

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

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

In the Matter of the Application for Approval)
of a Commercial Mobile Radio Services (CMRS))
Interconnection Agreement by and Between) Docket No. 15-USET-455-IAT
Embarq Missouri, Inc. d/b/a CenturyLink and)
New Cingular Wireless PCS, LLC 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 March 31, 2015, Embarq Missouri, Inc. d/b/a CenturyLink (CenturyLink) filed an Application seeking Commission approval of a Commercial Mobile Radio Services (CMRS) Interconnection Agreement ("Interconnection Agreement" or "Agreement") between CenturyLink and New Cingular Wireless PCS, LLC (New Cingular). Supplementing its Application, CenturyLink included a copy of the Interconnection Agreement executed by the parties on March 23, 2015.

2. On April 15, 2015, the Commission Staff (Staff) submitted its Report and Recommendation dated April 13, 2015, recommending the Commission grant CenturyLink's Application and approve the Interconnection Agreement. CenturyLink maintains that the Interconnection Agreement fully complies with Section 252(e) of the Federal Telecommunications Act of 1996 (Federal Act), and that approval of the Agreement is consistent with the public interest, convenience, and necessity, and does not discriminate against any

telecommunications carrier. CenturyLink further asserts that the Agreement promotes diversity in providers, and increases customer choice for telecommunications services and that its negotiation and execution of the Agreement is consistent with Kansas' regulatory statutes.¹

3. 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.

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:

- (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.

4. Concluding its review and analysis of CenturyLink's Application and the Interconnection Agreement, Staff states that it finds no evidence to conclude that the Agreement discriminates against any telecommunications carrier, nor is it inconsistent with the public interest, convenience, or necessity. Staff determines that implementation of the Agreement is in the public interest and will provide additional options to consumers in choosing telecommunications providers. Staff recommends the Commission grant CenturyLink's

¹ Application, page 1.

Application and approve the Interconnection Agreement between CenturyLink and New Cingular.²

5. The Commission adopts Staff's analysis and recommendation of April 13, 2015, 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 that the Interconnection Agreement between CenturyLink and New Cingular is reasonable, in the public interest, and should be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Embarq Missouri, Inc. d/b/a CenturyLink is hereby granted and the Interconnection Agreement between CenturyLink and New Cingular Wireless PCS, LLC, executed by the parties on March 23, 2015, 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. 2014 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.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: APR 21 2015



Order Mailed Date APR 22 2015
Amy L. Gilbert
Secretary

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² Report and Recommendation, page 2.

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

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

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

DATE: April 13, 2015

SUBJECT: 15-USET-455-IAT
In the Matter of the Application for Approval of a Commercial Mobile Radio Services (CMRS) Interconnection Agreement By and Between Embarq Missouri, Inc. d/b/a CenturyLink And New Cingular Wireless PCS, LLC Pursuant to The Telecommunications Act of 1996.

EXECUTIVE SUMMARY:

On March 31, 2015, Embarq Missouri, Inc. d/b/a CenturyLink (CenturyLink) filed an Application for Approval of the Interconnection Agreement (Agreement) between CenturyLink and New Cingular Wireless PCS, LLC (New Cingular). Staff recommends approval of the filing.

BACKGROUND:

In March 2015, CenturyLink and New Cingular executed the Commercial Mobile Radio Services (CMRS) Interconnection Agreement between CenturyLink and New Cingular. The Agreement has an initial term of three years from the date it was signed by both parties and shall remain in effect on additional one month terms until replaced by another agreement or terminated effective upon the expiration of the initial term by either party upon ninety (90) days written notice prior to the expiration date. Either party may terminate the Agreement after the initial term upon Notice of Termination at least thirty (30) days prior to the effective date of such termination.

CenturyLink is a certificated Incumbent Local Exchange Carrier in the state of Kansas. Both CenturyLink and New Cingular are properly registered with the Kansas Secretary of State's office and are "active and in good standing" with the Secretary's 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 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.

CenturyLink 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. CenturyLink deems this Agreement promotes diversity in providers, provides interconnectivity, and will increase customer choices for telecommunications services.

Having reviewed the Agreement between CenturyLink and New Cingular, 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.

RECOMMENDATION:

Staff recommends the Commission grant approval of the Agreement between CenturyLink and New Cingular. 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.

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
SUSAN RILEY, SR. CONTRACT MANAGER, INTERCONNECTION NEW CINGULAR WIRELESS PCS, LLC 5565 GLENRIDGE CONNECTOR SUITE 1520 ATLANTA, GA 30342		
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
LINDA K. GARDNER, ATTORNEY UNITED TELEPHONE CO. OF KANSAS D/B/A CENTURYLINK KSOPKJ0702 600 NEW CENTURY PKWY NEW CENTURY, KS 66031		

Order Mailed Date **APR 22 2015**

The Docket Room hereby certified that on this _____ day of _____, 20____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.