

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

Before Commissioners:                    Andrew J. French, Chair  
   Dwight D. Keen  
   Annie Kuether

In the Matter of Brightspeed Companies of    )  
Kansas is Revising Language for Shared Use   )  
Facilities, Which Includes Grandfathering DS3   ) Docket No. 25-UTDT-206-TAR  
Entrance Facilities                                    )

**ORDER APPROVING TARIFF REVISIONS**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (“Commission”) for consideration and determination. Having examined its files and records, the Commission finds and concludes:

1.        On November 4, 2024, Brightspeed Companies of Kansas (“Brightspeed”) filed an Application requesting that the Commission approve revisions to its Access Tariff.<sup>1</sup> This filing includes revisions to Brightspeed’s Shared Use of the Switched Access and Special Access Service Tariff and involves the grandfathering of DS3 Entrance Facilities.<sup>2</sup>

2.        K.S.A. 66-1,190 requires that telecommunications public utilities doing business in Kansas shall:

... 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, and shall furnish the commission copies of all rules and regulations and contracts between such telecommunications public utilities pertaining to any and all jurisdictional services to be rendered by such telecommunications public utilities.

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

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<sup>1</sup> Application of Brightspeed Companies of Kansas (Nov. 4, 2024) (“Application”).

<sup>2</sup> *Id.*

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.

4. Pursuant to K.S.A. 66-1,189, the Commission must review rates and terms for jurisdictional telecommunication services to ensure that they are “just and reasonable”. Further, K.S.A. 66-1,189 requires that the Commission ensure that all classifications, rules, and regulations regarding telecommunication services are not unduly discriminatory or preferential.<sup>3</sup>

5. On November 15, 2024, Commission Staff (“Staff”) issued a Report and Recommendation (“R&R”) recommending that the Commission approve Brightspeed’s Application to revise its tariff.<sup>4</sup>

6. In its R&R, Staff indicated that Brightspeed seeks to revise the Access Service Tariff language to discontinue rate adjustments for Shared Use of Switched Access and Special Access services.<sup>5</sup>

7. Staff determined that Brightspeed does not have any “shared use” switched or special access customers in Kansas.<sup>6</sup> Staff determined that there is no impact on Brightspeed’s customers or revenue because of this revision to its Service Tariff language.<sup>7</sup>

8. Based on its evaluation of Brightspeed’s Application, Staff recommended that the Commission find that Brightspeed’s tariff revisions to delete language to discontinue rate adjustments for Shared Use of Switched Access and Special Access

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<sup>3</sup> K.S.A. 66-1,189 (“Every unjust or unreasonably discriminatory or unduly preferential rule, regulation, classification, rate, joint rate, toll, charge or exaction is prohibited, unlawful and void”).

<sup>4</sup> Report and Recommendation, Docket No. 25-UTDT-206-TAR (Nov. 15, 2024) (“Staff’s R&R” or “R&R”).

<sup>5</sup> *Id.* at p. 2.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

Services that are no longer offered will have no impact upon Kansas customers.<sup>8</sup> Therefore, Staff recommended that the Commission find that these revisions are just and reasonable and approve Brightspeed's Application.<sup>9</sup>

9. The Commission adopts Staff's analysis and recommendations as contained in its November 14, 2024, R&R, which is attached hereto as **Attachment A** and incorporated by reference. The Commission finds that Staff's recommendations are just and reasonable, and therefore concludes that the Application of Brightspeed Companies of Kansas should be approved. In conjunction with the approval of the Application, the Commission finds that the effective date shall be December 6, 2024.

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

A. The Brightspeed Companies of Kansas request filed in this matter on November 4, 2024, is hereby granted with the effective tariff date occurring on December 6, 2024.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>10</sup>

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

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<sup>8</sup> *Id.*

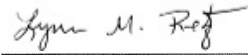
<sup>9</sup> *Id.*

<sup>10</sup> K.S.A. 66-118b; K.S.A. 77-503(c) and K.S.A. 77-531(b).

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

French, Chairperson; Keen, Commissioner; Kuether, Commissioner.

Dated: 11/26/2024



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Lynn M. Retz  
Executive Director

AAL/MKH

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Andrew J. French, Chairperson  
Dwight D. Keen, Commissioner  
Annie Kuether, Commissioner

**FROM:** Hemant Bhagat, Senior Telecommunications Analyst  
Steve Garrett, Deputy Chief of Telecommunications  
Jeff McClanahan, Director of Utilities

**DATE:** November 15, 2024

**RE:** Docket No. 25-UTDT-206-TAR  
In the Matter of Brightspeed Companies of Kansas is Revising Language for  
Shared Use Facilities, Which Includes Grandfathering DS3 Entrance Facilities.

**EXECUTIVE SUMMARY:**

On November 4, 2024, Brightspeed Companies of Kansas (Brightspeed) filed an application requesting the Kansas Corporation Commission (Commission) to approve revision to its Shared use of the Switched Access and Special Access Service Tariff and grandfathering of DS3 Entrance Facilities.

The filing includes revision to Brightspeed's Access Tariff impacting Section 5 - Page 21, Section 6 - Pages 15, 16, and 146, and Section 7 - Page 68. Commission action on this matter is required no later than Tuesday, December 3, 2024, to comply with K.S.A. 66-2007(b). The Company's proposed effective date is December 6, 2024.

Staff recommends approval of the Application.

**BACKGROUND:**

K.S.A. 66-117(c), in part, states:

The commission shall not delay the effective date of the proposed change in rate, joint rate, toll, charge or classification or schedule of charges, or in any rule or regulation or practice pertaining to the service or rates of any such public utility or common carrier, more than 240 days beyond the date the public utility or common carrier filed its application requesting the proposed change. If the commission does not suspend the proposed schedule within 30 days of the date the same is filed by the public utility or common carrier, such

proposed schedule shall be deemed approved by the commission and shall take effect on the proposed effective date.

The 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.

Pursuant to K.S.A. 66-1,189, the Commission must review rates and terms for every telecommunication public utility to ensure they are “just and reasonable” and the classifications, rules, and regulations regarding the services are not unduly discriminatory or preferential.

Additionally, K.S.A. 66-1,190 requires every public utility doing business in Kansas over which the Commission has control 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.

#### **ANALYSIS:**

Brightspeed seeks Commission approval to revise Access Service Tariff language relating to Shared Use of Switched Access and Special Access services. The revision to language essentially discontinues rate adjustments for Shared Use of Switched Access and Special Access services. Shared Use is the provisioning of Switched Access and Special Access services through a common interface over the same DS1 or DS3 transmission. The Company will discontinue rate adjustments for Shared Use facilities where the Switched Access and Special Access rates are adjusted if they were “shared use”. Going forward these facilities will be rated as Special or Switched but will not be adjusted as Shared use. Brightspeed does not have any “shared use” switched or special access customers in Kansas, therefore there is no customer or revenue impact affected by this revision.

Based upon its review, Staff has determined the Company’s revisions to delete language to discontinue rate adjustments for Shared Use of Switched Access and Special Access services that is no longer offered, will have no impact upon Kansas customers; therefore, the revisions are just and reasonable.

#### **RECOMMENDATION:**

Staff recommends the Commission approve Brightspeed’s Access Service Tariff revision, effective December 6, 2024.

**CERTIFICATE OF SERVICE**

25-UTDT-206-TAR

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 11/26/2024.

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/S/ KCC Docket Room  
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