Before the
Federal Communications Commission
Washington, D. C. 20554

In the Matter of Lifeline and Link-up	))	WC Docket No. 03-109

In the Matter of Sprint Spectrum, L.P. Petition for Declaratory Ruling	)))	WC Docket No. 07-138

REPLY COMMENTS

of the

CORPORATION COMMISSION OF THE STATE OF KANSAS

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On June 8, 2007, Sprint Spectrum, L.P. (Sprint) filed its Petition for Declaratory Ruling with the Federal Communications Commission (FCC). Sprint is seeking a ruling from the FCC finding that the October 2, 2006 decision[1] by the Corporation Commission of the State of Kansas (KCC) in Docket No. 06-GIMT-446-GIT violates 47 U.S.C. § 254(f), 47 U.S.C. § 332(c)(3)(A), and 47 C.F.R. § 54.403(b). On July 10, 2007, the FCC released a Public Notice establishing a pleading cycle for comments on Sprint's Petition. On August 9, 2007, Comments were filed by the KCC, the California Public Utilities Commission, the National Association of State Utility Consumer Advocates, the Florida Office of Public Counsel, and Alltel Communications, Inc. (Alltel). Only Alltel filed in

[1] *In the Matter of a General Investigation Addressing Requirements for Designation of Eligible Telecommunications Carriers*, Docket No. 06-GIMT-446-GIT, Order Adopting Requirements for Designations of Eligible Telecommunications Carrier (rel. Oct. 2, 2006) (October 2006 Order) (Attachment 1 of Sprint's Petition).

support of Sprint's Petition.[2] The KCC takes its opportunity to file Reply Comments to respond to Alltel's Comments.

Alltel Incorrectly Describes the KCC's Lifeline Rule

Alltel dedicated the majority of its comments to arguing that the KCC's Lifeline Rule, requiring Eligible Telecommunications Carriers (ETCs) to allow Lifeline customers to choose a calling plan, is discriminatory because it is applied to wireless carriers and not incumbent ETCs.[3] The premise of Alltel's entire argument on this point is incorrect. The KCC's Lifeline Rule applies to all ETCs. The portion of the Commission's order relevant to this issue reads as follows:

> ETCs are required to allow Lifeline customers to choose a calling plan and to apply the Lifeline discount to the plan selected by the customers. Any ETC that does not allow customer selection at this time must do so within 180 days of the date of this Order.[4]

Alltel does not provide any support for its interpretation of the KCC's Lifeline Rule, which is contrary to the express language in the KCC's order. Indeed, in the KCC's order opening Docket No. 06-GIMT-446-GIT, the Commission was clear that the purpose of the investigation was to determine whether all ETCs should allow a choice of plans to qualifying customers in a manner consistent with the way incumbent ETCs in Kansas operate. The KCC said the following in its October 26, 2005 Order Opening Docket and Requesting Comments:

> Staff's Memorandum, p. 13, observed that some competitive ETCs offer only limited number of calling plans to Lifeline customers, while incumbent ETCs allow

[2] *In the Matter of Sprint Petition for Declaratory Ruling Concerning a Kansas Corporation Commission Lifeline Rule Adopted October 2, 2006,* WC Docket Nos. 03-109 and 07-138, Alltel Comments (filed, August 9, 2007)(Alltel Comments).
[3] *See,* Alltel Comments, pp. 2-5.
[4] October 2006 Order, ¶ 77e (emphasis added).

> customers to choose any calling plan and apply the Lifeline discount for qualifying customers. As recommended by Staff, the [KCC] requests comment on how ETCs currently provide Lifeline service, whether the appropriate discount is applied and whether ETCs should be permitted to limit the service options for Lifeline customers.[5]

As demonstrated by the quoted language, the starting point of the investigation was the understanding that incumbent ETCs already allow qualifying Lifeline customers a choice of plans. Incumbent ETCs offer stand-alone local service and local service as part of various bundles of service. Lifeline customers may chose among any of these service offerings. Indeed, only wireless carriers Alltel and Sprint requested reconsideration of the KCC's Lifeline Rule, but that does not alter the fact that the KCC requires "any ETC" to implement the rule. The premise of Alltel's discussions in the Statutory Construction section of its Comments is incorrect and Alltel's arguments should be given no weight by the FCC.

Conclusion

Contrary to the assertion of Alltel, the KCC's rule extends the current practice of incumbent ETCs to all ETCs. Therefore, CMRS ETCs are not being treated in a discriminatory manner. The KCC's Lifeline Rule is a proper exercise of the KCC's authority to establish criteria for ETC designation. The FCC should deny Sprint's Petition.

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[5] *In the Matter of a General Investigation Addressing Requirements for Designation of Eligible Telecommunications Carriers*, Docket No. 06-GIMT-446-GIT, Order Opening Docket and Requesting Comments, ¶ 21 (rel. Oct. 26, 2005).

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, Bret Lawson, do hereby certify that I have caused the foregoing **REPLY COMMENTS OF THE CORPORATION COMMISSION OF THE STATE OF KANSAS** to be: 1) filed with the FCC via its Electronic Comment Filing System; 2) served via email on Ms. Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, at antoinette.stevens@fcc.gov; and, 3) served via email on the FCC's duplicating contractor, Best Copy and Printing, Inc., at FCC@bcpiweb.com.

/S/ Bret Lawson
BRET LAWSON

August 24, 2007