

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners: Mark Sievers, Chairman  
Ward Loyd  
Thomas E. Wright

In the Matter of the Application of DIECA )  
Communications, Inc. d/b/a Covad )  
Communications Company for an Amended ) Docket No. 12-DCIT-707-CCN  
and Reissued Certificate of Public )  
Convenience and Necessity to Reflect Its New )  
Name "MegaPath Corporation" (CLEC) )

**ORDER APPROVING NAME CHANGE AND ORDERING REVISED TARIFF**

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1. On August 31, 1999 DIECA Communications, Inc. d/b/a Covad Communications Company (DIECA) was granted a Certificate of Convenience and Authority to provide Competitive Local Exchange services within the state of Kansas in Docket No. 99-DCIT-945-COC. DIECA's Certificate of Convenience and Authority was briefly revoked in Docket No. 12-DCIT-332-SHO but was reinstated effective March 21, 2012.
2. On March 19, 2012, DIECA filed a letter requesting to change its name to MegaPath Corporation.
3. Commission Staff filed its report and recommendation on March 28, 2012, attached hereto and made a part hereof by reference. Staff found that "MegaPath Corporation" is "active and in good standing" with the Kansas Secretary of State's Office. Staff also found that

DIECA is in compliance with respect to Commission Assessments, Kansas Universal Service Fund (KUSF), and Annual Report filing requirements. Additionally, Staff noted that DIECA does not receive KUSF support, and, as an IXC, its rates are not regulated by the Commission. Based on this information, Staff recommended that the Commission approve the name change. However, Staff also noted that DIECA did not file a revised tariff reflecting its name change and recommended that DIECA be required to do so.


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

- A. The Commission adopts the Commission Staff's recommendations of approving DIECA's name change, and requiring DIECA to file a revised tariff with its new name.
- B. DIECA's request to change its name to MegaPath Corporation is hereby approved.
- C. DIECA is hereby ordered to submit a revised tariff under the new name of MegaPath Corporation within thirty (30) days of this Order. The content of that tariff with respect to services, rates, rules and regulations shall remain unchanged, other than the name change.
- D. 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. 66-118; K.S.A. 77-529(a)(1).
- E. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further order, or orders, as it may deem necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Sievers, Chmn.; Loyd, Com.; Wright, Com.

Dated: APR 11 2012

  
ORDER MAILED APR 11 2012  
Patrice Petersen-Klein  
Executive Director

MRN

1500 SW Arrowhead Road  
Topeka, KS 66604-4027

Mark Sievers, Chairman  
Ward Loyd, Commissioner  
Thomas E. Wright, Commissioner



Phone: 785-271-3100  
Fax: 785-271-3354  
<http://kcc.ks.gov/>

Sam Brownback, Governor

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**STATE CORPORATION  
COMMISSION**

**MAR 30 2012**

**PATRICE PETERSEN-KLEIN  
EXECUTIVE DIRECTOR**

**TO:** Chairman Mark Sievers  
Commissioner Ward Loyd  
Commissioner Thomas E. Wright

**FROM:** Paula Artzer

**DATE:** March 28, 2012

**DATE SUBMITTED TO EXECUTIVE DIRECTOR:** 3/30/12

**DATE SUBMITTED TO LEGAL:** 4.3.12

**DATE SUBMITTED TO COMMISSIONERS:** 4-04-12

**SUBJECT:** 12-DCIT-707-CCN  
In the Matter of the Application of DIECA Communications, Inc. d/b/a Covad Communications Company for an Amended and Reissued Certificate of Public Convenience and Necessity to Reflect Its New Name "MegaPath Corporation" (CLEC)

**EXECUTIVE SUMMARY:**

On March 19, 2012, DIECA Communications, Inc. d/b/a Covad Communications Company filed a letter requesting to change the Company's name to MegaPath Corporation. Staff recommends Commission approval of this filing.

**BACKGROUND:**

On August 31, 1999, DIECA Communications, Inc. d/b/a Covad Communications Company was granted a Certificate of Convenience and Authority to provide Competitive Local Exchange services within the state of Kansas in Docket No. 99-DCIT-945-COC.

In December 2011, Megapath, Inc., DSLnet Communications LLC, DSLnet Communications VA, Inc., and Covad Communications Company consolidated into DIECA Communications, a wholly owned MegaPath Group subsidiary. DIECA Communications changed its name to MegaPath Corporation in January 2012.

The Commission issued a Show Cause Order 12-DCIT-332-SHO against DIECA Communications, Inc. d/b/a Covad Communications Company in February of this year. The Company filed for Reconsideration in March 2012 explaining that administrative issues regarding a relocation had led to the Show Cause and the Commission issued an Order for reinstatement effective 3/21/2012.

**ANALYSIS:**

With this filing, the Company states that the Reorganization/Consolidation is entirely transparent to Customers, and there is no change to the Company's services, pricing, or terms and conditions of service, per the notice provided to the existing customer base. MegaPath Corporation did not provide a revised tariff with this filing. The new name MegaPath Corporation has been registered with the Kansas Secretary of State's Office and its status is "*active and in good standing*." The Company is also in compliance with respect to Commission Assessments, Kansas Universal Service Fund (KUSF), and Annual Report filing requirements. The Company does not receive KUSF support, and, as a CLEC, its rates are not regulated by the Commission.

**RECOMMENDATION:**

Staff recommends the Commission approve DIECA Communications, Inc. d/b/a Covad Communications Company's request to change its name to MegaPath Corporation. Staff notes that the Company did not file a new tariff, and the current tariff reflects DIECA Communications, Inc. d/b/a Covad Communications Company. Therefore, the Company is required to submit a revised tariff under the new name of MegaPath Corporation within 30-days of the date of this Order. The content of that tariff with respect to services, rates, rules and regulations shall remain unchanged, other than the name change.

cc: Patrice Petersen-Klein, Executive Director  
Jeff McClanahan, Acting Director of Utilities  
Christine Aarnes, Chief of Telecommunications

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
ROSE MULVANY HENRY, ATTORNEY BRADLEY ARANT BOULT CUMMINGS LLP 1600 DIVISION ST STE 700 PO BOX 340025 NASHVILLE, TN 37203-0025		
KATHERINE K. MUDGE, DIRECTOR, STATE AFFAIRS & ILEC REGULATIONS DIECA COMMUNICATIONS, INC. D/B/A COVAD COMMUNICATIONS 2111 W BRAKER LN STE 100 AUSTIN, TX 78758-4084		
MICHAEL NEELEY, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED APR 11 2012

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.