



procedure for lifting the exemption. Certification in a rural telephone company's service area is also governed by K.S.A. 66-2004.

4. Ordering paragraph A of the Commission's February 6, 2018 Order issued in this matter states: *Magna5 LLC's Application filed in this matter on December 21, 2017, is hereby granted and Magna5 is hereby issued a Certificate of Convenience and Authority Authorizing the company to provide Competitive Local Exchange Carrier services in the State of Kansas.* (Emphasis added). Although the Commission's February 6, 2018 Order approved Magna5's Application, which included the company's request in paragraph 6 of its Application, the Commission determines that ordering paragraph A of the February 6, 2018 Order should be clarified and amended adding language limiting Magna5's authority to only those areas in which Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) and United Telephone Companies of Kansas d/b/a CenturyLink (CenturyLink) serve as the incumbent local exchange carrier.

5. Pursuant to K.S.A. 2016 Supp. 66-1,188, the Commission has jurisdiction to supervise and control telecommunications public utilities doing business in Kansas. Magna5 is a telecommunications public utility under K.S.A. 2016 Supp. 66-1,187 and is subject to the Commission's jurisdiction. The Commission determines that ordering paragraph A of its February 6, 2018 Order should be clarified and amended in the manner stated in paragraph 4 above.

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

A. Ordering paragraph A of the Commission's February 6, 2018 Order issued in this matter is hereby clarified and amended to read as follows: Magna5's Application filed in this matter on December 21, 2017 is hereby granted and Magna5 is hereby issued a Certificate of

Convenience and Authority authorizing the company to provide Competitive Local Exchange Carrier Services in Kansas within the territories served by AT&T and CenturyLink only.

B. Excepting the foregoing clarification and amendment, the Commission's Order issued February 6, 2018 in all other respects remains in full force and effect.

C. 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. 2016 Supp. 77-529(a)(1).

D. 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; Apple, Commissioner

Dated: March 1, 2018



Lynn M. Retz  
Secretary to the Commission

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## CERTIFICATE OF SERVICE

18-XOCT-271-COC

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/hand delivered on **MAR - 1 2018**.

PAUL H. GARDNER  
D/B/A ATTORNEY AT LAW  
801W. VESPER  
BLUE SPRINGS, MO 64015-3733  
Fax: 816-229-9196  
lkgardner@hotmail.com

OTTO NEWTON, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604  
Fax: 785-271-3167  
o.newton@kcc.ks.gov  
\*\*\*Hand Delivered\*\*\*

JOSEPH O'HARA, CFO  
MAGNA5 LLC  
5445 LEGACY DR STE 180  
PLANO, TX 75024  
regulatory@magna5global.com

NICOLE STEPHENS, KUSF ADMINISTRATOR MANAGER  
GVNW CONSULTING, INC.  
2930 MONTVALE DRIVE, STE. B  
SPRINGFIELD, IL 62704  
Fax: 719-594-5803  
nstephens@gvnw.com

/S/ DeeAnn Shupe  
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DeeAnn Shupe