

**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 Application of )  
Consolidated Communications Enterprise )  
Services, Inc. to Cancel its Certificate of ) Docket No. 24-EVMT-501-CCS  
Convenience and Authority to Provide Local )  
Exchange and Exchange Access Service )  
within the State of Kansas.                 )

**ORDER CANCELLING CERTIFICATE**

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1. On January 16, 2024, Consolidated Communications Enterprise Services, Inc., (Consolidated) filed an application to cease its Certificate of Convenience and Authority (COC) to provide Competitive Local Exchange (CLEC) services.<sup>1</sup> On January 31, 2024, Consolidated filed an amended application correcting typographical errors to its application.
2. On November 30, 2022, Everfast Fiber Networks, LLC, (Everfast) acquired Consolidated's Kansas operations.<sup>2</sup>
3. Consolidated requests a cancellation of its Certificate of Convenience and Authority to provide CLEC in Kansas since it no longer owns the competitive local exchange

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<sup>1</sup> Consolidated, previously known as Everest Connections Corporation, was certificated by an order of the Commission dated Feb. 10, 2000, in Docket No. 00-ECNT-653-COC.

<sup>2</sup> Staff's R&R, p. 2.

company providing service in the Kansas City metropolitan area.<sup>3</sup> Consolidated does not currently provide service to any customers in Kansas, all customers were transferred to Everfast.<sup>4</sup>

4. Consolidated no longer has any customers or revenues in Kansas, and no harm will occur to Kansas consumers as a result of cancellation.

5. The Commission adopts Staff's analysis and recommendation as stated in its February 16, 2024, Report and Recommendation, which is attached and made a part of this Order by reference, finding public convenience will be promoted by granting the request to cancel Consolidated's Certificate of Convenience and Authority to provide CLEC service in Kansas, and Vantage Point Solutions, the Kansas Universal Service Fund (KUSF) administrator, should be directed to close Consolidated's KUSF account.

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

A. The Application filed by Consolidated Communications Enterprise Services, Inc., is hereby granted and the Certificate and Authority authorizing Consolidated Communications Enterprise Services, Inc., to provide CLEC service in Kansas, issued February 10, 2000, in Docket No. 00-ECNT-653-COC, is hereby canceled, effective as of the date of this Order.

B. Vantage Point Solutions is directed to close Consolidated Communications Enterprise Services, Inc.'s, Kansas Universal Service Fund account.

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>5</sup>

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<sup>3</sup> Amended Application, p. 2.

<sup>4</sup> Staff's R&R, p. 2.

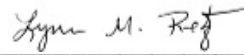
<sup>5</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

D. The Commission retains jurisdiction over Consolidated Communications Enterprise Services, Inc., and the subject matter of this Docket for the purpose of entering such further Order or Orders, as it may deem necessary.

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

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 02/29/2024



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Lynn M. Retz  
Executive Director

BWB

**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  
Jeff McClanahan, Director of Utilities

**DATE:** February 16, 2024

**SUBJECT:** Docket No. 24-EVMT-501-CCS

In the Matter of the Application of Consolidated Communications Enterprise Services, Inc. to Cancel its Certificate of Convenience and Authority to Provide Local Exchange and Exchange Access Service within the State of Kansas.

**EXECUTIVE SUMMARY:**

On January 16, 2024, Rachel Lipman Reiber Law Office filed an application on behalf of Consolidated Communications Enterprise Services, Inc. (Consolidated) asking the Kansas Corporation Commission (Commission) to cease its Certificate of Convenience and Authority (COC) to provide local exchange and exchange access service (CLEC) in Kansas.

Commission staff (Staff) observed a few typographical errors in the original application. On January 25, 2024, staff requested Consolidated file an Amended Application to correct those errors. On January 31, 2024, the Commission received the filing of an Amended Application. On February 1, 2024, the docket type was corrected from COC to Certificate Cease Service (CCS) on Commission records.

Staff recommends approval of this request.

**BACKGROUND:**

The Commission derives its authority to supervise 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 de-certification applications to determine whether the “public convenience” will be promoted by granting the request.

## **ANALYSIS:**

Consolidated was originally known as Everest Connections Corporation and received a Certificate in Order dated February 10, 2000 to provide CLEC services in Kansas from Docket No. 00-ECNT-653-COC. The Commission has granted Consolidated's application to transfer and terminate its Video Service Authorization (VSA).<sup>1</sup>

On November 1, 2022, an Order was granted in Docket No. 23-EFNT-258-COC that allowed Everfast Fiber Networks, LLC (Everfast) to provide CLEC services in the Southwestern Bell Telephone Company d/b/a AT&T Kansas study areas referenced therein. At that time, Everfast was acquiring assets, operations and facilities of Consolidated to offer services. Everfast's purchase of Consolidated is not subject to approval by the Commission.

Everfast's acquisition of Consolidated's Kansas operations and facilities is occurring via an arms-length transaction. The transaction includes all network facilities, installed conduit and fiber, routers, cable modems and boxes, and similar equipment, real property, leases, and access agreements; **customer and vendor contracts**, assignable permits, certain intellectual property, accounts receivable, security deposits and specific prepaid amounts, warranty rights related to tangible assets and books and records of the business, cars, trucks and other vehicles, and inventories.<sup>2</sup>

On November 30, 2022, Everfast officially acquired the network, equipment, and facilities of Consolidated. Everfast began operating the business in the Kansas City metropolitan area formerly owned by Consolidated. On January 5, 2023, in Docket No. 08-EVMT-1088-VSA, the Commission received a letter, which served as confirmation that Consolidated's sale was finalized.

Consolidated seeks to relinquish its CLEC certificate as it no longer operates as a competitive local exchange carrier providing service in the Kansas City metropolitan area. Consolidated does not currently provide service to any customers in Kansas, as all customers were transferred to Everfast. Therefore, relinquishing its COC will cause no harm to Kansas consumers.

Consolidated's account status with the Kansas Secretary of State is currently "active and in good standing."<sup>3</sup> All filings and assessments are current under Consolidated.

## **RECOMMENDATION:**

As no customers will be adversely affected by this filing, Staff recommends the Commission approve Consolidated's request to cease its COC for its CLEC within the State of Kansas. Staff further recommends the Commission direct Vantage Point Solutions (VPS), the Kansas Universal Service Fund (KUSF) administrator, to close Consolidated's KUSF account.

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<sup>1</sup> Order Docket No. 08-EVMT-1088-VSA, "*Order Granting Video Service Authorization Transfer and Termination*", November 10, 2022.

<sup>2</sup> KCC Staff R&R attached in Order Docket No. 23-EFNT-258-COC, "*Order Granting CLEC Certificate*", November 1, 2022.

<sup>3</sup> Kansas Secretary of State, Consolidated Communications Enterprise Services, Inc., <https://www.sos.ks.gov/eforms/BusinessEntity/Search.aspx>, last viewed February 15, 2024.

**CERTIFICATE OF SERVICE**

24-EVMT-501-CCS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 02/29/2024.

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/S/ KCC Docket Room  
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