

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of Application of United)
Wireless Communications, Inc. for a)
Certificate of Convenience and Authority to) Docket No. 15-UWCC-350-COC
Provide Local Exchange and Exchange Access)
Services Within the State of Kansas.)

**ORDER GRANTING CERTIFICATE OF CONVENIENCE AND AUTHORITY TO
PROVIDE LOCAL EXCHANGE AND EXCHANGE ACCESS SERVICES WITHIN THE
STATE OF KANSAS**

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 February 9, 2015, United Wireless Communications, Inc. (United Wireless) filed an Application with the Commission requesting a Certificate of Convenience and Authority to provide local exchange and exchange access services as a Competitive Local Exchange Carrier (CLEC) statewide in exchanges served by incumbent local exchange carriers (ILECs), Southwestern Bell Telephone Company, d/b/a AT&T Kansas and United Telephone Companies of Kansas, d/b/a CenturyLink.

2. K.S.A. 66-131 states: "No . . . common carrier or public utility... 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."

3. K.S.A. 66-2005(w) states in part:

[T]elecommunications carriers that were not authorized to provide switched local exchange telecommunications services in this state as of July 1, 1996, including cable television operators who have not previously offered telecommunications services, 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. Any telecommunications carrier or other entity seeking such certificate shall file a statement, which shall be subject to the commission's approval, specifying with particularity the areas in which it will offer service, the manner in which it will provide the service in such areas and whether it will serve both business customers and residential customers in such areas...

4. Commission Staff (Staff) submitted a Report and Recommendation in regards to the Application on April 20, 2015, attached hereto and made a part hereof by reference. Staff found that United Wireless is properly registered as a for-profit corporation with the Kansas Secretary of State's Office and its status is "active and in good standing." Staff found that based upon the information provided by United Wireless, it possesses the necessary technical, managerial, and financial ability to provide local exchange services in Kansas. For a complete recitation of United Wireless' qualifications, refer to Staff's Report and Recommendation. Staff received clarification from United Wireless that the company plans to operate as a reseller and facilities-based provider of local exchange service to both residential and business customers.

5. United Wireless acknowledges that service cannot begin until an Interconnection Agreement is reached with AT&T Kansas and CenturyLink and approved by the Commission.

6. Staff recommended the Commission direct United Wireless to register with GVNW Consulting, Inc. for purposes of remitting appropriate KUSF assessments. Staff also found that all other aspects of United Wireless' Application were acceptable and granting of its Application would benefit the general public. Staff recommended approval of the Application.

7. The Commission finds Staff's findings and recommendations to be reasonable and hereby adopts the same.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. United Wireless' Application for a Certificate of Convenience and Authority to provide local exchange and exchange access services within the State of Kansas is approved. United Wireless' authorization to provide local exchange and exchange access services is limited to the provision of service within AT&T Kansas and CenturyLink exchanges.

B. United Wireless shall file responses to interrogatories, including the Annual Interrogatory (formerly, the Annual Report), remain current with the Kansas Secretary of State's office, pay all Commission and KUSF assessments, follow the Telecommunications Carrier Code of Conduct, and report revenues to GVNW for assessment purposes. Failure to meet these requirements could result in the revocation of the Certificate of Convenience and Authority.

C. 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. 66-118b; K.S.A. 77-529(a)(1).

D. 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.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: APR 28 2015


Order Mailed Date APR 29 2015

Amy L. Gilbert
Secretary

MJD

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chair Shari Feist Albrecht
Commissioner Jay Scott Emler
Commissioner Pat Apple

FROM: Hal Baumhardt, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: April 20, 2015

SUBJECT: 15-UWCC-350-COC

In the Matter of the Application of United Wireless Communications, Inc.
for a Certificate of Convenience and Authority to Provide Local Exchange
and Exchange Access Services Within the State of Kansas

EXECUTIVE SUMMARY:

United Wireless Communications, Inc. (United Wireless) filed an Application for authority to provide local exchange and exchange access services in the state of Kansas. Staff has researched the Application as part of its normal approval process. United Wireless has addressed Staff's concerns and Staff recommends the Application for approval.

BACKGROUND:

On February 9, 2015, United Wireless filed this Application. With this filing, United Wireless is requesting authority to engage in the business as a Competitive Local Exchange Carrier (CLEC) statewide in exchanges served by incumbent local exchange carriers (ILECs), Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas), and United Telephone Companies of Kansas d/b/a CenturyLink (CenturyLink).

ANALYSIS:

Pursuant to K.S.A. 66-131, no common carrier or public utility shall transact business in the state of Kansas until it shall have obtained a Certificate from the Commission that public convenience 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 the state. In making the determination as to whether the public convenience will be promoted by the transaction of said business, the Commission determined that it would look at a

number of factors when determining whether a particular Application is consistent with the public interest. The factors may include, but are not limited to, the provider's commitment to meet all requirements of the existing Statutes and Orders and modifications specified in recent House Bill 2201.

K.S.A. 2013 Supp. 66-2005 (w) states:

"...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".

United Wireless is a wholly owned subsidiary of United Telephone Association, Inc., an incumbent rural local exchange carrier in Kansas with 53 years of management experience. The combined service of the executive staff at United Wireless is over fifty-three years in telecommunications. The Company is anticipating that its 70 employees are adequate at this time with no plans to add additional employees to offer its CLEC services in the proposed service areas. The financial records submitted support the Applicant's financial ability to operate a business. Based on the information submitted and the investigation Staff has performed, the Company appears to have the managerial, technical and financial ability to provide local exchange Services in Kansas.

The Applicant initially seeks authority as a reseller and facilities-based provider of local exchange service to both residential and business customers. United Wireless will be using existing switching and fiber optics with new electronics and fiber terminal equipment to extend their reach to the new CLEC customers. Local services being offered include the typical vertical call management services in addition to the wireless phone and data services currently offered. The CLEC customers will be offered landline service, ISDN PRI,¹ VoIP-based communication services, fiber-to-the-prem, toll services, high-speed Internet, and digital video services. The offered services will be available in either stand alone or bundled options.

The Company further advised Staff that its plans include offering services to residential customers and it will comply with Commission's Order issued December 27, 1996, in Docket No. 190-492-U (94-GIMT-478-GIT) in offering Lifeline.

United Wireless is a Kansas For Profit Corporation and is properly registered as such with the Kansas Secretary of State's Office. The company is "*active and in good standing*" with that office. Moreover, the Company is current with Commission Assessments, Kansas Universal Service Fund (KUSF) and its 2013 Annual Interrogatory.

¹ Integrated Services for Digital Network (ISDN) is a set of communication standards for simultaneous digital transmission of voice, video, data, and other network services over the traditional circuits of the public switched telephone network. Primary Rate Interface (PRI) service is delivered on one or more T1 carriers (often referred to as 23B+D) of 1544 Kbit/s (24 channels). A PRI has 23 'B' channels for voice/data and 1 'D' channel for signaling.

The Applicant has committed to adhering to the Commission's prescribed business practices by submitting a signed Telecommunications Carrier Code of Conduct document, dated February 5, 2015. The Applicant also acknowledges that service cannot begin until an Interconnection Agreement is reached with AT&T Kansas and CenturyLink and approved by this Commission.

To the extent that the Company's presence in Kansas would increase the consumer's options for local services, Staff believes the general public would benefit from Commission approval of this Application.

RECOMMENDATION:

Staff recommends the Commission grant this Application authorizing United Wireless Communications, Inc. to provide local exchange and exchange access services in the CenturyLink and AT&T Kansas exchanges within the state of Kansas.

Staff also recommends that the Commission direct the Company to register with GVNW Consulting, Inc., the KUSF Administrator, for KUSF purposes within 30 days of an Order granting the Company's Application. Once the Company begins generating Kansas intrastate assessable retail revenue, the Company should be directed to, within 30 days of commencing operations, ensure that it has made the appropriate KUSF remittance and payment election via the Company Identification and Operations Form (Attachment B) and submit the relevant Carrier Remittance Worksheets and assessment payments to GVNW.

Upon approval, United Wireless is required to file responses to interrogatories, including the Annual Interrogatory², remain current with the Kansas Secretary of State's office, pay all Commission and KUSF assessments, and follow the Telecommunications Carrier Code of Conduct. Failure to meet these requirements could result in the revocation of its Certificate.

² The Annual Interrogatory was previously known as the Annual Report. The change is based on the enacted HB 2201 and the Commission's Order in Docket No. 13-GIMT-736-GIT, dated December 3, 2013, that investigated the implementation of HB 2201 and replaced the Annual Reports for telecommunications carriers and electing carriers with interrogatories to collect the financial data necessary to carry out its statutory regulatory responsibilities.

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
NICOLE STEPHENS, KUSF ADMINISTRATOR MANAGER GVNW CONSULTING, INC. 3220 PLEASANT RUN SUITE A SPRINGFIELD, IL 62711		
COLLEEN R. JAMISON JAMES M. CAPLINGER, CHARTERED 823 SW 10TH AVE TOPEKA, KS 66612-1618		
MICHAEL DUENES, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		
TODD HOUSEMAN, ASSISTANT GENERAL MANAGER UNITED WIRELESS COMMUNICATIONS, INC. 1107 MCARTOR RD PO BOX 117 DODGE CITY, KS 67801		

Order Mailed Date **APR 29 2015**

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.