

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

Before Commissioners:                      Shari Fiest Albrecht, Chair  
   Jay Scott Emler  
   Pat Apple

In the Matter of Sunflower Telephone                      )  
Company, Inc. d/b/a FairPoint                                      )  
Communications Filing Tariff Revisions                      )                      Docket No. 15-SLFT-065-TAR  
Modifying the Concurrent Statement                              )  
Concerning Access Services.                                      )

**ORDER APPROVING TARIFF REVISION**

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined its files and record, and being duly advised in the premises, the Commission finds and concludes as follows:

1.        On August 7, 2014, Sunflower Telephone Company, Inc. d/b/a FairPoint Communications (Sunflower) filed an Application requesting Commission approval of a proposed tariff revision modifying the concurrence statement in Sunflower's General Exchange Tariff concerning Access Services. Sunflower enclosed as an attachment to its Application its proposed tariff revision.

2.        The Commission's jurisdiction and standard of review in this matter derive from K.S.A. 66-117(d) and K.S.A. 66-1,190, the pertinent provisions of which are presented in detail in the Commission Staff's Report and Recommendation attached to this Order, and the same are adopted herein by reference.

3.        On August 25, 2014, the Commission Staff (Staff) filed its Report and Recommendation dated August 18, 2014, recommending the Commission grant Sunflower's Application and approve the requested tariff revision to become effective September 6, 2014, as requested by the company. According to Staff, Sunflower, a subsidiary of FairPoint

Communications, delivers a range of data and voice communications services to businesses, including public and private institutions, in addition to residential and wholesale customers in seventeen (17) states. Sunflower operates in ten (10) separate service areas under the company names of Bluestem Telephone Company and Sunflower in Kansas. Sunflower is headquartered in Dodge City, Kansas. Staff indicates that it has examined Sunflower's filing, which includes pertinent revision to the company's General Exchange Tariff, resulting in the following change:

- Section 4, Fifth Revised Sheet 2, Canceling Fourth Revised Sheet 2 – adding tariff language regarding Intrastate Access Services

Staff indicates that the requested tariff revision modifies the concurrence statement in Sunflower's General Exchange Tariff regarding Access Services. Sunflower's tariff revision continues to concur with Appendix A of the Kansas Intrastate Access Service Tariff as filed by Blue Valley Tele-Communications for rates, rules and regulations for Access Services. However, Staff points out that the new tariff language further clarifies that for any service not contained in Appendix A, Sunflower concurs with the rates, rules and regulations contained in the NECA Tariff FCC No. 5 Access Tariff. Staff states that the main reason for the additional tariff language addressing the NECA Tariff is the ability of Sunflower to offer Ethernet Transport Services (ETS) to its customers. ETS is not a service covered under the Blue Valley Access Tariff. Concluding, Staff states that it has no concerns regarding Sunflower's filing and recommends the Commission grant Sunflower's Application and approve the requested tariff revision, with the same to become effective September 6, 2014, as requested by the company. Report and Recommendation at pages 1 and 2.

4. The Commission adopts Staff's analysis and recommendation of August 18, 2014, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by

reference, and finds that Sunflower's request is reasonable, in the public interest, and should be granted and the requested tariff revision approved.

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

A. Sunflower Telephone Company, Inc. d/b/a FairPoint Communications' Application is hereby granted and the requested tariff revision is hereby approved and shall become effective September 6, 2014, as requested by the company.

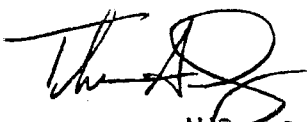
B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2013 Supp. 77-529.

C. The Commission retains jurisdiction over Sunflower Telephone Company, Inc. d/b/a FairPoint Communications and the subject matter of this docket for the purpose of entering such further order, or orders, as it deems necessary.

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

Albrecht, Chair; Emler, Com.; Apple, Com.

Dated: AUG 28 2014

  
ORDER MAILED AUG 29 2014  
Thomas A. Day  
Acting Executive Director

oan

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chair Shari Feist Albrecht  
Commissioner Jay Scott Emler  
Commissioner Pat Apple

**FROM:** Hal Baumhardt, Senior Telecommunications Analyst  
Christine Aarnes, Chief of Telecommunications  
Jeff McClanahan, Director of Utilities

**DATE:** August 18, 2014

**SUBJECT: Docket No. 15-SLFT-065-TAR**

In the Matter of Sunflower Telephone Company, Inc. d/b/a FairPoint Communications Filing Tariff Revisions Modifying the Concurrent Statement Concerning Access Services

**EXECUTIVE SUMMARY:**

Sunflower Telephone Company, Inc. d/b/a FairPoint Communications (Sunflower) filed an Application for approval of a Tariff Revision modifying the concurrence statement concerning Access Services Tariff. Staff recommends approval of this filing.

**BACKGROUND:**

On August 7, 2014, Sunflower filed this Application with the Kansas Corporation Commission. The Tariff Revision modifies its Intrastate Access Services by adding tariff language to concur with the National Exchange Carrier Association (NECA) Tariff FCC No. 5 Access Tariff.

Sunflower, a subsidiary of FairPoint Communications, delivers a range of data and voice communications services to businesses, including public and private institutions, in addition to, residential and wholesale customers in 17 states. Sunflower operates in ten separate service areas under the Company names of Bluestem Telephone Company (Bluestem) and Sunflower in Kansas. Sunflower is headquartered in Dodge City, Kansas, and its Sr. VP - Government Affairs is Patrick Morse.

This filing requires Commission action on or before **September 6, 2014.**

**ANALYSIS:**

The Kansas Corporation Commission derives its authority to review Local Exchange Carrier tariffs from K.S.A. 66-117(d), which states in part:

(d) Except as provided in subsection (c), no change shall be made in any rate, toll, charge, classification or schedule of charges or joint rates, or in any rule or regulation or practice pertaining to the service or rates of any such public utility or common carrier, without the consent of the commission.

Moreover, K.S.A. 66-1,190 requires every telecommunications public utility doing business in Kansas to publish and file with the Commission copies of all schedules of rates, joint rates, tolls, charges, classifications and divisions of rates affecting Kansas traffic, either state or interstate. The Commission has the power to prescribe reasonable rules and regulations regarding the form and filing of all schedules, tariffs and classifications of all rates, joint rates, tolls and charges and all rules and regulations of such telecommunications public utilities as the Commission determines reasonable and appropriate.

Staff has examined this filing. Sunflower's pertinent revision to its General Exchange Tariff Section 4 includes the following change:

- 5th Revised Sheet 2 – adds tariff language regarding Intrastate Access Services

The Tariff Revision modifies the concurrence statement in the Sunflower General Exchange Tariff regarding Access Services. In this revision, Sunflower continues to concur with Appendix A of the Kansas Intrastate Access Service Tariff as filed by Blue Valley for rates, rules and regulations for Intrastate Access Services. However, the new tariff language further clarifies that for any service not contained in Appendix A, Sunflower concurs with the rates, rules and regulations contained in the NECA Tariff FCC No. 5 Access Tariff.

The main reason for the additional tariff language addressing the NECA Tariff is the ability to offer Ethernet Transport Services (ETS) to Sunflower customers. ETS is not a service covered under the Blue Valley Access Tariff.

**RECOMMENDATION:**

Staff has no concerns with this filing. Pursuant to K.S.A. 66-117 and K.S.A. 66-1,190, Staff recommends the Commission approve this Tariff Revision to be effective September 6, 2014, as requested by Sunflower.

IN RE: DOCKET NO. 15-SFLT-065-TAR

DATE AUG 28 2014

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
PATRICK L MORSE, SR VP - GOVERNMENTAL AFFAIRS SUNFLOWER TELEPHONE COMPANY, INC. D/B/A FAIRPOINT COMMUNICATIONS PO BOX 199 DODGE CITY, KS 67801-0199		

ORDER MAILED AUG 29 2014

The Docket Room hereby certified that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.