

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Jay Scott Emler, Chairman
Shari Feist Albrecht
Pat Apple

In the Matter of MegaPath Corporation's)
Notification of Cancellation of Authority and) Docket No. 17-DCIT-216-CCS (IXC)
Tariffs in Kansas.)

**ORDER CANCELLING CERTIFICATE OF CONVENIENCE AND AUTHORITY TO
PROVIDE IXC SERVICE IN KANSAS**

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas ("Commission") for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1. On November 15, 2016, MegaPath Corporation ("MegaPath") filed a letter with the Commission requesting the cancellation of its Certificate of Convenience and Authority to Provide Interexchange ("IXC") Service within Kansas.
2. MegaPath was granted its original COC to provide IXC services in Docket No. 05-DCIT-023-COC.
3. Commission Staff ("Staff") has investigated the matter and submitted a Report and Recommendation on December 8, 2016 attached hereto and made a part hereof by reference. In the Report and Recommendation, Staff found that MegaPath is current with its Kansas Universal Service Fund ("KUSF") payments, Commission assessments, and Annual Report filings. Staff recommends the Commission approve MegaPath's request to cancel its Certificate of Convenience and Authority to provide IXC services within the state of Kansas.

8. The Commission finds Staff's findings and recommendation to be reasonable and hereby adopts the same.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. MegaPath's Certificate of Convenience and Authority to provide IXC services within the state of Kansas is cancelled.

B. The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further order, or orders, as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: _____

Amy L. Green
Secretary to the Commission

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**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chairman Jay Scott Emler
Commissioner Shari Feist Albrecht
Commissioner Pat Apple

FROM: Kelly Mabon, Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: December 8, 2016

SUBJECT: Docket No. 17-DCIT-216-CCS (IXC)
In the Matter of MegaPath Corporation's Notification of Cancellation of
Authority and Tariffs in Kansas.

EXECUTIVE SUMMARY:

On November 15, 2016, MegaPath Corporation (MegaPath) filed a letter asking the Commission to Cease its Certificate of Convenience and Authority to Provide Interexchange Service within Kansas. Staff recommends approval of this request.

BACKGROUND:

The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 66-1,188. The Commission derives its authority to certificate and de-certificate public utilities from K.S.A. 66-131.

Pursuant to K.S.A. 66-131, the Commission must review all certification and de-certification applications to determine whether the "public convenience" will be promoted by granting the request.

ANALYSIS:

The Company was provided a Certificate to provide interexchange services (IXC) in Kansas on September 28, 2004, in Docket No. 05-DCIT-023-COC.

On November 7, 2011, the Commission filed an Order To Show Cause, in which it ordered the Company to show cause to the Commission why this Commission should not take actions to cancel/revoke its Certificate of Convenience and Authority currently held by MegaPath due to its failure to file the required 2011 Annual Report with the Commission and being in forfeiture status with the Kansas Secretary of State's Office since July 15, 2011.

On March 21, 2012, the Commission filed an Order to Dismiss the Show Cause as a result of MegaPath's efforts to cure the identified deficiencies.

MegaPath is current with regard to Kansas Universal Service Fund payments. The Company is current with regard to Annual Report filings and is current with regard to Commission assessments. The Company has no customers in Kansas so no customers will be impacted with the cancellation of its IXC Certificate. Staff has no concern with the cancellation of this Certificate.

RECOMMENDATION:

Staff recommends the Commission approve Applicant's request to cancel the Certificate of Convenience and Authority to provide Interexchange Service within Kansas.

Draft

CERTIFICATE OF SERVICE

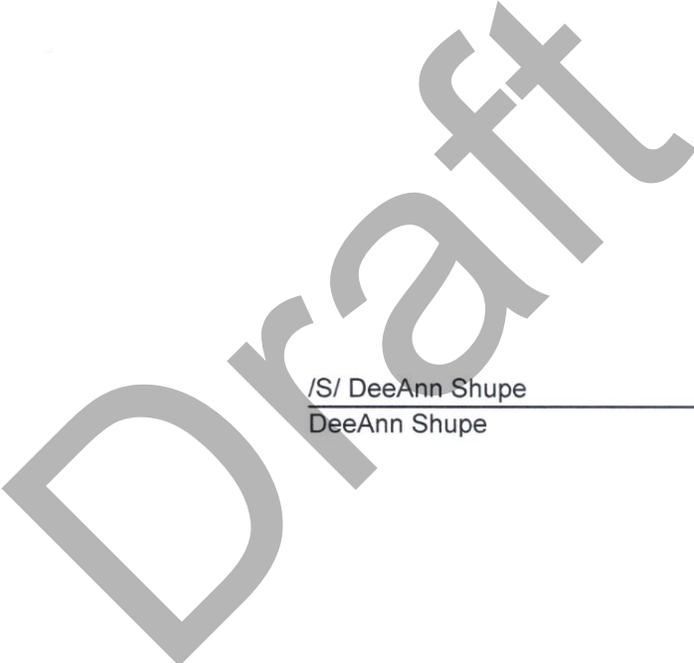
17-DCIT-216-CCS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on _____.

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/S/ DeeAnn Shupe
DeeAnn Shupe
