

**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 Cancellation of the Certificate)
of Convenience and Authority Previously Granted) Docket No. 15-NXCT-278-CCS
to Nexus Communications, Inc. for Switched Local)
Exchange Telecommunications Service.)

ORDER CANCELLING CERTIFICATE

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 December 22, 2014, Nexus Communications, Inc. (Nexus) filed a letter notification/request pursuant to K.A.R. 82-13-2, giving notice of the company's intent to discontinue providing wireline services in Kansas and to relinquish its Certificate of Convenience and Authority (Certificate) to provide switched local exchange telecommunications service. A copy of Nexus' Customer Notice format was included as an attachment to the company's letter notification.

2. The Commission derives its authority to supervise telecommunications public utilities from K.S.A 66-1,188. The Commission's authority to certify and de-certify public utilities derives from K.S.A. 66-131. In accordance with K.S.A. 66-131, the Commission must review all certification and de-certification applications in order to determine whether the public convenience will be promoted by granting the requested discontinuation of service.

3. On January 26, 2015, the Commission Staff (Staff) submitted its Report and Recommendation dated January 22, 2015, recommending the Commission grant Nexus' request

and cancel the company's Certificate to engage in the business of providing switched local exchange and exchange access service in Kansas. According to Staff, Nexus was granted a Certificate to provide switched local exchange and exchange access service in Kansas pursuant to the Commission's Order of August 3, 2004, issued in Docket No. 04-NXCT-833-COC. Nexus is properly registered with the Kansas Secretary of State's office as a foreign for profit corporation and its status with that office is *active and in good standing*. Staff confirms that Nexus has informed its existing customer base of two customers of the company's intent to cease offering wireline service in Kansas. The affected customers have been provided at least thirty days within which to arrange service with another provider. Other providers in the area include Southwestern Bell Telephone Company d/b/a AT&T Kansas, as well as other Competitive Local Exchange Carriers. Inasmuch as Nexus has only two wireline customers in Kansas and there exists numerous options for an alternative service provider for both wireline and wireless service, Staff concludes that it is in the public interest to cancel Nexus' Certificate¹.

4. The Commission adopts Staff's analysis and recommendation of January 22, 2015, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that the public convenience will be promoted by granting Nexus' request and cancelling the company's Certificate of Convenience and Authority to provide switched local exchange and exchange access service in Kansas.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Nexus Communications, Inc.'s request filed December 22, 2014, is hereby granted and the Certificate of Convenience and Authority authorizing Nexus to provide switched local exchange and exchange access service within Kansas, issued August 3, 2004, in Docket No. 04-NXCT-833-COC, is hereby canceled, effective as of the date of this Order.

¹ Report and Recommendation, pages 1 and 2.


B. Any party may file a petition for reconsideration of this order within fifteen (15) days of the date this Order is served. If service is by mail, service is complete upon mailing and three (3) days may be added to the above time frame. K.S.A. 66-118b; K.S.A. 2013 Supp. 77-529.

C. The Commission retains jurisdiction over the subject matter of this docket for the purpose of entering such further order, or orders, as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: JAN 29 2015


ORDER MAILED JAN 30 2015
Neysa Thomas
Acting Secretary

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**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

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

FROM: Paula Artzer, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: January 22, 2015

SUBJECT: Docket No. 15-NXCT-278-CCS
In the Matter of the Cancellation of the Certificate of Convenience and
Authority Previously Granted to Nexus Communications, Inc. for
Switched Local Exchange Telecommunications Service.

EXECUTIVE SUMMARY:

On December 22, 2014, Nexus Communications, Inc. (Nexus) filed a Letter with the Commission requesting the Commission approve the cancellation of their Certificate to provide Switched Local Exchange services in Kansas. The letter indicates that Nexus has approximately two wireline customers in Kansas. Nexus will continue to operate their wireless business in Kansas. Staff recommends the Commission grant this request.

BACKGROUND:

Nexus received a Certificate of Convenience to provide Local Exchange and Exchange Access services in Kansas in Docket No. 04-NXCT-833-COC, dated August 3, 2004. 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.

ANALYSIS:

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

Nexus is registered and is in a status of Active and Good Standing with the Kansas Secretary of State. Nexus filed their Annual Report for 2013 on April 2, 2014. Nexus' Commission Assessments are current and their KUSF account is current.

Nexus attached a letter indicating they have informed their existing customer base of two customers of their intent to cease offering wireline service in Kansas. Nexus indicates the customers have been provided at least thirty days to make other arrangements for their telephone service. Other providers include Southwestern Bell Telephone Company d/b/a AT&T Kansas as well as other Competitive Local Exchange Carriers.

RECOMMENDATION:

Staff recommends the Commission cancel the Certificate of Convenience and Authority of Nexus to provide Local Exchange and Exchange Access services as requested. Nexus has only two wireline customers in Kansas. With the numerous options for customers to choose an alternative provider in Kansas both wireline and wireless, it is in the public interest to cancel the Certificate.

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
DANIELLE FRAPPIER DAVIS WRIGHT TREMAINE LLP 1919 PENNSYLVANIA AVE NW STE 800 WASHINGTON, DC 20006		
ADAM SHOEMAKER, ATTORNEY DAVIS WRIGHT TREMAINE LLP 1919 PENNSYLVANIA AVE NW STE 800 WASHINGTON, DC 20006		
NICOLE STEPHENS, KUSF ADMINISTRATOR MANAGER GVNW CONSULTING, INC. 3220 PLEASANT RUN SUITE A SPRINGFIELD, IL 62711		
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		

ORDER MAILED JAN 30 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.