

**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 of BCN        )  
Telecom, Inc. for a Certificate of                )  
Convenience and Authority to Provide        )        14-NUTC-521-COC  
Local Exchange and Exchange Access        )        (CLEC)  
Service Within the State of Kansas.        )

**ORDER AND CERTIFICATE**

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:

**I. BACKGROUND**

1. On May 12, 2014, BCN Telecom, Inc. (BCN) filed an Application requesting a Certificate of Convenience and Authority (Certificate) to provide Local Exchange and Exchange Access (CLEC) service within the State of Kansas.

2. On July 24, 2014, the Commission Staff (Staff) submitted its Report and Recommendation dated July 22, 2014, recommending the Commission grant BCN's Application and certificate BCN as a Local Exchange and Exchange Access service provider within the state.

**II. DISCUSSION AND ANALYSIS**

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2013 Supp. 66-1,188. K.S.A. 2013 Supp. 66-131(a) provides in part that:

No common carrier or public utility...governed by the provisions of this act shall transact business in the State of Kansas until it shall have obtained a certificate from the corporation commission that public convenience will be promoted by the transaction of said

business and permitting said applicants to transact the business of a common carrier or public utility in this state.

In determining whether the public convenience will be promoted by the transaction of said business, the Commission looks at a number of factors. Regarding such factors, K.S.A. 2013 Supp. 66-2005(w) provides in part that:

“...telecommunications carriers that were not authorized to provide switched local exchange telecommunications services in this state as of July 1, 1996...must receive a certificate of convenience based upon a demonstration of technical, managerial and financial viability and the ability to meet quality of service standards established by the commission”.

Staff determines from its review and investigation of the Application and information provided by BCN that the company possesses the requisite technical, managerial, and financial viability to operate resold services and billing systems within the state.

4. According to Staff, BCN intends to provide service in the territories of Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) and United Telephone Company d/b/a CenturyLink (CenturyLink). The company plans to provide resold and facilities-based/UNE-P local exchange and exchange access services that include, but will not be limited to: basic residential exchange services (local exchange flat rate, measured rate service, operator access), basic business exchange services, business and residential ancillary services (9-1-1, E-9-1-1, 4-1-1, relay service, directory listing, directory assistance, etc.), Centrex, ISDN, assignment of new numbers, number portability, AIN provided features, DID trunks and lines, and interfaces to local exchange carriers' switches. In addition, BCN will offer dual-party relay services, 9-1-1 emergency services, directory assistance and operator assisted calls, lifeline, and toll-free calling. BCN may also offer non-regulated telecommunications services, such as Internet Access and Interexchange service through interconnection with other carriers. Staff states that BCN is

properly registered with the Kansas Secretary of State's office as a foreign for profit corporation, whose status with that office is "active and in good standing". Staff confirms that all other aspects of BCN's Application have been reviewed and determines that everything is acceptable with respect to the standards established through Staff's review process. To the extent BCN's presence in Kansas would increase consumer options for local services, Staff believes the general public will benefit from Commission approval of the company's Application. Concluding, Staff recommends the Commission grant BCN's Application and issue the company a Certificate of Convenience and Authority to provide Local Exchange and Exchange Access Services within the territories served by AT&T Kansas and CenturyLink. Staff notes that BCN must file Access Tariffs with the Commission prior to offering service and that the company be reminded to: notify the Commission immediately of any change in address or contact telephone numbers, file timely annual reports, maintain current registration with the Kansas Secretary of State's office, and pay all Commission and Kansas Universal Service Fund assessments in a timely manner. Report and Recommendation at pages 1 and 2.

### **III. FINDINGS AND CONCLUSION**

5. Pursuant to K.S.A. 2013 Supp. 66-1,188, the Commission has jurisdiction to supervise and control telecommunications public utilities doing business in Kansas. BCN is a telecommunications public utility under K.S.A. 2013 Supp. 66-1,187 and is therefore subject to the Commission's jurisdiction. The Commission adopts Staff's analysis and recommendations of July 22, 2014, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that BCN's Application should be granted and a Certificate of Convenience and Authority issued to BCN authorizing it to engage in the business of

providing Local Exchange and Exchange Access services within the territories served by AT&T Kansas and CenturyLink.

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

A. The Application of BCN Telecom, Inc., filed May 12, 2014, is hereby granted and BCN is hereby issued a Certificate of Convenience and Authority to provide Local Exchange and Exchange Access services within the territories served by Southwestern Bell Telephone Company d/b/a AT&T Kansas and United Telephone Company d/b/a CenturyLink.

B. BCN is directed to file Access Tariffs with the Commission prior to offering services and to remain in compliance with the notification, reporting, filing, payment, and code of conduct requirements set forth in paragraph 4 above.

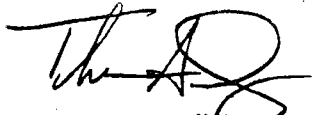
C. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2013 Supp. 77-529(a)(1).

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 AND CERTIFIED.**

Albrecht, Chair; Emler, Com.; Apple, Com.

Dated: JUL 29 2014

  
ORDER MAILED JUL 30 2014  
Thomas A. Day  
Acting Executive Director

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

Sam Brownback, Governor

## **REPORT AND RECOMMENDATION UTILITIES DIVISION**

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

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

**DATE:** July 22, 2014

**SUBJECT:** Docket No. 14-NUTC-521-COC (CLEC)  
In the Matter of the Application of BCN Telecom, Inc. for a Certificate of  
Convenience and Authority to Provide Local Exchange and Exchange  
Access Service, within the State of Kansas.

### **SUMMARY:**

On May 12, 2014, BCN Telecom, Inc. applied for Certification to provide Local Exchange and Exchange Access Service within the State of Kansas. Staff recommends Commission approval of this Application.

### **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:**

BCN Telecom, Inc. is a New Jersey Corporation located at 550 Hills Drive, Ste. 110, Bedminster, NJ 07921. The Applicant intends to provide service in Southwestern Bell Telephone Company (SWBT) and United Telephone Company (CenturyLink) territories

that may desire or require additional telecommunications services providers. Applicant plans to provide resold and facilities-based/UNE-P local exchange and exchange access services. These services include, but will not be limited to: basic residential exchange services (local exchange flat rate, measured rate service, operator access), basic business exchange services, business and residential ancillary services (9-1-1, E-9-1-1, 4-1-1, relay service, directory listing, directory assistance, etc.), Centrex, ISDN, assignment of new numbers, number portability, AIN provided features, DID trunks and lines, and interfaces to local exchange carriers' switches. In addition, the Company will offer dual-party relay services, 9-1-1 emergency services, directory assistance and operator assisted calls, lifeline, and toll-free calling. BCN may also offer non-regulated telecommunications services, such as Internet Access and Interexchange service through interconnection with other carriers.

BCN Telecom, Inc. is a New Jersey Foreign For Profit Company and was properly registered with the Kansas Secretary of State's office on December 12, 2001. They are currently "active and in good standing" with the Secretary's office.

Staff believes that adequate expertise exists to operate resold services and billing systems. The Company's financial data has been reviewed and appears to be adequate to maintain operations.

All other aspects of BCN Telecom, Inc.'s Application have been reviewed and everything is acceptable with respect to the standards established through Staff's review process.

To the extent that the Company's presence in Kansas would increase the consumer's options for local services, Staff believes the general public would benefit from Commission approval of this Application.

### **RECOMMENDATION:**

Staff recommends approval of BCN Telecom, Inc.'s Application to provide Local and Access Exchange Services within the State of Kansas.

The Company must file Access Tariffs with the Commission prior to offering service. The Company is reminded to notify the Commission immediately of any change in address or contact telephone numbers, file timely annual reports, maintain current registration with the Kansas Secretary of State's Office, and pay all Commission and Kansas Universal Service Fund assessments in a timely manner.

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
RICHARD M. BOUDRIA, CEO BCN TELECOM, INC. 550 HILLS DR STE 110 1ST FL BEDMINSTER, NJ 07921		
PATRICK D. CROCKER CROCKER & CROCKER, P.C. THE KALAMAZOO BLDG 107 W MICHIGAN AVE 4TH FLR KALAMAZOO, MI 49007		
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		

ORDER MAILED JUL 30 2014

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.