

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

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

In the Matter of the Application for Approval of)
an Interconnection Agreement Between Embarq)
Missouri, Inc. d/b/a CenturyLink, United)
Telephone Company of Kansas d/b/a CenturyLink,)
United Telephone Company of Southcentral) Docket No. 17-UTDT-350-IAT
Kansas d/b/a CenturyLink, United Telephone)
Company of Eastern Kansas d/b/a CenturyLink,)
and BCN Telecom, Inc. Pursuant to the)
Telecommunications Act of 1996.)

ORDER APPROVING INTERCONNECTION AGREEMENT

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and record, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On February 3, 2017, Embarq Missouri, Inc. d/b/a CenturyLink, United Telephone Company of Kansas d/b/a CenturyLink, United Telephone Company of Southcentral Kansas, d/b/a CenturyLink, and United Telephone Company of Eastern Kansas d/b/a CenturyLink, collectively referred to herein as “CenturyLink”, filed an Application seeking Commission approval of an Interconnection Agreement (“Interconnection Agreement” or “Agreement”) between CenturyLink and BCN Telecom, Inc. (BCN). Supplementing its Application, CenturyLink included a copy of the Interconnection Agreement executed by the parties on October 25, 2016.

2. On March 21, 2017, the Commission Staff (Staff) submitted its Report and Recommendation dated March 17, 2017, recommending the Commission grant CenturyLink’s Application and approve the Interconnection Agreement between CenturyLink and BCN.

CenturyLink maintains that the Interconnection Agreement fully complies with Section 252(e) of the Federal Telecommunications Act of 1996 (Federal Act), because the Agreement is consistent with the public interest, convenience, and necessity and does not discriminate against any telecommunications carrier. CenturyLink further maintains that the Agreement promotes diversity in 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

¹ Application, page 1.

and recommends that it be approved. Staff further notes that all parties to the Interconnection Agreement are properly registered with the Kansas Secretary of State's office where their status is shown to be "active and in good standing".²

5. The Commission adopts Staff's analysis and recommendation of March 17, 2017, 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 BCN should be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Embarq Missouri, Inc. d/b/a CenturyLink, United Telephone Company of Kansas d/b/a CenturyLink, United Telephone Company of Southcentral Kansas d/b/a CenturyLink, and United Telephone Company of Eastern Kansas d/b/a CenturyLink filed February 3, 2107, is hereby granted and the Interconnection Agreement between CenturyLink and BCN Telecom, Inc., executed by the parties on October 25, 2016, 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.

² Report and Recommendation, page 2.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: MAR 28 2017



Amy L. Green
Secretary to the Commission

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Order Mailed Date

MAR 29 2017

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

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

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

DATE: March 17, 2017

SUBJECT: Docket No. 17-UTDT-350-IAT
In the Matter of the Application for Approval of an Interconnection Agreement between Embarq Missouri, Inc. d/b/a CenturyLink, United Telephone Company of Kansas d/b/a CenturyLink, United Telephone Company of Southcentral Kansas d/b/a CenturyLink, United Telephone Company of Eastern Kansas d/b/a CenturyLink and BCN Telecom, Inc. Pursuant to the Telecommunications Act of 1996.

EXECUTIVE SUMMARY:

On February 3, 2017, Embarq Missouri, Inc. d/b/a CenturyLink, United Telephone Company of Kansas d/b/a CenturyLink, United Telephone Company of Southcentral Kansas d/b/a CenturyLink, United Telephone Company of Eastern Kansas d/b/a CenturyLink (CenturyLink) filed an Application for approval of an Interconnection Agreement with BCN Telecom, Inc. (BCN) Staff recommends approval of this Application.

The Commission action date is **Thursday, May 4, 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 BCN, 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 BCN.

CERTIFICATE OF SERVICE

17-UTDT-350-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 **MAR 28 2017**.

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/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

MAR 29 2017