

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of United Telephone Companies)
of Kansas Filing Tariff Revisions to Grandfather) Docket No. 16-UTDT-012-TAR
Asynchronous Transfer Mode ATM Service and)
Frame Relay Service.)

ORDER APPROVING TARIFF REVISIONS

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined its files and record and being duly advised in the premises, the Commission finds and concludes as follows:

1. On June 9, 2015, United Telephone Companies of Kansas d/b/a CenturyLink (CenturyLink) filed an Application requesting Commission approval of tariff revisions to its General Exchange Tariff discontinuing Frame Relay Service and Asynchronous Transfer Mode (ATM) service for new customers after August 8, 2015.

2. K.S.A. 66-1,190 requires 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 shall furnish the commission copies of all rules and regulations and contracts between such telecommunications public utilities pertaining to any and all jurisdictional services to be rendered by such telecommunications public utilities.

The statute further provides that 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. The Commission's authority

to review Local Exchange Carrier (LEC) tariffs derives from K.S.A. 66-117(d), which states in part:

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. 66-2005(g), with regard to LECs that elected to have their rates regulated pursuant to price caps under K.S.A. 66-2005(b), the Commission must review proposed rates for services to ensure that when compared to the basket in which those services belong, the rates are collectively at or below the basket's price cap based on the formula approved by the Commission. The proposed rates are subject to a price floor under K.S.A. 66-2005(k) and must also be "just and reasonable" pursuant to K.S.A. 66-1,189.¹

3. On July 22, 2015, Staff filed its Report and Recommendation dated July 20, 2015. According to Staff, CenturyLink's filing proposes discontinuance of Frame Relay Service and ATM Service to new customers after August 8, 2015. Existing customers who pay for these services on a month-to-month basis will no longer be able to purchase the services. Customers receiving these services on a term-discount basis will continue to receive the services until expiration of that term. Staff defines Frame Relay Service as a fast packet network permitting transmission of data at speeds of 56/64 Kbps, 834 Kbps, 512 Kbps, 1.455 MBP, or 44.210 MPBS using permanent virtual circuits. ATM Service is a connection-oriented fast packet local intraLATA, and intrastate interLATA network service that permits the transmission of high speed data, voice, and video traffic utilizing cell switching technology. Staff indicates that both services are being discontinued because the equipment used to deliver the services has been discontinued by the manufacturer and is no longer supported. Staff adds that CenturyLink

¹ Report and Recommendation, pages 1 and 2.

provided Notice to customers currently receiving the subject services informing them of the change and offering to switch them to available alternatives using the latest technology without incurring service or initiation charges. Staff has reviewed the Notice finding it to be adequate. Concluding, Staff recommends the Commission grant CenturyLink's Application and approve the requested tariff revisions.²

4. The Commission adopts Staff's analysis and recommendation of July 20, 2015, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that CenturyLink's Application is reasonable, in the public interest, and should be granted and the requested tariff revisions approved, with the same to become effective August 8, 2015.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. United Telephone Companies of Kansas d/b/a CenturyLink's Application is hereby granted and the requested tariff revisions are hereby approved and shall become effective August 8, 2015.

B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529.


C. The Commission retains jurisdiction over United Telephone Companies of Kansas d/b/a CenturyLink and the subject matter of this docket for the purpose of entering such further order, or orders, as it deems necessary.

² Id., page 2.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: JUL 30 2015


ORDER MAILED JUL 31 2015
Amy L. Gilbert
Secretary to the Commission

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Shari Feist Albrecht, Chair
Jay Scott Emler, Commissioner
Pat Apple, Commissioner

Sam Brownback, Governor

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Shari Feist Albrecht, Chair
Jay Scott Emler, Commissioner
Pat Apple, Commissioner

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

DATE: July 20, 2015

RE: Docket No. 16-UTDT-012-TAR
In the Matter of United Telephone Companies of Kansas Filing Tariff
Revisions to Grandfather Asynchronous Transfer Mode ATM Service and
Frame Relay Service.

EXECUTIVE SUMMARY:

On June 9, 2015, United Telephone Companies of Kansas (United) filed a request to make tariff revisions in its General Exchange Tariff. Staff recommends Commission approval of this Application.

The Commission action date is **Saturday, August 8, 2015.**

BACKGROUND:

The Kansas Corporation 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.

In addition, K.S.A. 66-1,190 requires every public utility doing business in Kansas 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.

Pursuant to K.S.A. 66-2005(g), and in regards to local exchange carriers that elected to have their rates regulated pursuant to price caps under K.S.A. 66-2005(b), the Commission must review proposed rates for services to ensure that when compared to the basket in which those services belong, the rates are collectively at or below the basket's price cap based on the formula approved by the Commission. The proposed rates are subject to a price floor under K.S.A. 66-2005(k). The rates must also be "just and reasonable" pursuant to K.S.A. 66-1,189.

ANALYSIS:

This filing discontinues Frame Relay Service and Asynchronous Transfer Mode (ATM) service for new customers after August 8, 2015. Existing customers that pay for these services on a month-to-month basis will no longer be able to purchase the services. Any customers who receive these services on a term-discount basis will continue to receive the services until the expiration of that term.

Frame Relay Service is a fast packet network that permits the transmission of data at speeds of 56/64 Kbps, 834 Kbps, 512 Kbps, 1.455 MBP, or 44.210 MPRS using permanent virtual circuits.

ATM Service is a connection-oriented fast packet local intraLATA, and intrastate interLATA network service that permits the transmission of high speed data, voice, and video traffic utilizing cell switching technology.

Both of these services are being discontinued because the equipment used to deliver the services has been discontinued by the manufacturer and is no longer supported.

United sent a Notice to customers currently receiving these services to let them know of the change and offering to switch them to available alternatives which use the latest technology without incurring any service or initiation charges. Staff has reviewed the Notice and finds it to be adequate.

RECOMMENDATION:

Staff recommends the Commission approve this Application to be effective on August 8, 2015, as requested by the Company.

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
JOHN R. IDOUX, DIRECTOR KANSAS GOVERNMENTAL AFFAIRS UNITED TELEPHONE CO. OF KANSAS D/B/A CENTURYLINK 600 NEW CENTURY PKWY NEW CENTURY, KS 66031		
MICHELLE L. RIVERS, TARIFF ANALYST UNITED TELEPHONE CO. OF KANSAS D/B/A CENTURYLINK 22 ACCENT DRIVE SUITE 1 MONROE, LA 71202		

ORDER MAILED JUL 31 2015

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.