THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:	Shari Feist Albrecht, Chair			
	Jay Scott Emler			
	Pat Apple			
In the Matter of the Application	n of Magna5 LLC)			
for a Certificate of Convenienc	e and Authority to)	Docket No. 18-XOCT-271-COC		

Provide Resold Local Exchange Within State of

Kansas.

ORDER CLARIFYING AND AMENDING ORDER AND CERTIFICATE ISSUED FEBRUARY 6, 2018

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

- 1. On December 21, 2017, Magna5 LLC, f/k/a X5 OpCo LLC, herein referred to as Magna5, filed an Application requesting a Certificate of Convenience and Authority to provide Competitive Local Exchange Carrier (CLEC) service in the State of Kansas. Magna5 is currently authorized to provide Interexchange Services within the State of Kansas pursuant to a Certificate issued February 23, 2016, in Docket No. 16-XOCT-246-COC.¹
- 2. Paragraph 6 of Magna5's Application stated: *Applicant is seeking to provide local services in the exchanges of all non-rural areas of ILECs.* (Emphasis added). Magna5 may be subject to the requirements of Section 251(f) of the Telecommunications Act of 1996 should it desire to provide local exchange service in a rural area at a later date. Section 251(f) exempts rural local exchange companies from certain competitive entry requirements and establishes an explicit

¹ Pursuant to the Commission's Order of February 23, 2016, issued in Docket No. 16-XOCT-246-COC, X5 OpCo LLC, n/k/a Magna5 LLC was issued a Certificate of Convenience and Authority authorizing the company to provide Interexchange service in Kansas.

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
	March 1, 20	18		

Lvnn M. Retz

Secretary to the Commission

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CERTIFICATE OF SERVICE

18-XOCT-271-COC

I, the undersigned, certify that the t	rue 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

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S/ DeeAnn Shupe	
DeeAnn Shupe	