

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

Before Commissioners: Susan K. Duffy, Chair
Dwight D.C Keen
Andrew J. French

In the Matter of United Telephone Companies)
of Kansas Proposal to Revise the Exchange)
Boundary United Telephone Companies of) Docket No. 20-UTDT-398-CXB
Kansas Alta Vista Exchange with Tri County)
Communications)

**ORDER GRANTING APPLICATION TO CEASE TRANSACTING
THE BUSINESS OF A TELEPHONE PUBLIC UTILITY**

NOW, the above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission). The Commission after giving due consideration to the Application and being fully advised in the premises, finds that:

1. The Application of United Telephone Companies of Kansas d/b/a CenturyLink, (CenturyLink) in the above-captioned docket was filed with this Commission on March 17, 2020.

A public hearing was not held on the instant Application.

2. The Commission's authority to supervise telecommunications public utilities derives from K.S.A. 66-1,188. The Commission's Authority to issue certificates and decertify public utilities derives from K.S.A. 66-131. Pursuant to 66-131, the Commission must review all certificate applications to determine whether the public convenience will be promoted by granting the request.

3. CenturyLink requests permission to cease transacting the business of a telephone public utility in the following described territory:

Beginning at a point $\frac{1}{4}$ mile north and $\frac{1}{4}$ mile west of the southeast corner of Section 2, T15S, R8E; thence east $1\frac{1}{4}$ miles; thence south $\frac{3}{4}$ mile; thence east 1 mile; thence south $\frac{1}{2}$ mile to the southeast corner of Section 7, T15S, R8E; thence west $2\frac{1}{4}$ miles; thence north $1\frac{1}{4}$ miles to the point of the beginning.

4. On March 17, 2020, Tri-County Telephone Association, Inc. made a companion filing in Docket No. 20-TRCT-400-CXB, requesting to transact the business of a telephone public utility in the territory described in paragraph 3 above.

5. By granting of this Application, the total area certified to Applicant for its Alta Vista, Kansas exchange will be described as follows:

ALTA VISTA EXCHANGE

Beginning at a point $\frac{1}{4}$ mile east and $\frac{1}{2}$ mile north of the southwest corner of Section 7, T13S, R9E Wabaunsee County, Kansas; thence east $3\frac{3}{4}$ miles; thence south $\frac{3}{4}$ mile; thence east $4\frac{1}{2}$ miles to a point $\frac{1}{4}$ mile south and $\frac{1}{2}$ mile east of the northwest corner of Section 16, T13S, R10E; thence south $4\frac{3}{4}$ miles; thence east $\frac{5}{8}$ mile; thence south $1\frac{1}{2}$ miles to a point $\frac{1}{8}$ mile east and $\frac{1}{2}$ mile south of the northwest corner of Section 15, T14S, R10E; thence west approximately $1\frac{5}{8}$ miles to the center of Section 17, T14S, R10E; thence south 3 miles; thence west 1 mile; thence south $\frac{3}{4}$ mile; thence west $2\frac{1}{2}$ miles; thence south $\frac{3}{4}$ mile; thence west $1\frac{3}{4}$ miles; thence north $\frac{1}{4}$ mile; thence west $1\frac{1}{4}$ miles; thence south $\frac{1}{2}$ mile; thence west 1 mile; thence north $\frac{1}{2}$ mile; thence west $1\frac{3}{4}$ miles; thence south $\frac{3}{8}$ mile; thence west $1\frac{1}{4}$ miles to a point $\frac{1}{8}$ mile south of the northeast corner of Section 9, T15S, R8E; thence north $\frac{5}{8}$ mile; thence west $\frac{3}{4}$ mile; thence north $4\frac{1}{4}$ miles; thence west $\frac{1}{4}$ mile; thence north $2\frac{3}{4}$ miles; thence west approximately $1\frac{1}{2}$ miles; thence north 1 mile; thence east to the East Branch of Humboldt Creek; thence in a northwesterly direction along said creek to a point where the north-south center line of Section 12, T13S, R7E, intersects said creek; thence north approximately 5 miles to the center of Section 13, T12S, R7E; thence east approximately 5 miles to the center of Section 15, T12S, R8E; thence south $1\frac{1}{4}$ miles; thence east $2\frac{3}{4}$ miles; thence south $3\frac{3}{4}$ miles to the point of the beginning.

6. Staff detected an error in the original legal description provided by CenturyLink on March 17, 2020. The legal description above was corrected by CenturyLink.

7. In researching this transfer, Staff detected the description change would involve moving the existing LATA boundary, and moving territory from the 785 Area Code to the 620

Area Code, as part of the transfer of territory to Tri-County. Staff contacted the Federal Communications Commission (FCC) with the authority to change LATA boundaries and inquired whether moving the LATA would be acceptable. The FCC responded with correspondence on June 9, 2010, that a LATA adjustment would not create a significant issue. The FCC indicated the transfer would have USF implications however, and Tri-County would be required to file for a Study Area Waiver. Tri-County has represented to Staff that it intends on filing for a waiver with the FCC.

8. The Commission finds that public convenience will be promoted by granting the instant Application authorizing CenturyLink to cease transacting the business of a telephone public utility in the territory described in paragraph 3 above.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application filed by United Telephone Company of Kansas d/b/a CenturyLink on March 17, 2020, is hereby granted and CenturyLink is authorized to cease transacting the business of a telephone public utility in the territory described in paragraph 3 above.

B. 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

C. The Commission retains jurisdiction over United Telephone Company of Kansas d/b/a CenturyLink and the subject matter of this Docket for the purpose of entering such further Order, or Orders, as it may deem necessary.

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

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 08/06/2020



Lynn M. Retz
Executive Director

wah

CERTIFICATE OF SERVICE

20-UTDT-398-CXB

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 08/06/2020.

WALKER HENDRIX, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
w.hendrix@kcc.ks.gov

AL LUBECK, DIRECTOR PUBLIC POLICY
CENTURYLINK COMMUNICATIONS, LLC
6709 W. 119th Street
#416
OVERLAND PARK, KS 66209
Fax: 303-896-0233
al.lubeck@centurylink.com

JOHN R. IDOUX, DIRECTOR KANSAS GOVERNMENTAL
AFFAIRS
CENTURYLINK COMMUNICATIONS, LLC
6709 W. 119th Street
#416
OVERLAND PARK, KS 66209
Fax: 303-896-0233
john.idoux@centurylink.com

/S/ DeeAnn Shupe
DeeAnn Shupe