

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LEVEL 3	)	
COMMUNICATIONS, LLC UNDER KRS	)	CASE NO.
278.020(5) FOR A CERTIFICATE OF	)	2017-00181
CONVENIENCE AND NECESSITY SHOWING	)	
A DEMAND AND NEED FOR	)	
TELECOMMUNICATIONS SERVICE IN THE	)	
CITY OF FLORENCE, KENTUCKY	)	

ORDER

On April 27, 2017, Level 3 Communications, LLC (“Level 3 Communications”) filed its application with the Commission seeking a Certificate of Public Convenience and Necessity (“CPCN”) to authorize it to bid on a franchise offered by the city of Florence, Kentucky, for a non-exclusive telecommunications service. Under the provisions of KRS 278.020(5), no utility may apply for a franchise from any governmental agency until it has obtained a CPCN from this Commission based on our finding that there is a need and demand for the service sought to be rendered.

In light of the city of Florence’s ordinance creating a franchise for non-exclusive telecommunications service, the Commission determines that there is evidence of a need and demand for non-exclusive telecommunications service in the above-mentioned city. Since the Commission’s authority in such matters is limited by statute to finding only whether there is a need and demand for the service sought to be rendered, no finding or determination is made as to the qualifications of the bidder, the validity of any of the provisions of the franchise offered by said city, or the manner in which any franchise fee is to be treated for rate purposes.

IT IS THEREFORE ORDERED that:

1. Level 3 Communications is granted a CPCN that authorizes it to bid on a franchise offered by the city of Florence, Kentucky, for a non-exclusive telecommunications service.

2. If Level 3 Communications is not the successful bidder, Level 3 Communications shall, within ten days of the award of the franchise at issue, file with the Commission a written notice stating that Level 3 Communications was not the successful bidder.

3. If Level 3 Communications is the successful bidder, Level 3 Communications shall, within ten days of the award of the franchise at issue, file with the Commission a copy of the executed franchise agreement and a statement disclosing the amount of the initial franchise fee.

4. If Level Communications is the successful bidder, Level Communications shall, within ten days of an increase or decrease in the amount of the initial franchise fee set forth in the franchise agreement, file with the Commission documentation setting forth the revised fee.

5. Any documents filed pursuant to ordering paragraphs 2, 3, or 4 of this Order shall reference the number of this case and shall be electronically submitted via the Commission's electronic Tariff Filing System.

6. This Order shall not be construed as granting a CPCN to construct utility facilities in said city.

By the Commission

ENTERED  
MAY 01 2017  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:



Executive Director

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