

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Cancellation of All)
Operating Certificates of Convenience) Docket No. 18-RSBT-416-CCS
and Authority Previously Granted to) (CLEC & IXC)
Rosebud Telephone, LLC.)

ORDER CANCELLING CERTIFICATES

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 duly advised in the premises, the Commission finds and concludes as follows:

1. On March 26, 2018, Rosebud Telephone, LLC (Rosebud) filed a request seeking cancellation of its Certificates of Convenience and Authority to provide telecommunications services in the State of Kansas.

2. The Commission's authority to supervise telecommunications public utilities derives from K.S.A. 2017 Supp. 66-1,188. The Commission's authority to certificate and de-certificate public utilities derives from K.S.A. 2017 Supp. 66-131. Pursuant to K.S.A. 2017 Supp. 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.

3. On May 14, 2018, the Commission Staff (Staff) submitted its Report and Recommendation dated May 9, 2018, recommending the Commission cancel Rosebud's Certificates authorizing the company to provide competitive local exchange (CLEC) and intrastate interexchange (IXC) services in Kansas. According to Staff, the company's Certificate authorizing it to provide CLEC service in Kansas was issued by the Commission on July 15, 2010, in Docket No. 10-RSBT-713-COC. Also, on July 15, 2010, in Docket No. 10-RSBT-714-COC, Rosebud

was issued its Certificate authorizing the company to provide IXC services in Kansas. According to Staff, Rosebud provided notice of its intention to cease all telecommunications services in Kansas on February 12, 2018. Through responses to Staff's Data Requests directed to Rosebud, contacts with Rosebud's counsel, and confirmation from Southwestern Bell Telephone Company d/b/a AT&T Kansas, Staff determines that all of Rosebud's Kansas customers have been successfully transferred to new providers. Staff states that Rosebud timely filed its 2017 Annual Interrogatory with the Commission and has a zero balance in Commission Assessments. Rosebud is also current with its reporting and payment obligations to the Kansas Universal Service Fund (KUSF) and has a credit balance of \$102.01 on its account. The KUSF Administrator is working with Rosebud to refund the credit balance. Lastly, Rosebud is shown to be *active and in good standing* with the Kansas Secretary of State's office. Concluding, Staff determines that the public convenience will be promoted by cancellation of Rosebud's CLEC and IXC Certificates as Rosebud no longer has any customers in Kansas. Staff recommends the Commission grant Rosebud's request and cancel the company's CLEC and IXC Certificates of Convenience and Authority in the State of Kansas, as requested by the company.¹

4. The Commission adopts Staff's analysis and recommendation of May 9, 2018, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that Rosebud's request should be granted and that the public convenience will be promoted by cancelling the company's Certificates.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A). Rosebud Telephone, LLC's request filed in this matter on March 26, 2018 is hereby granted and the company's Certificates of Convenience and Authority authorizing it to provide

¹ Report and Recommendation, pages 1 and 2.

competitive local exchange carrier (CLEC) and intrastate interexchange carrier (IXC) telecommunications services within the State of Kansas, issued July 15, 2010, in Docket Nos. 10-RSBT-713-COC and 10-RSBT-714-COC, respectively, are hereby canceled.

(B). 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. 2017 Supp. 77-529(a)(1).

(C). 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; Keen, Commissioner

Dated: 05/17/2018



Lynn M. Retz
Secretary to the Commission

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STATE OF KANSAS



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SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chair Shari Feist Albrecht
Commissioner Jay Scott Emler
Commissioner Dwight D. Keen

FROM: Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: May 9, 2018

SUBJECT: Docket No. 18-RSBT-416-CCS (IXC & CLEC)

In the Matter of the Cancellation of All Operating Certificates of Convenience and Authority Previously Granted to Rosebud Telephone, LLC

EXECUTIVE SUMMARY

On March 26, 2018, Rosebud Telephone, LLC (Rosebud) filed a letter requesting the Kansas Corporation Commission (Commission) cancel all of its Certificates of Convenience and Authority to provide telecommunications services in Kansas. Staff recommends the Commission grant this request.

BACKGROUND:

On July 15, 2010, the Commission granted Rosebud Certificates of Convenience and Authority to transact the business of a competitive local exchange carrier (CLEC) and an intrastate interexchange carrier (IXC) in Docket Nos. 10-RSBT-713-COC and 10-RSBT-714-COC, respectively.

On March 26, 2018, Rosebud filed a letter requesting relinquishment of its Certificates. According to the letter, Rosebud intended to cease all services as of March 31, 2018. Rosebud provided notice of this to its customers on February 12, 2018, and has since been transitioning its customers to other providers.

On March 28, 2018, Staff issued Data Requests (DR) 1-3. In response to DRs 2 and 3, Rosebud indicated that it did not sell its customer base and that customers were actively selecting and transitioning to a new provider of their choosing. As of April 5, 2018, Rosebud did not have any

IXC customers and had 28 CLEC customers remaining. On May 3, 2018, Rosebud's counsel informed Staff that Rosebud no longer had any Kansas customers.

Rosebud resells local services of Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T). On May 8, 2018, Staff received confirmation from Rosebud's underlying carrier, AT&T, that all of Rosebud's Kansas customers have been successfully transferred to new providers.

ANALYSIS:

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 de-certification applications to determine whether the "public convenience" will be promoted by granting the request.

Rosebud timely filed its 2017 Annual Interrogatory with the Commission and has a zero balance in Commission Assessments. Rosebud is current with its reporting and payment obligations to the Kansas Universal Service Fund (KUSF) and has a \$102.01 credit balance on its account. The Administrator of the KUSF is working with Rosebud to refund the credit balance. Lastly, Rosebud is "active and in good standing" with the Kansas Secretary of State's Office.

RECOMMENDATION:

Staff finds that the public convenience will be promoted by cancelling Rosebud's CLEC and IXC Certificates as Rosebud no longer has any customers in Kansas. Pursuant to K.S.A. 66-1,188 and K.S.A. 66-131, Staff recommends the Commission cancel the CLEC and IXC Certificates of Convenience and Authority of Rosebud in the state of Kansas, as requested.

CERTIFICATE OF SERVICE

18-RSBT-416-CCS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of
05/18/2018
first class mail/hand delivered on _____.

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/S/ DeeAnn Shupe

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