

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: John Wine, Chair
 Cynthia L. Claus
 Brian J. Moline

In the Matter of the Application of Southwestern)
Bell Telephone Company for Interconnection and)
Reciprocal Compensation Agreement Under the) Docket No. 99-SWBT-468-IAT
Telecommunications Act of 1996 with Panhandle)
Telecommunication Systems, Inc.)

ORDER

COMES NOW, the above captioned matter for consideration and determination by the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1. On January 14, 1999, Southwestern Bell Telephone Company (SWBT) filed an application seeking approval of an Interconnection Agreement (Agreement) between SWBT and Panhandle Telecommunications Systems, Inc. (Panhandle). The Agreement is the result of negotiations between SWBT and Panhandle. SWBT states that there are no outstanding issues between SWBT and Panhandle which need the assistance of mediation or arbitration. SWBT seeks the Commission's approval of the Agreement pursuant to Section 252(e) of the Federal Telecommunication Act of 1996.

2. On January 22, 1999, the Commission received a memorandum from Commission staff (Staff) recommending the Commission approve the Agreement between SWBT and Panhandle.

3. SWBT and Panhandle contend that implementation of this Agreement complies fully with Section 252(e) of the Federal Act. Both companies agree that approval of this Agreement is

consistent with the public interest, convenience and necessity. SWBT asserts that the Agreement does not discriminate against any telecommunications carrier. SWBT states that the Agreement promotes a diversity of local service providers, provides interconnectivity, and increases customers' choices for telecommunications services.

4. To the extent Panhandle's presence would increase the options for local telephone services, Staff believes the public will generally benefit from Commission approval of this application. Panhandle has filed tariffs with the Commission. Although telecommunications carriers were price deregulated as of July 1, 1996, the Commission must approve all non-rate tariff provisions. (Docket No. 194,734-U; Order dated July 1, 1996).

5. The Federal Telecommunications Act of 1996, Section 252(e) states the Commission may only reject:

- (A) an agreement (or any portion thereof) adopted by negotiation . . . if it finds that:
 - (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity . . .

6. The Commission finds that the application for approval of the Agreement between SWBT and Panhandle should be granted. The Agreement does not, on its face, discriminate against any telecommunications provider not a party to the Agreement. Implementation of the Agreement is consistent with the public interest, convenience and necessity.

IT IS THEREFORE, BY THE COMMISSION ORDERED:

The Interconnection Agreement between Southwestern Bell Telephone Company and Panhandle is approved.

A party may file a petition for reconsideration of this Order within fifteen (15) days of the

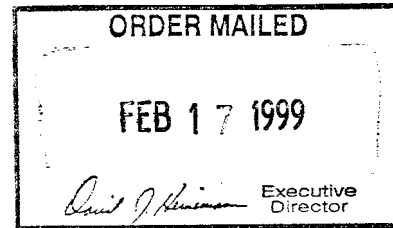
service of this Order. If this Order is mailed, service is complete upon mailing, and three (3) days may be added to the above time frame.

The Commission retains jurisdiction of the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Wine, Chr.; Claus, Corn.; Moline, Corn.

Dated: FEB 16 1999



David J. Heinemann
Executive Director

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