

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

2003.10.09 11:35:35  
Kansas Corporation Commission  
/s/ Susan K. Duffy

Before Commissioners:                    Brian J. Moline, Chairman  
    John Wine  
    Robert E. Krehbiel

In the Matter of a General Investigation Into Procedures    )  
for Recording and Reporting Kansas Universal Service    ) Docket No. 03-GIMT-932-GIT  
Fund Revenues for Assessment Purposes.                    )

**ORDER ON RECONSIDERATION**

The above matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration. Having reviewed its files and being fully advised of all matters of record, the Commission finds as follows:

1. On September 22, 2003, Verizon Wireless filed a petition for reconsideration of the Commission's September 2, 2003 Order. The petition was timely filed and is properly before the Commission. K.S.A. 2002 Supp. 77-529; K.S.A. 66-118b; K.A.R. 82-1-235. Staff filed a response to the petition on October 1, 2003.

2. Staff's response thoroughly addresses the issues raised by Verizon Wireless. Verizon Wireless does not appear to recognize that the Commission has adopted the Federal Communications Commission (FCC) safe harbor provisions for wireless companies. The Order does not require that wireless carriers conduct Kansas-specific minute-of-use studies. A wireless carrier may report revenue based on the FCC safe harbor rules or on a documented study accepted by the FCC.

3. In its filed comments, Verizon Wireless did not make any objection to Staff's proposal to assess paging services. However, on reconsideration, Verizon Wireless contends that there is no rationale for making this change. The Order accepted Staff's position that assessing

paging revenues would be consistent with the FCC and the federal universal service fund mechanism, the practices of other states, and within the authority of the Commission. Ensuring consistency of reporting between jurisdictions is a legitimate goal and a sufficient rationale for making this change. The Commission also accepts the additional arguments in Staff's response that the paging exemption may be inconsistent with existing statutes and with decisions in other dockets. The criticisms of Verizon Wireless are not persuasive. The Commission concludes that the concerns expressed in the petition for reconsideration provide no basis for revising the September 2, 2003 Order.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

The petition for reconsideration of Verizon Wireless is denied. This Order constitutes final agency action that is subject to judicial review. Pursuant to K.S.A. 2002 Supp. 77-529(c), the agency officer to receive service of any petition for judicial review is Susan K. Duffy, Executive Director.

**BY THE COMMISSION IT IS SO ORDERED.**

Moline, Chr.; Wine, Com.; Krehbiel, Com.

Dated:           OCT 09 2003          

**ORDER MAILED**

OCT 10 2003

  
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Susan K. Duffy  
Executive Director

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