

**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 Southwestern Bell)
Telephone Company for Approval of Two-Way CMRS) Docket No. 19-SWBT-157-IAT
Interconnection Agreement Under the Telecommunications)
Act of 1996 with Onvoy Spectrum, LLC.)

ORDER APPROVING 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 October 23, 2018, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application requesting Commission approval of a Two-Way Commercial Mobile Radio Service (CMRS) Interconnection Agreement, as supplemented by an Amendment to the Agreement, between Southwestern Bell Telephone Company and Onvoy Spectrum, LLC (Onvoy). As part of the Application, AT&T Kansas included as Attachments, a copy of the subject Interconnection Agreement and its Amendment, and the Affidavit of Richard T. Howell, Area Manager-Regulatory Relations for AT&T Kansas.

2. AT&T Kansas states that the Interconnection Agreement entered into between AT&T Kansas and Onvoy was executed on April 11, 2017, and the Amendment, which extends the scope of the Agreement to include the States of California and Kansas, was completed on August 29, 2018. The purpose of the Application is to seek approval of the Interconnection Agreement and Amendment as an integrated document, and to have the Interconnection Agreement with the additional states supersede a previously approved Interconnection Agreement

in Docket No. 18-SWBT-152-IAT between AT&T Kansas and Onvoy. The proposed superseding Interconnection Agreement is a complex, comprehensive agreement and is referred to as the “Agreement” between the parties, all as set forth in Attachment 1 to the Application. AT&T Kansas further states that the entire 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.¹ Approval of the Agreement in this Docket will allow a single Interconnection Agreement to be used in all the states the parties choose to conduct business and will address the omission of Kansas in the Interconnection Agreement, which gave rise to the separate Interconnection Agreement approved in Docket No. 18-SWBT-152-IAT, which will be superseded.

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2017 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.

¹ Application at 2.

5. On November 14, 2018, the Commission Staff (Staff) submitted its Report and Recommendation, advising the Commission to approve the Agreement between AT&T Kansas and Onvoy. Citing Section 252(e) of the Federal Act, Staff acknowledges the 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. Staff further avers the Agreement does not discriminate against other telecommunication carriers and is consistent with the public interest of having additional telecommunication options and providers. Both AT&T Kansas and Onvoy 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 Agreement.

6. The Commission adopts Staff's recommendation of November 14, 2018, 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 Agreement between AT&T Kansas and Onvoy be approved, superseding the Commission's previously approved Interconnection Agreement in Docket No. 18-SWBT-152-IAT.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Southwestern Bell Telephone Company d/b/a AT&T Kansas' Application filed October 23, 2018, is hereby granted and the Interconnection Agreement, as supplemented by Amendment, between AT&T Kansas and Onvoy Spectrum, 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).²

² K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

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.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 12/04/2018



Lynn M. Retz
Secretary to the Commission

wah

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SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

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

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

DATE: November 14, 2018

SUBJECT: 19-SWBT-157-IAT
In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Two-Way CMRS Interconnection Agreement Under the Telecommunications Act of 1996 With Onvoy Spectrum, LLC

EXECUTIVE SUMMARY:

On October 23, 2018, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) filed an Application for approval of an Interconnection Agreement (Agreement) between AT&T and Onvoy Spectrum, LLC (Onvoy). Staff recommends approval of the filing.

BACKGROUND:

On April 11, 2017, AT&T and Onvoy entered into an Agreement for Interconnection with AT&T. The original Interconnection Agreement submitted in Docket 17-SWBT-536-IAT (17*536) was a multi-state agreement that inadvertently did not include Kansas or California, and was withdrawn on June 5, 2017. AT&T then submitted 18-SWBT-152-IAT (18*152) that was approved on October 24, 2017. The original Agreement was then Amended on August 29, 2018, and filed with the Commission for approval on October 23, 2018, to supersede 18-SWBT-152-IAT. By superseding the previous Agreement it allowed Onvoy to have a single Interconnection Agreement with AT&T nationwide. AT&T filed for approval of this Agreement between AT&T and Onvoy in this Docket. The Agreement expires June 27, 2019.

AT&T is the largest local exchange carrier (LEC) operating in Kansas. The Company's largest service areas are Kansas City, Topeka, and Wichita. AT&T is headquartered in Topeka, Kansas.

Onvoy is headquartered in Boulder, Colorado, and is a Limited Liability Corporation. Onvoy is a Commercial Mobile Radio Service (CMRS) provider and, therefore, is not required to receive a Certificate of Convenience and Authority in the state of Kansas. Onvoy is registered with the Kansas Secretary of State's office and is "active and in good standing" with that office.

ANALYSIS:

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.

AT&T affirms that implementation of this Agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. AT&T deems this Agreement promotes diversity in providers, provides interconnectivity, and will increase customer choices for telecommunications services.

Staff does not have any concerns regarding this Application. Staff reviewed the Agreement and did not find any language that discriminates against other telecommunications carriers not a party to the Agreement. Implementation of this Agreement is in the public interest because it provides additional telecommunications carrier options for the consumer. Superseding the previously filed Interconnection Agreement is acceptable to the Commission.

RECOMMENDATION:

Staff recommends the Commission grant approval of this Interconnection Agreement between AT&T and Onvoy to supersede 18*152. Staff finds no evidence of discrimination against other parties and finds that it is in the public interest, convenience and necessity of the citizens of Kansas to have additional options in their choice for telecommunications providers.

CERTIFICATE OF SERVICE

19-SWBT-157-IAT

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of
12/04/2018
first class mail and electronic service on _____.

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/S/ DeeAnn Shupe

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