

discriminate against any telecommunications carrier. CenturyLink further contends that the Agreement promotes diversity of providers and increases customer choice for telecommunications services and that the Agreement is consistent with Kansas regulatory statutes.¹

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2015 Supp. 66-1,188. K.S.A. 66-1,190 requires all telecommunications public utilities doing business in Kansas to:

...publish and file with the commission copies of all schedules of rates, joint rates, tolls, charges, classifications and divisions of rates affecting Kansas traffic, either state or interstate, and shall furnish the commission copies of all rules and regulations and contracts between such telecommunications public utilities pertaining to any and all jurisdictional services to be rendered by such telecommunications public utilities.

Section 252(e)(2) of the Federal Act [47 U.S.C. §252(e)(2)] requires the Commission to presume that interconnection agreements entered into through negotiation and submitted for Commission approval are valid unless:

- (1) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (2) the implementation of such an agreement or portion is not consistent with the public interest, convenience, and necessity.

4. Staff states that it has reviewed the Interconnection Agreement and finds no evidence to conclude that the Interconnection Agreement discriminates against any telecommunications carrier, or that the Agreement is inconsistent with the public interest, convenience, or necessity. Staff concludes that the Agreement will generally benefit the public and recommends that it be approved. Staff further notes that both CenturyLink and Time Warner

¹ Application, page 1.

are properly registered with the Kansas Secretary of State's office and the status of each with that office is "active and in good standing".²

5. The Commission adopts Staff's analysis and recommendation of November 30, 2016, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that CenturyLink's Application should be granted and the Interconnection Agreement between CenturyLink and Time Warner approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of United Telephone Company of Southcentral Kansas d/b/a CenturyLink filed November 1, 2016, is hereby granted and the Interconnection Agreement between CenturyLink and Time Warner Cable Information Services (Kansas), LLC executed by the parties on June 1, 2015, is hereby approved.

B. 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. 2015 Supp. 77-529(a)(1).

C. 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.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: DEC 08 2016



Amy L. Green
Secretary to the Commission

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Order Mailed Date

² Report and Recommendation, page 2.

DEC 09 2016

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

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

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

DATE: November 30, 2016

SUBJECT: Docket No. 17-USCT-185-IAT
In the Matter of the Application for Approval of an Interconnection Agreement by and Between United Telephone Company of Southcentral Kansas d/b/a CenturyLink and Time Warner Cable Information Services (Kansas), LLC Pursuant to The Telecommunications Act of 1996.

EXECUTIVE SUMMARY:

On November 1, 2016, United Telephone Company of Southcentral Kansas d/b/a CenturyLink (CenturyLink) filed an Application for approval of an Interconnection Agreement with Time Warner Cable Information Services (Kansas), LLC. Staff recommends approval of this Application.

The Commission action date is **Monday, January 30, 2017.**

BACKGROUND:

The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 66-1,188. K.S.A. 66-1,190 requires all telecommunications public utilities doing business in Kansas over which the Commission has control to “publish and file with the commission copies of all schedules of rates, joint rates, tolls, charges, classifications and divisions of rates affecting Kansas traffic, either state or interstate, and shall furnish the commission copies of all rules and regulations and contracts between such telecommunications public utilities pertaining to any and all jurisdictional services to be rendered by such telecommunications public utilities.”

The U.S. Congress and the Federal Communications Commission (FCC) have pre-empted certain aspects of state regulation of interconnection between telecommunications carriers. Section 252(e)(2) of the Federal Telecommunications Act of 1996 (47 U.S.C. §252(e)(2)) requires the Commission to presume that interconnection agreements entered into through negotiation and submitted for Commission approval are valid unless:

- 1) the agreement (or portions thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- 2) the implementation of such an agreement (or portions thereof) is not consistent with the public interest, convenience, and necessity.

ANALYSIS:

CenturyLink contends that implementation of this Agreement complies fully with Section 252(e) of the Federal Act and believes approval is consistent with the public interest, convenience, and necessity and does not discriminate against any telecommunications carrier.

Having reviewed the Agreement between CenturyLink and Time Warner Cable Information Services (Kansas), LLC, Staff finds no evidence to conclude this Agreement discriminates against any telecommunications carrier, nor is it inconsistent with public interest, convenience, or necessity. Staff believes the public will generally benefit from KCC approval of this Application as it provides a competitive option for consumers.

The companies are registered with the Kansas Secretary of State and are active and in good standing with that office.

RECOMMENDATION:

Staff recommends the Commission grant approval of this Application for an Interconnection Agreement between CenturyLink and Time Warner Cable Information Services (Kansas), LLC

CERTIFICATE OF SERVICE

17-USCT-185-IAT

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 DEC 08 2016.

THOMAS A. GRIMALDI
UNITED TELEPHONE COMPANY OF SOUTHCENTRAL
KANSAS
D/B/A CENTURYLINK
600 NEW CENTURY PKWY
NEW CENTURY, KS 66031
thomas.a.grimaldi@centurylink.com

OTTO NEWTON, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604
Fax: 785-271-3167
o.newton@kcc.ks.gov
Hand Delivered

BETTY J SANDERS, SR. DIRECTOR-REGULATORY
TIME WARNER CABLE INFORMATION SERVICES
(KANSAS), LLC
% CHARTER COMMUNICATIONS, INC.
12405 POWERSCOURT DR
ST LOUIS, MO 63131
Fax: 203-328-4840
betty.sanders@charter.com

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date
DEC 09 2016