

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

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

In the Matter of the Complaint Against)
Brightspeed by Mike Hart.) Docket No. 24-UTET-768-COM

ORDER ON PRIMA FACIE DETERMINATION

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its pleadings and records, the Commission finds:

1. On May 23, 2024, Mike Hart submitted a formal complaint against Brightspeed, requesting Brightspeed move the utility boxes located on his property. Hart acknowledges “there is an easement through this area and that Brightspeed had the right to do what they did.”¹

2. Hart’s Complaint references Brightspeed’s internet line.² Thus, it appears that Brightspeed is Hart’s internet provider. K.S.A. 66-2011(e) explains in relevant part:

Nothing in this section shall be construed to imply that the commission has any regulatory jurisdiction over the internet or internet service providers with respect to quality of service, rates, billing and collection practices, end-to-end bandwidth, technical support or any other aspects of the business of providing internet access service.

Therefore, the Commission lacks jurisdiction over any internet service offered by Brightspeed. Since the Commission lacks jurisdiction over Brightspeed’s internet services, it finds this formal complaint fails to establish a *prima facie* case for Commission action.

3. Pursuant to K.A.R. 82-1-220(c), Hart shall be given an opportunity to amend the formal complaint. Accordingly, Hart is given thirty days, from the date of this Order, to

¹ Formal Complaint, May 23, 2024, p. 1.

² *Id.*

demonstrate that he receives telephone service from Brightspeed. Pursuant to K.A.R. 82-1-220(b), Hart must also:

- (1) Fully and completely advise each Respondent and the Commission as to the provisions of law or the regulations or orders of the Commission that have been or are being violated by the acts or omissions complained of, or that will be violated by a continuance of acts or omissions;
- (2) Set forth concisely and in plain language the facts claimed by the Complainant to constitute the violation(s); and
- (3) State the relief sought by the Complainant.

If Hart fails to amend his formal complaint in a manner that satisfies K.A.R. 82-1-220(b), his formal complaint will be dismissed without prejudice.

THEREFORE, THE COMMISSION ORDERS:

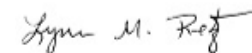
A. The Commission lacks jurisdiction over Brightspeed, and therefore this formal complaint does not establish a *prima facie* case for Commission action.

B. Complainant has 30 days to amend the formal complaint. If Complainant fails to amend the formal complaint in a manner that satisfies K.A.R. 82-1-220(b), the formal complaint will be dismissed without prejudice.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 06/04/2024



Lynn M. Retz
Executive Director

BGF

CERTIFICATE OF SERVICE

24-UTET-768-COM

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 06/04/2024.

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/s/ KCC Docket Room
KCC Docket Room