

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

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

In the Matter of Brightspeed Companies of)
Kansas Filing Tariff Revisions to Increase)
Monthly Rates for all Business Flat Access)
Lines and Certain Residential and Business)
Key Trunks.)

Docket No. 25-UTDT-271-TAR

ORDER APPROVING REVISED TARIFF

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 January 6, 2025, Brightspeed Companies of Kansas (Brightspeed) filed an Application requesting to make tariff revisions Business and Residential monthly rates. On January 8, 2025, Brightspeed filed an amended application upon a request by Commission Staff (Staff) to correct typographical errors in the original application.

2. 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.

K.S.A. 66-1,190 provides in part 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...the commission shall have 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...

The Commission must review rates and terms for jurisdictional telecommunications services to ensure they are “just and reasonable” pursuant to K.S.A. 66-1,189. Further, K.S.A. 66-1,189 requires the Commission to ensure that all classifications, rules and regulations regarding the services are not unduly discriminatory or preferential.

3. On January 15, 2025, Staff submitted its Report and Recommendation (R&R), attached hereto and made a part hereof, recommending the Commission grant Brightspeed’s Application and approve the company’s proposed tariff, effective February 1, 2025, as requested by the company.

4. Staff stated Brightspeed is seeking Commission approval for increases in monthly rates for certain business and residential services in compliance with HB 2131 changes to 66-2005(q)(1)(F). The increase in monthly rates is guided by the annual rate of change in the Consumer Price Index (CPI).¹ Brightspeed’s proposed rate increase is 2.41%, which is below the 2024 annual CPI percent change of 2.97%. Brightspeed also seeks Commission approval for a rate reduction for Metroplus two-way flat rate calling plan for business and residential subscribers in the Lindwood and Lancaster exchanges.²

5. Staff reviewed Brightspeed’s Application and its representations and determined the requested tariff revisions are just and reasonable. Staff recommended approval of Brightspeed’s Application.³

¹U.S. Bureau of Labor Statistics, Consumer Price Index. <https://www.bls.gov/cpi/>

²Staff’s R&R at p. 3 (Jan. 15, 2025).

³*Id.*

5. The Commission adopts Staff's R&R as well as its findings and therefore concludes that the proposed revised tariff as represented in Brightspeed's Application is just and reasonable.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Brightspeed Companies of Kansas's Application is hereby granted and its revised tariff is hereby approved and shall become effective February 1, 2025.

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).⁴

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 01/28/2025



Lynn M. Retz
Executive Director

AAL

⁴ K.S.A. 66-1118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

**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: January 15, 2025

RE: Docket No. 25-UTDT-271-TAR
In the Matter of Brightspeed Companies of Kansas Filing Tariff Revisions to Increase Monthly Rates for all Business Flat Access Lines and Certain Residential and Business Key Trunks.

EXECUTIVE SUMMARY:

On January 6, 2025, Brightspeed Companies of Kansas (Brightspeed) filed an application requesting the Kansas Corporation Commission (Commission) approve revision to its Business and Residential monthly rates. On January 8, 2025, Brightspeed filed an amended application upon Commission Staff's (Staff) request to correct typographical errors in the original application.

The filing includes revision to Brightspeed's Access Tariff impacting the following:

- Reference Guide - Sheet 6
- Section 1 - Sheet 14

Staff recommends approval of the Application. Commission action on this matter is required no later than Tuesday, February 4, 2025.

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.

K.S.A. 66-2005(q)(1)(F), in part, states:

up to and continuing until July 1, 2008, rates for the initial residential local exchange access line and up to four business local exchange access lines at one location shall remain subject to price cap regulation and all other rates, except rates for switched access services, are deemed price deregulated. On and after July 1, 2008, the local exchange carrier shall be authorized to adjust such rates without commission approval by not more than the greater of the percentage increase in the consumer price index for all urban consumers, as officially reported by the bureau of labor statistics of the United States department of labor, or its successor index, or the amount necessary to maintain the local rate floor as determined by the federal communications commission or its successor, in any one year period and such rates shall not be adjusted below the price floor established in subsection (k). Such rates shall not be affected by purchase of one or more of the following: Call management services, intraLATA long distance service or interLATA long distance service.

ANALYSIS:

Brightspeed seeks Commission approval for increases in monthly rates for certain business and residential services in compliance with HB 2131 changes to 66-2005(q)(1)(F)¹. The increase in monthly rates is guided by the annual rate of change in the Consumer Price Index (CPI).² Brightspeed's proposed rate increase is 2.41%, which is below the 2024 annual CPI percent change of 2.97%. Customer notification of the rate increase will go out in the monthly billing statements during the month of January 2025. Brightspeed proposes to increase the following business and residential rates:

Business:

- Business access line monthly rate will increase by \$0.79, from \$19.48 to \$19.95.
- Monthly Business Key Trunk rate will increase by \$0.90, from \$37.70 to \$38.60.
- Monthly PBX Trunk rate for Rate Group 1-3 will increase by \$1.00, from \$41.50 to \$42.50.
- Monthly PBX Trunk rate for Rate Group 4 will increase by \$1.12, from \$46.50 to \$47.62.

Residence:

- Residential access line monthly rates will increase by \$0.47, from \$19.48 to \$19.95
- Monthly Residential Key Trunk rate for Rate Group 1-3 will increase by \$0.87, from \$36.24 to \$37.11.

Brightspeed also seeks Commission approval for a rate reduction for Metroplus two-way flat rate calling plan for business and residential subscribers in the Lindwood and Lancaster exchanges. Following are the proposed rate reductions:

Business:

- Two-way calling for Business customers in Linwood and Lancaster exchange will decrease by \$11.75, from \$16.75 to \$5.00.

Residence:

- Two-way calling for Residential customers in Linwood and Lancaster exchange will decrease by \$1.00, from \$12.00 to \$11.00.

Based on Brightspeed's presentation of the increases guided by the annual rate of change in the CPI pursuant to 66-2005(q)(1)(F) and the Metroplus rate reductions in the Lindwood and Lancaster exchanges, Staff believes Brightspeed's proposed rate changes are just and reasonable.

RECOMMENDATION:

Staff recommends the Commission approve Brightspeed's filing as stated in the Company's Application, increasing certain business and residential rates and reduce Metroplus rates for business and residential customers in the Linwood and Lancaster exchanges. Staff further recommends the Commission accept the revised tariff with an effective date of February 1, 2025, as requested by the company.

¹Kansas Statutes Chapter 66. Public Utilities § 66-2005.

https://www.ksrevisor.org/statutes/chapters/ch66/066_020_0005.html

²U.S. Bureau of Labor Statistics, Consumer Price Index. <https://www.bls.gov/cpi/>

CERTIFICATE OF SERVICE

25-UTDT-271-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 01/28/2025.

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/S/ KCC Docket Room
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