

**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 Application of Ionex                      )  
Communications, Inc. to Change its Name                      )                      Docket No. 18-ICIC-414-CCN  
to Ionex Communications, LLC.                      )                      (IXC)

**ORDER APPROVING NAME CHANGE**

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 21, 2018, Ionex Communications, Inc. d/b/a Birch Communications (Birch) filed an Application requesting that the name on its Certificate of Convenience and Authority to provide Interexchange Telecommunication Services (IXC) be changed to Ionex Communications, LLC d/b/a Birch Communications. Supplementing its Application, Birch included copies of the Delaware certification of Ionex Communications, LLC as a limited liability company in good standing, the Company's Application for Registration of Foreign Covered Entity filed with the Kansas Secretary of State, and certification as a foreign limited liability company with the Kansas Secretary of State where its status is shown to be *active and in good standing*.

2.        The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2017 Supp. 66-1,188. Respecting requests for a company name change, the Commission, in accordance with K.S.A. 2017 Supp. 66-131 and K.S.A. 2017 Supp. 66-136, must determine whether the proposed name change will promote the public convenience.

3. On June 25, 2018, the Commission Staff (Staff) submitted its Report and Recommendation, dated June 21, 2018, recommending the Commission grant Birch's Application and approve the requested name change. According to Staff, Birch's Certificate of Convenience and Authority to provide Interexchange Telecommunication Services in the State of Kansas derives from the Commission's March 20, 2000 Order issued in Docket No. 00-ICIC-759-CCN.<sup>1</sup>

4. Staff reports that Birch is current with regard to Kansas Universal Service Fund (KUSF) and Commission assessments and has a current Annual Interrogatory on file with the Commission. Staff notes that Birch should 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 KUSF assessments in a timely manner. Concluding, Staff recommends the Commission grant Birch's Application and approve its name change to Ionex Communications, LLC d/b/a Birch Communications.<sup>2</sup>

5. The Commission adopts Staff's analysis and recommendation of June 21, 2018, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that the Application filed in this matter by Birch should be granted. The Commission further finds that the requested name change under Birch's Certificate of Convenience and Authority to provide Interexchange Telecommunication Services within the State of Kansas to Ionex Communications, LLC d/b/a Birch Communications will promote the public convenience and should be approved.

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<sup>1</sup> Report and Recommendation, page 2.

<sup>2</sup> Id.

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

(A). Ionex Communications, Inc. d/b/a Birch Communications' Application filed in this matter on March 21, 2018, is hereby granted and the company's request for a name change from Ionex Communications, Inc. d/b/a Birch Communications to Ionex Communications, LLC d/b/a Birch Communications, under its Certificate of Convenience and Authority to provide Interexchange Telecommunication Services in Kansas is hereby approved.

(B). Ionex Communications, LLC is reminded to notify the Commission immediately of any change in address or contact telephone numbers, to file timely annual reports, maintain current registration with the Kansas Secretary of State's office, and pay all Commission and KUSF assessments in a timely manner.

(C). 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).<sup>3</sup>

(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.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: \_\_\_\_\_



Lynn M. Retz  
Secretary to the Commission

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<sup>3</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

# STATE OF KANSAS



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GOVERNOR JEFF COLYER, M.D.

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

## REPORT AND RECOMMENDATION UTILITIES DIVISION

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

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

**DATE:** June 21, 2018

**RE:** Docket No. 18-ICIC-414-CCN (IXC)  
In the Matter of the Application of Ionex Communications, Inc. d/b/a Birch  
Communications to Change its Name to Birch Telecom of Kansas, LLC.

### **EXECUTIVE SUMMARY:**

On March 19, 2019, Ionex Communications, Inc. d/b/a Birch Communications filed an Application requesting the Commission change its name in all Commission records to Ionex Communications, LLC d/b/a Birch Communications. Staff recommends approval of this Application.

### **BACKGROUND:**

The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 66-1,188.

### **ANALYSIS:**

Ionex Communications, Inc. d/b/a Birch Communications requests that the name on its Certificate of Convenience and Authority to provide Interexchange Telecommunications Services (IXC) within the state of Kansas be changed to Ionex Communications, LLC d/b/a Birch Communications. The Company states the change will not affect any services or rates provided to customers of the Company.

Ionex Communications, Inc. d/b/a Birch Communications was issued a Certificate to provide Interexchange Telecommunications Services in Docket No. 00-ICIC-759-CCN on March 20, 2000.<sup>1</sup>

Ionex Communications, LLC d/b/a Birch Telecom of Kansas, LLC is properly registered with the Kansas Secretary of State's Office and authorized to engage in business in Kansas. They are currently "active and in good standing" with the Secretary's Office. Ionex Communications, Inc. d/b/a Birch Communications is current with regard to KUSF and has a current Annual Interrogatory on file. The Company is current with regard to payment of Commission assessments.

### **RECOMMENDATION:**

Staff recommends approval of Ionex Communications, Inc. d/b/a Birch Communications' Application to change the name on its Certificate to provide Interexchange Telecommunications Services within the state of Kansas to Ionex Communications, LLC d/b/a Birch Communications. 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.

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<sup>1</sup> Ionex Communications, Inc. d/b/a Birch Communications was issued a Certificate of Convenience and Authority to provide Interexchange Telecommunications Services under the name Feist Long Distance Service, Inc. in Docket No. 97-FLDT-042-COC on October 15, 1997.

## CERTIFICATE OF SERVICE

18-ICIC-414-CCN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 06/29/2018.

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/S/ DeeAnn Shupe  
DeeAnn Shupe

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