

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

Before Commissioners:                      Shari Feist Albrecht, Chair  
   Jay Scott Emler  
   Dwight D. Keen

In the Matter of the Application of Birch                      )  
Telecom of Kansas, Inc. to Change its Name)                      Docket No. 18-BTKT-452-CCN  
to Birch Telecom of Kansas, LLC.                      )                      (CLEC)

**ORDER APPROVING NAME CHANGE**

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 record, and being duly advised in the premises, the Commission finds and concludes as follows:

1.        On March 19, 2018, Birch Telecom of Kansas, Inc. d/b/a Birch Communications (Birch) filed an Application requesting that the name on its Certificate of Convenience and Authority to provide switched Local Exchange Telecommunications Services and Exchange Access Telecommunications Services within the State of Kansas be changed to Birch Telecom of Kansas, LLC d/b/a Birch Communications. Supplementing its Application, Birch included copies of its Agreement of Conversion and Articles of Organization for Birch Telecom of Kansas, LLC, and assignment of identification number by the Kansas Secretary of State. In addition, Birch included a copy of its replacement tariff, Kansas Tariff No. 5 (Access) replacing in its entirety the company's Kansas Tariff No. 4 currently on file with the Commission. Birch states that no changes have been made to the tariff except to reflect the company's new name and to sequentially number the pages and correct section numbering as necessary. Birch also states that the requested changes will not affect any services or rates provided to customers of the company.<sup>1</sup>

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<sup>1</sup> Application, page 1.

2. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2017 Supp. 66-1,188. Respecting requests for a company name change, the Commission, in accordance with K.S.A. 2017 Supp. 66-131 and K.S.A. 2017 Supp. 66-136, must determine whether the proposed name change will promote the public convenience.

3. On May 22, 2018, the Commission Staff (Staff) submitted its Report and Recommendation, dated May 17, 2018, recommending the Commission grant Birch's Application and approve the requested name change. According to Staff, Birch's Certificate of Convenience and Authority to provide switched Local Exchange Telecommunications Services and Exchange Access Telecommunications Services within the State of Kansas derives from the Commission's July 28, 1997 Order issued in Docket No. 97-BTKT-520-COC.

4. Staff reports that Birch is current with regard to Kansas Universal Service Fund (KUSF) and Commission assessments and has a current Annual Interrogatory on file with the Commission. Staff further indicates that access tariffs including the new name have been filed and are accepted for filing. Birch Telecom of Kansas, LLC is properly registered with the Kansas Secretary of State as a Kansas limited liability company where its status is shown to be *active and in good standing*. Staff notes that Birch Telecom of Kansas, LLC should be reminded to notify the Commission immediately of any change in address or contact telephone numbers, file timely annual reports, maintain current registration with the Kansas Secretary of State's office, and pay all Commission and KUSF assessments in a timely manner. Concluding, Staff recommends the Commission grant Birch's Application and approve the company's name change to Birch Telecom of Kansas, LLC d/b/a Birch Communications.<sup>2</sup>

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<sup>2</sup> Report and Recommendation, page 2.

5. The Commission adopts Staff's analysis and recommendations of May 17, 2018, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that Birch's Application filed in this matter should be granted. The Commission further finds that the requested name change under Birch's Certificate of Convenience and Authority to provide switched Local Exchange Telecommunications Services and Exchange Access Telecommunications Services will promote the public convenience and should be approved.

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

(A). Birch Telecom of Kansas, Inc. d/b/a Birch Communications' Application filed in this matter on March 19, 2018, is hereby granted and the company's request for a name change to Birch Telecom of Kansas, LLC d/b/a Birch Communications, under its Certificate of Convenience and Authority issued in Docket No. 97-BTKT-520-COC is hereby approved.

(B). Birch Telecom of Kansas, LLC is reminded to notify the Commission immediately of any change in address or contact telephone numbers, to file timely annual reports, maintain current registration with the Kansas Secretary of State's office, and pay all Commission and KUSF assessments in a timely manner.

(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>3</sup>

(D). 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>3</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

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

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 06/07/2018

A handwritten signature in cursive script, reading "Lynn M. Retz", written over a horizontal line.

Lynn M. Retz  
Secretary to the Commission

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# STATE OF KANSAS



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GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

## REPORT AND RECOMMENDATION UTILITIES DIVISION

**TO:** Chairman Shari Feist Albrecht  
Commissioner Jay Scott Emler  
Commissioner Dwight D. Keen

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

**DATE:** May 17, 2018

**RE:** Docket No. 18-BTKT-452-CCN (CLEC)  
In the Matter of the Application of Birch Telecom of Kansas, Inc. to Change its  
Name to Birch Telecom of Kansas, LLC.

### **EXECUTIVE SUMMARY:**

On March 19, 2018, Birch Telecom of Kansas, Inc. filed an Application requesting the Commission change its name in all Commission records to Birch Telecom of Kansas, LLC d/b/a Birch Communications. Staff recommends approval of this Application.

### **BACKGROUND:**

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

### **ANALYSIS:**

Birch Telecom of Kansas, Inc. requests that the name on its Certificate of Convenience and Authority to provide switched Local Exchange Telecommunications Services and Exchange Access Telecommunications Services within the State of Kansas be changed to Birch Telecom of Kansas, LLC. The Company states the change will not affect any services or rates provided to customers of the Company.

Birch Telecom of Kansas, Inc. was issued a Certificate to provide switched Local Exchange Telecommunications Services and Exchange Access Telecommunications Service in Docket No. 97-BTKT-520-COC on July 28, 1997.

Birch Telecom of Kansas, LLC is properly registered with the Kansas Secretary of State's Office and authorized to engage in business in Kansas. They are currently "active and in good standing" with the Secretary's Office. Birch Telecom of Kansas, Inc. is current with regard to KUSF and has a current Annual Interrogatory on file. The Company is current with regard to payment of Commission assessments. Access tariffs including the new name have been filed with this Application and are accepted for filing.

**RECOMMENDATION:**

Staff recommends approval of Birch Telecom of Kansas, Inc.'s Application to change the name on its Certificate to provide switched Local Exchange Services within the state of Kansas to Birch Telecom of Kansas, LLC d/b/a Birch Communications. The Company is reminded to notify the Commission immediately of any change in address or contact telephone numbers, file timely annual reports, maintain current registration with the Kansas Secretary of State's Office, and pay all Commission and Kansas Universal Service Fund assessments in a timely manner.

## CERTIFICATE OF SERVICE

18-BTKT-452-CCN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of  
06/08/2018  
first class mail/hand delivered on \_\_\_\_\_.

SHARYL FOWLER, MANAGER, REGULATORY  
ADMNISTRATION  
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\*\*\*Hand Delivered\*\*\*

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/S/ DeeAnn Shupe  
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DeeAnn Shupe