

**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 Crown)
Castle Fiber, LLC for a Certificate of)
Authority to Provide Resold and Facilities-Based) Docket No. 19-CCFT-085-COC
Interexchange Telecommunications Services) (IXC)
in the State of Kansas.)

ORDER GRANTING 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 August 16, 2018, Crown Castle Fiber, LLC (Crown Fiber) filed an Application requesting a Certificate of Convenience and Authority authorizing the company to provide Interexchange (IXC) telecommunications services in the State of Kansas.

2. On October 17, 2018, the Commission Staff (Staff) submitted its Report and Recommendation dated October 16, 2018 to the Commission, providing its analysis and recommendations regarding Crown Fiber's Application.

3. According to Staff, Crown Fiber requests authority to provide resold and facilities-based Interexchange services using its own facilities and services and those leased from other carriers as well as through resale. Crown Fiber is a foreign limited liability company properly registered with the Kansas Secretary of State's office where its status is shown to be active and in good standing.

II. DISCUSSION AND ANALYSIS

4. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2017 Supp. 66-1,188. Defining telecommunications public utilities, K.S.A. 2017 Supp. 104(a) provides in part that:

The term “public utility” as used in this act, shall be construed to mean every corporation, company, individual, association of persons, their trustees, lessees or receivers, that now or hereafter may own, control, operate or manage, except for private use, any equipment, plant or generating machinery, or any part thereof, for the transmission of telephone messages or for the transmission of telegraph messages through any part of the state...

K.S.A. 2017 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 and necessity 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, Staff points out that the Commission looks at a number of factors when determining whether a particular application is consistent with the public interest. Regarding such factors, Staff cites K.S.A. 2017 Supp. 66-2005(w) which 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.

5. According to Staff, Crown Fiber has the requisite personnel and expertise to provide resold and facilities-based Interexchange telecommunication services. Staff further states that the financial records submitted by the company support Crown Fiber's financial ability to conduct operations consistent with the authority it is proposing to provide in Kansas. Based on Staff's investigation it determines the company has demonstrated the managerial, technical, and financial ability to provide Interexchange services in Kansas.

6. Based on its investigation, Staff recommends the Commission grant Crown Fiber's Application and issue the company a Certificate of Convenience and Authority authorizing Crown Fiber to provide Interexchange telecommunications services within the State of Kansas. In addition, Staff recommends that Crown Fiber be reminded that all telecommunications companies in Kansas are required by law to file Annual Reports, remain current with the Kansas Secretary of State's office, pay all Commission and KUSF assessments and follow the Telecommunications Carrier Code of Conduct. Staff also recommends that Crown Fiber be reminded of the need to notify the Commission of any changes in contact personnel, address and/or telephone numbers.

III. FINDINGS AND CONCLUSION

7. Pursuant to K.S.A. 2017 Supp. 66-1,188, the Commission has jurisdiction to supervise and control telecommunications public utilities doing business in Kansas. Crown Fiber is a telecommunications public utility under K.S.A. 2017 Supp. 66-1,187 and is subject to the Commission's jurisdiction. The Commission accepts and adopts Staff's analysis and recommendations of October 16, 2018, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference. The Commission finds that Crown Fiber's Application is in the public interest and should be granted and that the requested Certificate of Convenience and Authority will promote public convenience and necessity and should be issued

authorizing Crown Fiber to provide Interexchange telecommunications services within the State of Kansas.

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

A. Crown Castle Fiber, LLC's Application filed in this matter on August 16, 2018, is hereby granted and it is hereby issued a Certificate of Convenience and Authority authorizing the company to provide Interexchange Telecommunications Services in the State of Kansas.

B. Crown Castle Fiber, LLC is directed to comply with the filing, payment, and notification requirements set forth in paragraph 6 above. Failure to meet these requirements could result in revocation of the company's Certificate.

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).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, Commissioner; Keen, Commissioner

Dated: 10/23/2018



Lynn M. Retz
Secretary to the Commission

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¹ K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

STATE OF KANSAS



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REPORT AND RECOMMENDATION UTILITIES DIVISION

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

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

DATE: October 16, 2018

SUBJECT: Docket No. 19-CCFT-085-COC (IXC)
Application of Crown Castle Fiber, LLC for a Certificate of Authority to Provide
Resold and Facilities-Based Interexchange Telecommunications Services in the
State of Kansas.

SUMMARY:

On August 16, 2018, Crown Castle Fiber, LLC applied for Certification to provide Interexchange Services 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:

Crown Castle Fiber, LLC was incorporated in Delaware. The business office is located at 1220 Augusta Drive, Suite 600, Houston, TX 77057. The Applicant proposes to provide facilities-based and resold interexchange telecommunications services statewide throughout the state of Kansas.

Crown Castle Fiber, LLC is a foreign Limited Liability Company and was properly registered with the Kansas Secretary of State's office on May 31, 2018. They are currently "active and in good standing" with the Secretary's office.

Staff believes that adequate expertise exists to operate facilities-based and 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 Crown Castle Fiber, LLC'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 long distance services, Staff believes the general public would benefit from Commission approval of this Application.

RECOMMENDATION:

Staff recommends approval of Crown Castle Fiber, LLC's Application to provide Interexchange Services within the State of Kansas.

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.

CERTIFICATE OF SERVICE

19-CCFT-085-COC

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 and electronic service on 10/24/2018.

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