

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

Before Commissioners:                      Dwight D. Keen, Chair  
    Shari Feist Albrecht  
    Susan K. Duffy

In the Matter of the Application of Southwestern                      )  
Bell Telephone Company, L.P. for Approval of                      )  
Interconnection Agreement Under the                      ) Docket No. 06-SWBT-1141-IAT  
Telecommunications Act of 1996 with Ironhorse                      )  
Services, LLC.                      )

**ORDER APPROVING AMENDED INTERCONNECTION AGREEMENT**

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 record and being duly advised in the premises, the Commission makes the following findings:

1.        On April 5, 2019, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application requesting Commission approval of an amendment to the Interconnection Agreement between Southwestern Bell Telephone Company and Avid Communications, LLC f/k/a Ironhorse Services, LLC (Avid). As part of the Application, AT&T Kansas included as Attachments I and II, a copy of the subject Amendment to the Interconnection Agreement and the Affidavit of Richard T. Howell, Area Manager-Regulatory Relations for AT&T Kansas.

2.        AT&T Kansas states that the Amendment to Interconnection Agreement entered into between AT&T Kansas and Avid modifies the Interconnection Agreement between the two parties, which was approved on May 2, 2006, in the above-captioned docket. The subject Interconnection Agreement and Amendment to Interconnection Agreement are collectively referred to herein as “amended Agreement”. AT&T Kansas further states that the amended

Agreement implements the FCC USF/ICC Transformation Order<sup>1</sup>, modifies certain provisions related to Customer Service Information Services, including Operator Services and Directory Assistance, and replaces Notices Provisions. AT&T Kansas indicates the amended Agreement fully complies with Section 252(e) of the Telecommunications Act of 1996 (Federal Act) and is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.<sup>2</sup>

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2018 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.

4. 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 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 authority.

5. On May 24, 2019, the Commission Staff (Staff) submitted its Report and Recommendation dated May 21, 2019, advising the Commission to approve the amended

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<sup>1</sup> See *Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking*, 26 FCC Rcd 17663 (2011) (USF/ICC Transformation Order and/or FNPRM), *aff'd sub nom. In re: FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014).

<sup>2</sup> Application at 2.

Agreement between AT&T Kansas and Avid. Citing Section 252(e) of the Federal Act, Staff acknowledges the amended Agreement fully complies with Section 252(e) of the Federal Act and supports approval of the Agreement as being consistent with the public interest and convenience and necessity. Both AT&T Kansas and Avid are properly registered with the Kansas Secretary of State's office and their status with that office is active and in good standing. Staff accordingly recommends the Commission grant AT&T Kansas' Application and approve the amended Agreement.

6. The Commission adopts Staff's recommendation of May 21, 2019, as stated in its Report and Recommendation, which is attached and made a part of this Order, and finds that AT&T Kansas' Application should be granted, and the amended Agreement between AT&T Kansas and Avid be approved.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. Southwestern Bell Telephone Company d/b/a AT&T Kansas' Application filed April 5, 2019 is hereby granted and the amended Interconnection Agreement between AT&T Kansas and Avid Communications, LLC is hereby approved.

B. 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).<sup>3</sup>

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.

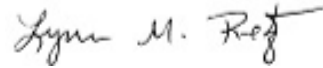
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<sup>3</sup> K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

**BY THE COMMISSION IT IS SO ORDERED.**

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 06/04/2019

A handwritten signature in cursive script, reading "Lynn M. Retz".

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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 Susan K. Duffy

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

**DATE:** May 21, 2019

**SUBJECT: Docket No. 06-SWBT-1141-IAT**

In the Matter of the Application of Southwestern Bell Telephone, L.P. for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 with Ironhorse Services, LLC.

**EXECUTIVE SUMMARY:**

On April 5, 2019, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed a request for approval of a modification to an Interconnection Agreement with Avid Communications, LLC f/k/a Ironhorse Services, LLC (Avid). Staff recommends approval of this Application.

The Commission action date is **Thursday, July 4, 2019.**

**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 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:**

This Modification implements the FCC ICC Reform Order, modifies certain provisions related to Customer Information Services, including Operator Services and Directory Assistance, and replaces Notices provisions in the current Agreement.

Ironhorse Services, LLC was granted a Certificate of Convenience and Authority to provide competitive local exchange services in Kansas on November 14, 2005, in Docket No. 06-IRHT-272-COC. The Company changed its name to Avid Communications, LLC on December 18, 2006, in Docket No. 07-IRHT-362-CCN.

SWBT 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 SWBT and Avid, Staff finds no evidence to conclude this Agreement discriminates against any telecommunications carrier, nor is it inconsistent with the public interest, convenience, or necessity. Staff believes the public will generally benefit from KCC approval of this Application.

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 a modification to the Interconnection Agreement between SWBT and Avid Communications, LLC f/k/a Ironhorse Services, LLC.

## CERTIFICATE OF SERVICE

06-SWBT-1141-IAT

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 06/04/2019.

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/S/ DeeAnn Shupe  
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DeeAnn Shupe