



FairPoint under FairPoint's existing name and Certificate. Consolidated is undergoing a corporate reorganization and desires to rename FairPoint as Consolidated Communications of Missouri Company.

2. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2017 Supp. 66-1,188. Regarding the request 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 change will promote the public convenience.

3. On December 12, 2018, the Commission Staff (Staff) submitted a Report and Recommendation, recommending the Commission grant the FairPoint Application and approve the requested name change to Consolidated Missouri on the ILEC Certificate previously granted in Docket No. 06-FCMT-858-COC.

4. The Commission adopts Staff's analysis and recommendations of December 12, 2018, as stated in the Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that the FairPoint Application should be granted. The Commission further finds that the requested name change to Consolidated Missouri under the FairPoint Certificate of Convenience and Authority to provide ILEC service will promote the public convenience and should be approved. As part of the approval process, the Commission directs Consolidated Missouri to notify it regarding 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. Consolidated Missouri is registered with the Kansas Secretary of State and is currently active and in good standing. FairPoint has requested that its name change become effective on January 1, 2019, and the Commission shall make the name change effective on that date.

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

A. FairPoint Communications Missouri, Inc.'s Application filed in this matter on October 24, 2018, is hereby granted and the request for a name change to Consolidated Communications of Missouri Company, under its Certificate of Convenience and Authority issued in Docket No. 06-FCMT-858-COC is hereby granted effective January 1, 2019.

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).<sup>1</sup>

C. 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.

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

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 12/20/2018



Lynn M. Retz  
Secretary to the Commission

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<sup>1</sup> K.S.A. 66-118b; K.S.A. 77-503 (c) and K.S.A. 77-531(b).

# STATE OF KANSAS

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

## REPORT AND RECOMMENDATION UTILITIES DIVISION

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

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

**DATE:** December 12, 2018

**SUBJECT:** 19-FCMT-161-CCN  
In the Matter of the Application of FairPoint Communications Missouri, Inc. for a Name Change to Consolidated Communications of Missouri Company.

### **EXECUTIVE SUMMARY:**

On October 24, 2018, FairPoint Communications Missouri, Inc. (FairPoint MO) filed an Application requesting to change the Company's name to Consolidated Communications of Missouri Company (Consolidated Missouri). Staff recommends Commission approval of this filing, effective January 1, 2019.

### **BACKGROUND:**

The Commission granted FairPoint MO a Certificate on June 16, 2006, in Docket No. 06-FCMT-858-COC, to operate as an incumbent local exchange carrier (ILEC) in the state of Kansas. FairPoint MO purchased the plant, property, and equipment of Cass County Telephone Company Limited Partnership (CassTel), the former ILEC in the service area, and became the successor of CassTel for purposes of determining the carrier of last resort in those exchanges.

On January 17, 2017, in Docket No. 17-SFLT-283-ACQ (17-283), Consolidated Communications Holdings, Inc. (CCHI), the parent company of Consolidated Communications, Inc. (Consolidated), filed an Application for approval of its acquisition of FairPoint's common stock. By acquiring FairPoint's common stock, CCHI has indirect control of FairPoint's Kansas companies: Bluestem Telephone Company, Inc. (Bluestem); Sunflower Telephone Company, Inc. (Sunflower); FairPoint MO; and ST Long Distance, Inc. (STLD).

In the 17-283 proceeding, CCHI demonstrated that it has the financial, technical, and managerial ability to operate the utilities it sought to acquire. Furthermore, CCHI pledged to maintain

adequate staffing to maintain its eligible telecommunications carrier obligations and to meet the Commission's Quality of Service standards for ILECs. Staff recommended approval of the Joint Application and further recommended the Commission formalize CCHI's statement that recovery of the acquisition premium would not be from Kansas ratepayers.

In a letter dated May 3, 2017, Michael J. Shultz, Vice President of Regulatory and Public Policy for CCHI, confirmed that no portion of the acquisition premium incurred would be recovered from Kansas ratepayers, through either rates or the Kansas Universal Service Fund (KUSF).<sup>1</sup> Therefore, the Commission approved the Application on June 6, 2017, conditioned upon CCHI not recovering any portion of the acquisition premium incurred because of the transaction from Kansas ratepayers, through either rates or the KUSF.<sup>2</sup>

Effective July 3, 2017, CCHI completed its acquisition of FairPoint. In a letter dated July 13, 2017, Michael J. Shultz stated that the consummation of the merger will not result in any changes in the terms or conditions of service or the manner in which any FairPoint company previously provided service to its customers.<sup>3</sup>

Following CCHI's acquisition of FairPoint, Consolidated has been operating FairPoint MO under its existing name and Certificate. Consolidated is now preparing to make changes to its organizational structure, effective January 1, 2019. Pursuant to the proposed corporate restructuring, FairPoint MO would be renamed Consolidated Communications of Missouri Company.

According to the Company's response to Data Request (DR) 1, the corporate restructuring and name change will not result in any changes in operations, personnel, or rates.

Consolidated Missouri is registered with the Kansas Secretary of State and the name change is on file. The account status is currently "Active and in Good Standing". FairPoint MO is in compliance with respect to Commission Assessments, Annual Report filing requirements, and reporting to the KUSF.

### **ANALYSIS:**

The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 66-1,188. The Commission derives its authority to certificate and de-certificate public utilities from K.S.A. 66-131. The Commission must determine whether the proposed company name change would promote the "public convenience." *See* K.S.A. 66-131; K.S.A. 66-136.

Staff has reviewed the Application and responses to DRs and finds no cause for concern. Furthermore, Staff believes the name change would promote the public convenience.

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<sup>1</sup> See Letter from Consolidated Communications to Commission Concerning Report and Recommendation, Docket No. 17-SFLT-283-ACQ, May 3, 2017.

<sup>2</sup> Order Approving Joint Application, Docket No. 17-SFLT-283-ACQ, June 6, 2017.

<sup>3</sup> FairPoint Post-Close Letter, Docket No. 17-SFLT-283-ACQ, July 13, 2017.

**RECOMMENDATION:**

Staff recommends the Commission approve the request to change the Company name from FairPoint MO to Consolidated Missouri on the ILEC Certificate the company has on file with the Commission. Staff reviewed the Application and available documentation and finds that the name change should promote the public convenience. The Company should be directed to file a revised tariff, without any changes to the FairPoint MO tariff other than the name, at least seven days prior to January 1, 2019, with an effective date of January 1, 2019.

## **CERTIFICATE OF SERVICE**

19-FCMT-161-CCN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of  
first class mail and electronic service on 12/20/2018.

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