

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

Before Commissioners:                    Andrew J. French, Chairperson  
   Dwight D. Keen  
   Annie Kuether

In the Matter of the Application of Cebridge )  
Telecom KS, LLC for a Certificate of )  
Convenience and Authority to Provide Local ) Docket No. 13-CKST-711-COC  
Exchange and Exchange Access Service within )  
the State of Kansas. )

**ORDER ADOPTING STAFF'S REPORT AND RECOMMENDATION, AND  
CORRECTING THE CERTIFICATE OF CONVENIENCE AND AUTHORITY**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the file and records, the Commission finds:

1. On May 17, 2013, Cebridge Telecom Kansas, LLC d/b/a Suddenlink Communications (SuddenLink or Cebridge) applied under K.S.A. 66-2005(w) for a Certificate of Convenience and Authority (COC) to provide competitive local exchange and exchange access carrier (CLEC) services on a statewide basis in Kansas.<sup>1</sup>
2. On August 26, 2013, the Commission Staff (Staff) submitted its Report and Recommendation, recommending the Commission issue a Certificate of Convenience and Authority to Cebridge authorizing it to provide both Interexchange Services and Competitive Local Exchange and Exchange Access Telecommunications Services within the State of Kansas.<sup>2</sup>
3. On August 29, 2013, the Commission issued a Certificate of Convenience and Authority to Cebridge to provide Interexchange Services and a Certificate of Convenience and

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<sup>1</sup> Application for Certificate of Authority to Serve as a Telecommunications Services Provider in Kansas, May 17, 2013.

<sup>2</sup> See Order and Certificate, Aug. 29, 2013, ¶ 2.

Authority to provide CLEC and Exchange Access Telecommunications Services throughout the State of Kansas.<sup>3</sup>

4. Ten years after the Commission issued a Certificate of Convenience and Authority to Cebridge, a group of rural telephone companies (RLECs)<sup>4</sup> sought to intervene and limit the scope of Cebridge's Certificate of Convenience.<sup>5</sup> The RLECs contend Cebridge lacks authority to operate outside of AT&T and CenturyLink legacy service areas in Kansas.<sup>6</sup> The RLECs note prior instances of the Commission acting *sua sponte* to correct dockets where applicants have requested "statewide" local exchange and exchange access authority in Kansas.<sup>7</sup>

5. On November 21, 2023, the Commission granted intervention to the RLECs.<sup>8</sup>

6. On December 4, 2023, Cebridge filed a Motion to Withdraw its Applications for Approval of an Interconnection Agreement with MoKan Dial, Inc.

7. On December 6, 2023, the RLECs filed a Motion for Order Correcting Certificate of Convenience to limit SuddenLink's operating authority in Kansas to AT&T and CenturyLink legacy service areas.

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<sup>3</sup> *Id.*, ¶ 4.

<sup>4</sup> Blue Valley Tele-Communications, Inc., Craw-Kan Telephone Cooperative, Inc., Golden Belt Telephone Association, Inc., Haviland Telephone Co., Inc., JBN Telephone Co., Inc., KanOkla Telephone Association, Madison Telephone, LLC, Mutual Telephone Company, Peoples Telecommunications, LLC, Pioneer Telephone Association, Inc., Rainbow Telecommunications Association, Inc., S&A Telephone Company, LLC, S&T Telephone Cooperative Association, Inc., South Central Telephone Association, Inc., Tri-County Telephone Association, Inc., United Telephone Association, Inc., Wheat State Telephone, Inc., d/b/a Wheat State Technologies, Columbus Communications Services, LLC, Cunningham Telephone Co., Inc., Gorham Telephone Co., Inc., H&B Communications, Inc., Home Telephone Co. Inc., LaHarpe Telephone Co., Inc., Southern Kansas Telephone Co., Inc., Totah Communications, Inc., Twin Valley Telephone, Inc., Wamego Telecommunications Co., Inc., Wilson Telephone Co., Inc., Zenda Telephone Co., Inc., and Rural Telephone Service Co., Inc.

<sup>5</sup> Petition to Intervene, Objection to Interconnection Agreement and Petition to Appropriately Limit CLEC Certificate of Convenience, Sept. 15, 2023,

<sup>6</sup> *Id.*, p. 1.

<sup>7</sup> *Id.*, ¶ 12.

<sup>8</sup> Order Granting Petition to Intervene, Nov. 21, 2023, ¶ 7.

8. On December 7, 2023, the Commission granted Cebridge's Motion to Withdraw its Application for an Interconnection Agreement and closed the Docket.<sup>9</sup> None of the Parties sought reconsideration of the closing of the Docket.

9. On December 11, 2023, Cebridge filed a Motion to Dismiss the RLECs' Motion for Order Correcting Certificate of Convenience, explaining its Certificate has been in place for over 10 years without any suggestion of any violations of Kansas laws or regulations.<sup>10</sup> Thus, Cebridge contends there is no need to limit its Certificate of Convenience.<sup>11</sup>

10. On December 13, 2023, the RLECs filed their Response to Motion to Dismiss, claiming there will be no adverse consequence to correcting the erroneous Certificate of Convenience and appropriately limiting the provision of that service to legacy AT&T and CenturyLink/Brightspeed study areas.<sup>12</sup> Cebridge did not reply to the RLECs' Response.

11. On April 11, 2024, Staff filed a Report and Recommendation recommending the reopening the Docket to correct the original CLEC Certificate of Convenience.<sup>13</sup> Staff explains that K.S.A. 66-2004(c) provides that the Commission must find that the CLEC meets the requirements of 47 U.S.C. § 214(e)(1) for designation as an ETC in a service area served by a rural telephone company before authorizing a CLEC to serve in that service area.<sup>14</sup> Staff agrees with the RLECs' assertion that SuddenLink has neither applied for nor received designation as an ETC from the Commission.<sup>15</sup> Likewise, Staff notes SuddenLink does not appear to have met the Rural Entry Guidelines.<sup>16</sup>

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<sup>9</sup> Order Granting Cebridge Telecom's Motion to Withdraw Its Application for Approval of an Interconnection Agreement, Dec. 7, 2023, Ordering Clauses A & B.

<sup>10</sup> Motion to Dismiss the RLECs' Motion for Order Correcting Certificate of Convenience, Dec. 11, 2023, ¶¶ 4-5.

<sup>11</sup> *Id.*, ¶ 6.

<sup>12</sup> Response to Motion to Dismiss, Dec. 13, 2023, ¶ 3.

<sup>13</sup> Staff Report and Recommendation, Apr. 4, 2024, p. 1

<sup>14</sup> *Id.*, p. 3.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

12. None of the Parties have responded to Staff's Report and Recommendation. Based on its review of the record, the Commission concludes that the Certificate of Convenience issued in 2013 was overly broad and erroneously permitted Cebridge to provide CLEC and Exchange Access Telecommunications Services throughout the State of Kansas. The Commission reopens the Docket for the sole purpose of correcting the Certificate to limit SuddenLink's operating authority in Kansas to AT&T and CenturyLink legacy service areas. The Commission agrees with Staff's conclusion that SuddenLink has not been designated as an ETC by the Commission, and thus cannot offer CLEC service in a service area served by a rural telephone company.<sup>17</sup> Accordingly, the Commission denies Cebridge's Motion to Dismiss.

13. Cebridge's CLEC Certificate of Convenience is corrected to limit SuddenLink's operating authority in Kansas to AT&T and CenturyLink legacy service areas.

**THEREFORE, THE COMMISSION ORDERS:**

A. Staff's April 4, 2024 Report and Recommendation is adopted. The Docket is reopened to correct Cebridge's CLEC Certificate of Convenience to limit SuddenLink's operating authority in Kansas to AT&T and CenturyLink legacy service areas.


B. Cebridge's Motion to Dismiss is denied.

C. The parties have 15 days from the date of electronic service of this Order to petition for reconsideration.<sup>18</sup>

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

French, Chairperson; Keen, Commissioner; Kuether, Commissioner.

Dated: 04/23/2024

  
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Lynn M. Retz, Executive Director

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<sup>17</sup> See K.S.A. 66-2004(c).

<sup>18</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

**CERTIFICATE OF SERVICE**

13-CKST-711-COC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 04/23/2024.

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