

in a rural area at a later date. Section 251(f) exempts rural local exchange companies from certain competitive entry requirements and establishes an explicit procedure for lifting the exemption. Certification in a rural telephone company's service area is also governed by K.S.A. 66-2004. At this time, Call One is applying for authority to provide local exchange service within the service territories of AT&T and Century Link. It is a foreign for-profit 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. 2018 Supp. 66-1,188. Defining telecommunications public utilities, K.S.A. 2018 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. 2018 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, the Commission looks at a number of factors when determining whether a particular application is consistent with the public interest. Regarding such factors, K.S.A. 2018 Supp. 66-2005(w) 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, Call One has the requisite personnel and expertise to provide resold and facilities-based local exchange telecommunication services. Staff further states that the financial records submitted by the company support Call One's financial ability to conduct operations consistent with the authority it is proposing to provide in Kansas. The Company has not submitted an access tariff at the time its Application was filed.

6. Based on its investigation, Staff recommends the Commission grant Call One's Application requesting Certificate authority to provide Local Exchange and Exchange Access Service. Staff further determines that the granting of Call One's Application and issuance of the requested Certificate would be in the public interest of Kansans. The Commission directs Call One to comply with the following requirements:

- (i) Call One file Interrogatory Reports with the Commission; remain current with the Kansas Secretary of State's office, pay all Commission and Kansas Universal Service Fund (KUSF) assessments, and follow the Telecommunications Carrier Code of Conduct.
- (ii) Call One register with GVNW Consulting, Inc., the KUSF Administrator, for KUSF purposes within 30 days of an order granting the company's Application.
- (iii) Once Call One begins generating Kansas intrastate assessable retail revenue, the company, within 30 days of commencing operations, will 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.
- (iv) Call One notify the Commission of any changes of contact personnel, address and/or phone numbers.

Call One's failure to meet the foregoing requirements could result in the revocation of its Certificate of Convenience and Authority.

III. FINDINGS AND CONCLUSION

7. Pursuant to K.S.A. 2018 Supp. 66-1,188, the Commission has jurisdiction to supervise and control telecommunications public utilities doing business in Kansas. Call One is a telecommunications public utility under K.S.A. 2018 Supp. 66-1,187 and is subject to the Commission's jurisdiction. The Commission adopts Staff's analysis and recommendation of March 7, 2019, as stated in its Report and Recommendation, which is attached and made a part of the Order by reference, and finds that Call One's Application should be granted and a Certificate of Convenience and Authority should be issued to Call One authorizing it to engage in the business of providing Competitive Local Exchange Carrier services in the State of Kansas.

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

A. Call One, Inc.'s Application filed in this matter on December 10, 2018, is hereby granted and it is hereby issued a Certificate of Convenience and Authority authorizing the company to provide Local Exchange and Exchange Access Service in the State of Kansas within the territories served by AT&T Kansas and CenturyLink.

B. Call One, Inc. 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

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

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.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 03/19/2019



Lynn M. Retz
Secretary to the Commission

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**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

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

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

DATE: March 7, 2019

SUBJECT: Docket No. 19-COIT-229-COC (CLEC)
In the Matter of the Application of Call One Inc. for a Certificate of Convenience and Authority to Provide Local Exchange and Exchange Access Service, and Interexchange Service Within the State of Kansas. (CLEC).

SUMMARY:

On December 10, 2018, Call One, Inc. applied for Certification to provide Local Exchange and Exchange Access Service 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:

Call One, Inc. is a Foreign For Profit Company located at 225 W. Wacker Drive, 8th Floor, Chicago, IL. The Company was properly registered with the Kansas Secretary of State's office on March 25, 1983. They are currently "active and in good standing" with the Secretary's office.

Call One, Inc. seeks certification to provide competitive local exchange service within the service areas of AT&T and CenturyLink.

The Company plans to offer business services using resold service and/or by leasing facilities from other facilities-based carriers. The Company does not have specific plans regarding the exchange or numbers of exchanges it anticipates serving and will base these decisions on the demand for its services. The Company is currently operating in California, Florida, Illinois, Indiana, Missouri, Michigan, Ohio, and Texas. In addition to CLEC voice services, the Company also provides broadband and/or VoIP services in many states.

Staff believes that adequate expertise exists to operate services. Confidential financial records of the Company's Parent Company submitted indicate there is sufficient capital to fund the startup of Call One, Inc. The Company did not submit an access tariff with this filing.

All other aspects of Call One, Inc.'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 local service, Staff believes the general public would benefit from Commission approval of this Application.

RECOMMENDATION:

Staff recommends approval of Call One, Inc.'s Application to provide Local Exchange and Exchange Access Service within the service areas of AT&T and CenturyLink in the state of Kansas.

The Company must register with GVNW Consulting, Inc., the Kansas Universal Service Fund (KUSF) Administrator, within 30 days of an Order granting the Company's Application. Within 30 days of generating Kansas intrastate assessable retail revenue, the Company shall make the appropriate KUSF remittance and payment election via the Company Identification and Operations Form and submit the relevant Carrier Remittance Worksheets and assessment payments to GVNW.

The Company must submit an access tariff for Commission approval prior to charging access rates. 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-COIT-229-COC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 03/19/2019.

COLLEEN BRADICH, BILLING AND REGULATORY
MANAGER
CALL ONE, INC.
225 W WACKER DR
8TH FL
CHICAGO, IL 60606
cbradich@callone.com

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

/s/ DeeAnn Shupe
DeeAnn Shupe