

**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 Union)	
Worker Communications, Inc. for a Certificate)	
of Convenience and Authority to Provide)	Docket No. 18-UNWT-417-COC
Local Exchange and Interexchange Service)	(IXC)
Within 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 March 26, 2018, Union Worker Communications, Inc. (Union Worker) filed an Application requesting a Certificate of Convenience and Authority authorizing the company to provide the resale of Interexchange Long Distance (IXC) service in the State of Kansas.

2. On July 25, 2018, the Commission Staff (Staff) submitted its Report and Recommendation, containing its analysis and recommendation of the Union Worker Application.

3. According to Staff, Union Worker requests authority to provide resold Interexchange services using facilities and services from underlying wholesale carriers. Union Worker is a foreign corporation 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, the President of Union Worker has thirty-seven years of management experience and nineteen years specifically in the telecommunications business. Staff

further states that Union Worker's financial records provide support for the company's ability to operate a business. Based on Staff's investigation it determines the company has demonstrated the managerial, technical, and financial ability to provide Interexchange services in Kansas. As part of its investigation, Staff did not identify any enforcement actions brought against Union Worker within the last five years.

6. Based on its investigation, Staff recommends the Commission grant Union Worker's Application and issue the company a Certificate of Convenience and Authority authorizing Union Worker to provide Interexchange telecommunications services within the State of Kansas. In addition, Staff recommends that Union Worker 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 Union Worker 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. Union Worker 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 July 25, 2018, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference. The Commission finds that Union Worker'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 Union Worker to provide Interexchange telecommunications services within the State of Kansas.

IT IS, THEREFORE, BY THE COMMISSION ORDERED AND CERTIFIED

THAT:

A. Union Worker Communications, Inc.'s Application filed in this matter on March 26, 2018, is hereby granted and Union Worker Communications, Inc. is hereby issued a Certificate of Convenience and Authority authorizing the company to provide Interexchange Telecommunications Services in the State of Kansas.

B. Union Worker 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: 07/31/2018



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 Emler
Commissioner Dwight D. Keen

FROM: Paula Artzer, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: July 25, 2018

SUBJECT: Docket No. 18-UNWT-417-COC
In the Matter of the Application of Union Worker Communications, Inc. for a
Certificate of Convenience and Authority to Provide Interexchange Toll Services
Within the State of Kansas

EXECUTIVE SUMMARY:

Union Worker Communications, Inc. (Union Worker) has submitted an Application for Authority to provide resold Interexchange Long Distance (IXC) service in the state of Kansas. Staff has researched the Application as part of its normal approval process and recommends approval of the Application.

BACKGROUND:

On March 26, 2018, Union Worker filed an Application requesting a Certificate to provide IXC services in Kansas. In this Application, Union Worker requests authority to provide IXC services within Kansas. Union Worker indicates they will serve subscribers through facilities acquired through reselling existing interexchange carriers services.

Union Worker is a Michigan corporation and is properly registered with the Kansas Secretary of State's Office and its status is "active and in good standing". The Company headquarters is in Grand Rapids, Michigan, and Union Worker has been in business since 2003.

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 House Bill 2201.

K.S.A. 2012 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.

The service of the President of Union Worker reflects thirty-seven years of management experience with nineteen years specifically in telecommunications. The President is William A. VanderPloeg.

The financial records submitted support the Applicant's financial ability to operate a business. Staff issued Information Request No. 1 on June 28, 2018, inquiring if the Company intended to collect deposits from new customers. The Company responded to the Information Request on July 10, 2018, and said "no, they did not intend to collect deposits".

Based on the information submitted and the investigation Staff has performed, the Company has shown to have the managerial, technical and financial ability to provide resold Interexchange service in Kansas. The Applicant holds Certificates in Michigan and Indiana.

RECOMMENDATION:

Staff recommends the Commission approve Union Worker's request for Certification to provide resold Interexchange service in Kansas. Union Worker does not intend to charge deposits. Based on the findings discussed above, Staff believes it would be in the public interest of Kansans to grant this request. Upon Commission approval, Union Worker is required to file Interrogatory Reports, 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.

CERTIFICATE OF SERVICE

18-UNWT-417-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/hand delivered on 08/01/2018.

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