

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners: Jay Scott Emler, Chairman  
Shari Feist Albrecht  
Pat Apple

In the Matter of the Application of )  
Southwestern Bell Telephone Company for )  
Approval of Interconnection Agreement Under ) Docket No. 17-SWBT-160-IAT  
the Telecommunications Act of 1996 with )  
Arius, Inc. )

**ORDER APPROVING INTERCONNECTION AGREEMENT**

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

1. On October 27, 2016, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed an application for approval of an Interconnection Agreement between itself and Arius, Inc.

2. Section 252(e)(2) of the Federal Telecommunications Act of 1996<sup>1</sup> states that State commissions may reject a negotiated agreement only if it finds that the agreement (or portions thereof) discriminates against a telecommunications carrier not a party to the agreement; or the implementation of such an agreement (or portions thereof) is not consistent with the public interest, convenience, and necessity.

3. Commission Staff submitted a Report and Recommendation in regards to the Interconnection Agreement on November 30, 2016, attached hereto and made a part hereof by reference. Staff has no concerns regarding the Application, affirming that this Agreement does

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<sup>1</sup>47 U.S.C. §252(e)(2).

not discriminate against a carrier not a party to the Agreement and stating that approval of this Agreement is in the public interest. Staff recommended approval of the Interconnection Agreement.

4. The Commission finds Staff's findings and recommendation to be reasonable and hereby adopts the same.

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

A. The Interconnection Agreement between Southwestern Bell Telephone Company d/b/a AT&T Kansas and Arius, Inc., filed October 27, 2016, is 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. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing 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

AAL

Order Mailed Date

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-SWBT-160-IAT  
In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 with Airus, Inc.

**EXECUTIVE SUMMARY:**

On October 27, 2016, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) filed an Application for approval of an Interconnection Agreement with Airus, Inc. Staff recommends approval of this Application.

The Commission action date is **Friday, January 27, 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:**

AT&T 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 AT&T and Airus, Inc., 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 AT&T and Airus, Inc.

**CERTIFICATE OF SERVICE**

17-SWBT-160-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.

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/S/ DeeAnn Shupe  
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DeeAnn Shupe

Order Mailed Date  
DEC 09 2016