

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

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

In the Matter of a General Investigation of RG    )  
Fiber, LLC to Show Cause Why This            )  
Commission Should Not Levy Sanctions,    ) Docket No. 25-RGFT-437-SHO  
Penalties, and Fines or Cancel, Suspend, or    )  
Revoke Any Authority the Carrier Holds for    )  
Non-Compliance with Kansas Statutes and    )  
Commission Orders.                                    )

**ORDER TO SHOW CAUSE**

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.        The Commission has broad supervisory authority over all telecommunications public utilities in the state of Kansas and has a duty to inquire into any violation of law by a telecommunications public utility and its officers, agents and employees.<sup>1</sup>

2.        On January 24, 2017, the Commission issued an order in Docket No. 17-RGFT-278-VSA granting RG Fiber, LLC (RG Fiber) a Video Service Authorization (VSA) Certificate. RG Fiber was granted VSA certification for franchising purposes in the service area footprints of Eudora (EUDR-01-RGFT-01) and Lawrence (LWRN-02-RGFT-01).

3.        Commission records indicate that RG Fiber has an active VSA status and inactive status as a Voice Over Internet Protocol (VoIP) communications services provider. Additionally,

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<sup>1</sup>K.S.A. 66-1,195.

federal records indicate RG Fiber ceased operations according to the Federal Communications Commission's (FCCs) 499 Filer Database.

4. On June 24, 2025, Commission Staff submitted a Report and Recommendation (R&R), which is attached hereto and incorporated by reference. Staff's R&R sets forth its investigation of RG Fiber. Ultimately, Staff recommended that the Commission find that RG Fiber is not in compliance with K.S.A. 66-138, K.S.A. 12-2023, K.A.R. 82-15-1, or relevant Commission Orders. According to Staff, RG Fiber has failed to: (1) to terminate or transfer their VSA as required by K.S.A. 12-2023 and K.A.R. 82-15-1; (2) notify the Commission of the transaction that occurred with Clearwave; and (3) maintain current contact information with the Commission.

5. Based on its review, Staff advised the Commission to open a proceeding for the purpose of directing RG Fiber to show cause why it should not be subject to sanctions, penalties and/or fines in addition to having its VSA Certificate suspended, canceled or revoked for failure to comply with its statutory and regulatory obligations.

6. The Commission derives its authority and jurisdiction to supervise and control telecommunications public utilities from K.S.A. 66-1,188 and K.S.A. 66-2005(z). 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 decertification applications to determine whether the public convenience and necessity will be promoted by granting the request.

7. K.S.A. 66-138(a)(2) provides the Commission with authority to levy fines and penalties against a telecommunications carrier for violating statutes under which the Commission has a duty to act, refusing to comply or obey any lawful Commission requirement and failing to

abide by any Commission order. A sum not less than \$100 and no more than \$5,000 may be assessed against a violator for each offense.

8. Staff indicated that RG Fiber has not responded to communications and indicated it is very likely the Company has ceased business operations completely.

9. Based upon the foregoing, Staff recommended that the Commission adopt Staff's recommendation to open a proceeding to require RG Fiber to show cause why this Commission should not initiate sanctions, penalties, fines and/or state why its VSA to provide services in Kansas should not be canceled, suspended or revoked for failure to comply with its Kansas obligations.

10. The Commission determines that a show cause docket should be opened, and RG Fiber be given the opportunity to respond to Staff's June 24, 2025, Report and Recommendation.

11. The Commission adopts Staff's R&R as additional findings and concludes that opening a show cause docket is reasonable.

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

A. RG Fiber, LLC shall show cause within thirty (30) days of receipt of this Order as to why it should not be subject to sanctions, fines, or penalties or have its Video Service Authorization Certificate revoked, for failing to maintain compliance with its Kansas statutory and regulatory obligations.

B. RG Fiber is also directed to respond to Staff's Report and Recommendation and come into compliance with any applicable statutes and Commission Orders within 30 days of issuance of this Order.

C. 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>2</sup>

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

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 07/17/2025



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Celeste Chaney-Tucker  
Executive Director

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<sup>2</sup>K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

# **ATTACHMENT A**

**REPORT AND RECOMMENDATION**  
**UTILITIES DIVISION**

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

**FROM:** Jorge Soto-Gomez, Telecommunications Analyst  
Steve Garrett, Deputy Chief of Telecommunications  
Janet Buchanan, Deputy Director of Utilities  
Justin Grady, Director of Utilities

**DATE:** June 24, 2025

**RE:** Docket No. 25-RGFT-437-SHO

In the Matter of a General Investigation of RG Fiber, LLC to Show Cause Why This Commission Should Not Levy Sanctions, Penalties, and Fines or Cancel, Suspend, or Revoke Any Authority the Carrier Holds for Non-Compliance with Kansas Statutes and Commission Orders.

**EXECUTIVE SUMMARY**

This Report and Recommendation requests that the Kansas Corporation Commission (Commission) issue an order to open a proceeding for RG Fiber, LLC (RG Fiber or Company) to show cause why its Video Service Authorization (VSA) Certificate should not be revoked. The Company currently holds an active VSA Certificate with the Commission. Commission Staff (Staff) contends that RG Fiber is non-compliant with K.S.A. 66-138, K.S.A. 12-2023, K.A.R. 82-15-1, and Commission Orders as required by its certificate. Given the noncompliance issues, Staff has attempted to contact RG Fiber regarding ceasing operations in Kansas and terminating or transferring its VSA.

Staff recommends the Commission issue an order to open a proceeding and require RG Fiber to show cause why its VSA Certificate in Kansas should not be revoked for failure to comply with its Kansas obligations.

**BACKGROUND**

Under the Video Competition Act enacted on July 1, 2006, cable service providers apply to the Commission for state-issued authority. Pursuant to K.S.A 12-2023, the Commission has the authority to review applications for those entities who desire to provide cable service or video service in the state of Kansas.

The Commission derives its authority and jurisdiction to supervise and control telecommunications public utilities from K.S.A. 66-1,188 and K.S.A. 66-2005(z). 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 decertification applications to determine whether the public convenience and necessity will be promoted by granting the request.

K.S.A. 66-138(a) provides that:

(a) If any common carrier or public utility governed by the provisions of this act violates any of the provisions of this act, or shall do any act herein prohibited, *or fails or refuses to perform any duty enjoined upon it in this act, or fails, neglects or refuses to obey any lawful requirement or order made by the commission, or any final judgment or decree made by any court upon appeal from any order of the commission, it shall, for every such violation, failure or refusal*, forfeit and pay to the state treasurer (1) A sum not less than \$100 and not more than \$1,000 for such offense if the violator is a telecommunications public utility subject to traditional rate of return regulation; a telecommunications public utility described in K.S.A. 66-104a, and amendments thereto; a municipally owned and operated electric or natural gas public utility; an electric or natural gas cooperative public utility; a water public utility; or a nonprofit public utility; and (2) a sum not less than \$100 and not more than \$5,000 for such offense if the violator is any other common carrier or public utility. Upon receipt of any such sum, the state treasurer shall credit the entire amount thereof to the public service regulation fund or the motor carrier license fee fund, as the case requires. (Emphasis added).

## **ANALYSIS**

On January 3, 2017, RG Fiber filed an Initial Application for a VSA Certificate in Kansas. On January 24, 2017, in Order Docket 17-RGFT-278-VSA<sup>1</sup>, RG Fiber was granted VSA certification for franchising purposes in the service area footprints of Eudora (EUDR-01-RGFT-01) and Lawrence (LWRN-02-RGFT-01).<sup>2</sup>

Commission records indicate that RG Fiber has an active VSA status and inactive status as a Voice Over Internet Protocol (VoIP) communications services provider. Additionally, Staff discovered RG Fiber ceased operations federally. Staff are concerned that RG Fiber ceased business operations and did not notify the Commission. If the Company ceased operations, RG Fiber should have filed an application to terminate or transfer their VSA.

The Federal Communications Commission's (FCCs) 499 Filer Database notes that as of 03/22/2022, the RG Fiber VoIP service provider sold all assets to Delta Communications, LLC dba Clearwave (Clearwave) and is no longer active.<sup>3</sup> It identified Kansas as a state in which the

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<sup>1</sup> Docket No. 17-RGFT-278-VSA, *Order Granting Video Service Authorization*, Jan. 24, 2017.

<sup>2</sup> For ease of future referencing, Staff assigns a four field footprint number using the following convention: ABCD-xxx-EFGH-yy, where ABCD is the four character abbreviation of the major city encompassed by the service area, xxx can be a two or three digit sequentially assigned number of the provider's service areas, EFGH is the four alpha character company code and yy indicating the version of the company's footprint where 01 is the initial version, 02 the first revision, etc.

<sup>3</sup> FCC Form 499 Filer Database, RG Fiber, LLC, filer ID No. 819867, <https://apps.fcc.gov/cgb/form499/499detail.cfm?FilerNum=830330>, last viewed May 21, 2025.

Company provided telecommunications services. RG Fiber’s last filing with the FCC is dated April 1, 2022. Vantage Point Solutions (VPS), the Kansas Universal Service Fund (KUSF) administrator, currently has RG Fiber with a closed account status. Meanwhile, Clearwave is actively registered with VPS.

In an email chain dated from March 30, 2023, to April 13, 2023, the conversation between Staff and Clearwave indicated that RG Fiber continued to be the legal entity offering VSA services.<sup>4</sup> On April 13, 2023, Clearwave stated, “We have discontinued providing video services across our entire service territory. We are not relying on the prior VSA authorization of RG Fiber and no video offerings are being provided using the RG Fiber facilities.”<sup>5</sup> Additionally, Clearwave stated, “While we did purchase certain assets of RG Fiber, we did not acquire the company itself, so RG Fiber will have to address any VSA termination that is needed.”<sup>6</sup>

RG Fiber continues to have an active VSA. The Company should have addressed its status in Kansas at the time of the sale of its assets. Pursuant to K.S.A. 12-2023, a notice of transfer should have been filed with the Commission and any relevant municipalities within 30 business days of the completion of such a transfer. The Company could have satisfied this requirement by submitting a Notice of Termination and/or Transfer to the Commission by filing the notice in Docket 17-RGFT-278-VSA.

Pursuant to K.A.R. 82-15-1 (b)(4), (d), (e):

(b)(4) Each entity that holds a video service authorization certificate and wants to transfer its authority to provide cable or video service shall file a transfer application. **Each entity to which the authority to provide cable or video service is transferred shall file an initial or amended application.** (Emphasis added).

(d) Each applicant shall submit one or more of the following fees, as applicable:

(1) a filing fee of \$1,000 with an initial application; and

(2) a filing fee of \$250 with each type of application specified in paragraphs (b)(2) and (4).

(e) Each entity holding a video service authorization certificate shall provide notice of any change in the name of the entity, contact personnel, mailing address, and phone number by sending a notification letter specifying the number of the docket in which the certificate was granted. **The notice shall be provided within 14 business days after the effective date of the change.** (Emphasis added).

Staff discovered other areas of concern through attempts to communicate with RG Fiber. RG Fiber first registered with the Kansas Secretary of State as a Domestic Limited Liability Company on May 2, 2014. As of March 30, 2022, RG Fiber, LLC reflects the name to “Not Substantially Similar, LLC” with the Kansas Secretary of State. There are no records of a name change with the Commission. However, RG Fiber has an “active and good standing” status with the Kansas

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<sup>4</sup> Staff emails to Julie Smith, Legal & Regulatory Director of Clearwave Fiber, April 13, 2023.

<sup>5</sup> *Id.*

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

Secretary of State.

RG Fiber, LLC is still listed as a Cable System Operator with Active Community Unit Identification Numbers (CUID) of its service area footprints under the FCC's Cable Operations & Licensing System (COALS) website. This includes an Active & Operational Community Status in the Kansas territories of Eudora, Lawrence, and Baldwin City.<sup>7</sup> Yet, the Commission does not have records of its operations in Baldwin City.

Staff attempted to contact RG Fiber about its concerns on several occasions. First, on December 18, 2024, Staff sent RG Fiber an email to [billing@rgfiber.com](mailto:billing@rgfiber.com). On December 31, 2024, Staff sent RG Fiber a follow-up email to the same address. Staff placed a call on January 14, 2025, to telephone number 785-594-5414 which led to a disconnected line. On January 28, 2025, Staff sent an email containing a letter addressed to RG Fiber/ "Not Substantially Similar, LLC" authorized agent and contact listed from the Kansas Secretary of State's office asking the Company to reach out to the Commission within 10 days. To date, Staff has received no response. Staff have exhausted all of RG Fiber's contact emails and telephone numbers.

Staff notes it is very likely that RG Fiber has ceased business operations completely. RG Fiber has a closed status with the FCC and VPS. According to Commission records, RG Fiber last reported generating revenue in 2019 regarding revenue year 2018.

### **RECOMMENDATION**

RG Fiber is required to comply with its statutory and Commission obligations. RG Fiber is not in compliance with K.S.A. 66-138, K.S.A. 12-2023, K.A.R. 82-15-1, and Commission Orders.

RG Fiber has failed to: (1) to terminate or transfer their VSA as required by K.S.A 12-2023 and K.A.R. 82-15-1; (2) notify the Commission of the transaction that occurred with Clearwave; and (3) maintain current contact information with the Commission.

Staff recommends the Commission issue an order to open a proceeding and require RG Fiber to show cause why it should not be subject to sanctions, penalties, and/or fines and/or its VSA to provide services in Kansas should not be canceled, suspended, or revoked for failure to comply with its Kansas obligations.

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<sup>7</sup> FCC COALS, RG Fiber's Active Cable Communities (CUID), [https://fccprod.servicenowservices.com/coals?id=coals\\_search\\_communities](https://fccprod.servicenowservices.com/coals?id=coals_search_communities), last viewed May 22, 2025;

**CERTIFICATE OF SERVICE**

25-RGFT-437-SHO

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 07/17/2025.

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/S/ KCC Docket Room  
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