relinquishing ETC must continue to be served; and (4) to the extent that additional facilities are required to serve any of the relinquishing ETC's customers, sufficient notice must be provided to ensure that the construction or purchase can be timely completed.

As shown below, Mercury Wireless's request to relinquish its ETC designation in its RDOF Census Blocks satisfies each of the requirements of 47 C.F.R. § 54.205.

First, as shown in **Exhibit 2**, there are remaining companies designated as ETCs which could (and carry ETC obligations to) serve any potential customers in the RDOF Census Blocks being relinquished by Mercury Wireless with this Application.

Second, this Application satisfies the requirement for advance notice of such relinquishment to the KCC.

Third, the RDOF Census Blocks in Kansas for which Mercury Wireless seeks approval for relinquishment with this Application are census blocks where Mercury Wireless is not serving any customers. Therefore, no customers will be affected by approval of this Application's request for approval for relinquishment. Mercury Wireless does not serve any Lifeline customers in Kansas. Therefore, no Lifeline customers will be affected by approval of this Application's request for approval for relinquishment.

Fourth, no additional facilities are implicated or required by this relinquishment.

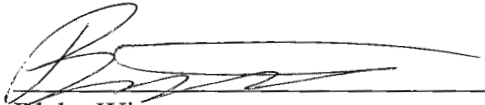
Therefore, the relinquishment requirements of 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205 have been satisfied and the KCC should grant Mercury Wireless's Application to revise its existing ETC-designated service area and for approval to relinquish its ETC designation in RDOF census blocks being returned.

III. CONCLUSION

For these reasons, Mercury Wireless respectfully requests that the Commission grant this Application and remove the census blocks identified in **Exhibit 1** from Mercury Wireless's ETC Census Blocks, revise its existing ETC-designated service area accordingly, and accept the relinquishment of Mercury Wireless's ETC designation in the RDOF census blocks being returned, pursuant to 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205.

Dated: April 9, 2025

Respectfully submitted,

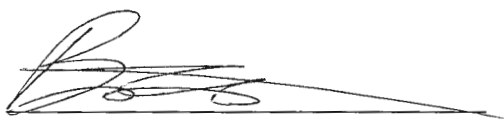
A handwritten signature in black ink, appearing to read 'Blake Wiseman', written over a horizontal line.

Blake Wiseman
Vice President of Engineering
Mercury Wireless Kansas, LLC
6329 Glenwood Street
Suite 200
Mission, Kansas 66202

VERIFICATION

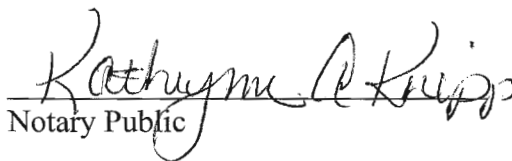
I, Blake Wiseman, Vice President of Engineering of Mercury Wireless Kansas, LLC, state under penalty of perjury:

1. I am an officer authorized to act on behalf of Mercury Wireless Kansas, LLC.
2. The foregoing statements in the Application to Amend Mercury Wireless's ETC Designated Service Area and for Approval to Relinquish ETC Designation in RDOF Census Blocks Being Returned are true, accurate, and correct to the best of my knowledge, information, and belief.



Blake Wiseman

SWORN TO AND SUBSCRIBED before me on this the 9th day of April 2025.


Notary Public

My Commission Expires:

7/27/2027

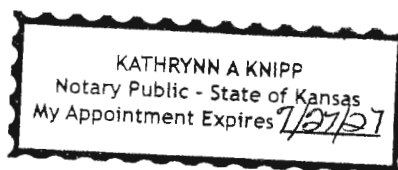


Exhibit 1

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[illegible]

Exhibit 2

Company Name	Phone	Type of Service	Address
Twin Valley	800-515-3311	Home Service	22 W Spruce St, Miltonvale, KS 67466
Assurance Wireless	888-321-5880	Mobile Service	PO Box 818, Killeen, TX 76540
TruConnect	800-430-0443	Mobile Service	1149 S Hill St #400, Los Angeles, CA 90015
Access Wireless	866-594-3644	Mobile Service	One Levee Way, Suite 1122, Newport, KY 41071
AT&T	855-301-0355	Home Service	208 S. Ackard St, Dallas, TX 75202
SafeLink, Straight Talk, Total Wireless, Simple Mobile, Walmart Family Mobile, TracFone	833-333-9227	Mobile Service	One Verizon Way, Basking Ridge, NJ 07920
Tri-County Telephone Association	800-362-2576	Home Service	1568 S 1000 Rd, PO Box 299, Council Grove, KS 66846
enTouch Wireless	866-488-8719	Mobile Service	415 1st St SE, Cedar Rapids, IA 52401
IdeaTek Telcom, LLC	620-543-5555	Home Service	111 Old MI Ln, Buhler, KS 67522
Viaero Wireless	877-484-2376	Mobile Service	231 Main Street, Fort Morgan, CO 80701
Brightspeed of Eastern Kansas, Inc.	833-692-7773	Home Service	1120 South Tryon Street, Charlotte, NC 28203