

**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 Windstream)
Norlight, LLC to Cancel its Certification of)
Convenience and Authority Granted in)
KCC Docket No. 04-CNYC-583-COC to) Docket No. 25-CNYC-192-CCS
Provide Switched Local Exchange and)
Exchange Access Service within the)
State of Kansas)

ORDER CANCELING CERTIFICATE

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (“Commission”) for consideration and decision of Windstream Norlight, LLC’s (“Windstream”) request to cease its Certificate of Convenience and Authority (“COC”) to provide Competitive Local Exchange Carrier (CLEC) service in Kansas. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1. On January 29, 2004, Cinergy Communications Company was granted a COC to provide CLEC services in Docket No. 04-CNYC-583-COC.
2. On January 2, 2008, Cinergy Communications Company changed its name to Norlight, Inc. in Docket No. 08-CNYC-331-CCN.
3. On August 12, 2011, Norlight, Inc. changed its name to Windstream Norlight, Inc. in Docket No. 11-CYNC-817-CCN.
4. On August 6, 2015, Windstream Norlight, Inc. changed its name to Windstream Norlight, LLC in Docket No. 15-CNYC-612-CCN.

5. On October 16, 2024, Windstream filed an application (“Application”) requesting to cancel its COC to provide CLEC service in Kansas.¹

6. On October 21, 2024 Commission Staff (“Staff”) filed a Report and Recommendation (“R&R”) in the above-captioned docket.

7. In its R&R, Staff confirmed that Windstream has a current Annual Interrogatory on file with the Commission and is current with payment of its Commission assessments and its Kansas Universal Service Fund (“KUSF”) obligations.²

8. Based upon representations made by Windstream in its Application, Staff found that Windstream no longer has Kansas customers that will be affected by the cease of its COC to provide CLEC service.³ Staff found that Windstream does not generate any revenue from providing CLEC service in Kansas. Consequently, Staff found that no harm will occur to Kansas consumers as a result of Windstream ceasing its COC to provide CLEC service.⁴

9. The Commission adopts Staff’s analysis, recommendations, and findings as stated in its October 21, 2024 R&R, which is attached and made a part of this Order by reference, and finds the public convenience will be promoted by granting the request to cancel Windstream’s COC to provide CLEC service in Kansas.

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application filed by Windstream Norlight, LLC, is hereby granted and the Certificate and Authority authorizing Windstream Norlight, LLC to provide CLEC service in Kansas, issued January 29, 2004, in Docket No. 04-CNYC-583-COC, is hereby canceled, effective

¹ Staff’s Report and Recommendation, p. 2 (Staff’s R&R).

² *Id.*

³ *Id.*

⁴ *Id.*

as of the date of this Order, and Vantage Point Solutions (“VPS”), the KUSF administrator, is directed to close Windstream Norlight, LLC’s KUSF account.

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).⁵

C. The Commission retains jurisdiction over Windstream Norlight, LLC, 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: 11/05/2024



Lynn M. Retz
Executive Director

BWB/MKH

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

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

FROM: Drennan Dolsky, Telecommunications Analyst
Steve Garrett, Deputy Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: October 21, 2024

SUBJECT: Docket No. 25-CNYC-192-CCS

In the Matter of the Application of Windstream Norlight, LLC to Cancel its Certification of Convenience and Authority Granted in KCC Docket No. 04-CNYC-583-COC to Provide Switched Local Exchange and Exchange Access Service Within the State of Kansas.

EXECUTIVE SUMMARY

On October 16, 2024, Windstream Norlight, LLC (Windstream) filed an application asking the Kansas Corporation Commission (Commission) to cease its Certificate of Convenience and Authority (COC) to provide Competitive Local Exchange Carrier (CLEC) service in Kansas. Staff recommends approval of this request.

BACKGROUND

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. Pursuant to K.S.A. 66-131, the Commission must review all certification and decertification Applications to determine whether the "public convenience" will be promoted by granting the request.

ANALYSIS

Cinergy Communications Company was granted a Certificate of Convenience to provide CLEC services in the Southwestern Bell Telephone Company d/b/a AT&T Kansas study areas referenced therein by Commission Order on January 29, 2004, in Docket No. 04-CNYC-583-COC.

On January 2, 2008, Cinergy Communications Company changed its name to Norlight, Inc. in Docket No. 08-CNYC-331-CCN. Several years later, on August 12, 2011, Norlight, Inc. changed its name to Windstream Norlight, Inc in Docket No, 11-CNYC-817-CCN. Following that, on

August 6, 2015, Windstream Norlight, Inc. changed its name to Windstream Norlight, LLC in Docket No. 15-CNYC-612-CCN.

Windstream seeks to relinquish its CLEC certificate as it no longer operates as a competitive local exchange carrier providing service in the State of Kansas since it no longer has any customers in Kansas and has no intention acquiring any new customers. As a result of Windstream not having any active customers in Kansas, staff requests the Commission waive customer notification requirements. Therefore, relinquishing its COC will cause no harm to Kansas consumers. Windstream also seeks withdrawal of its Competitive Switched Access Tariff No. 2 currently on file with the Commission.

Windstream has a current Annual Interrogatory on file with the Commission. Windstream is current with payment of its Commission assessments and its Kansas Universal Service Fund (KUSF) obligations. Windstream is active and in good standing with the Secretary of State's website.¹

RECOMMENDATION

As no customers will be adversely affected by this filing, Staff recommends the Commission approve Windstream's request to cancel its Certificate of Convenience and Authority to provide CLEC services within the legacy AT&T and Brightspeed areas in Kansas.

¹ Secretary of State's Website, <https://www.sos.ks.gov/eforms/BusinessEntity/Search.aspx>. Last viewed October 21, 2024.

CERTIFICATE OF SERVICE

25-CNYC-192-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 11/05/2024.

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/S/ KCC Docket Room

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