

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Brian J. Moline, Chair
 Robert E. Krehbiel
 Michael C. Moffet

In the Matter of the Application of	)	
Southwestern Bell Telephone, L.P. for	)	Docket No. 06-SWBT-1100-IAT
Approval of Interconnection Agreement	)	
Under the Telecommunications Act of 1996	)	
with Logix Communications, LP d/b/a	)	
Logix Communications.	)	

ORDER DISMISSING APPLICATION WITHOUT PREJUDICE

NOW COMES 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 May 6, 2006, the Commission issued an order approving an interconnection agreement between Southwestern Bell Telephone, L.P. and Logix Communications, LP d/b/a Logix Communications (Logix).
2. On March 9, 2007, SWBT filed an application requesting the Commission approve a modification to the previously-approved agreement extending the expiration date of the agreement to December 12, 2011.
3. On June 5, 2007, the Commission received Staff memorandums indicating that Logix is not currently properly registered with the Kansas Secretary of State's office to do business in the state of Kansas, having failed to file its annual report with that office, as required, on or before April 15, 2007. Staff notes that under Section 252(e)(2)(A)(ii) of the

Telecommunications Act of 1996, a state commission may reject an interconnection agreement on limited grounds, one of which is if the state commission finds that the “implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity . . .” It is Staff’s opinion that it not within the public interest, convenience, and necessity for the Commission to approve an agreement between two entities when one of the entities is not authorized to do business in Kansas. Staff recommends the Commission dismiss SWBT’s application without prejudice until Logix brings itself into compliance and reaches a status of “active and in good standing” with the Kansas Secretary of State’s office.

4. The Commission finds Staff’s recommendation to be reasonable and hereby adopts the same. SWBT’s application for approval of the modification to the interconnection agreement with Logix is dismissed, without prejudice. SWBT may refile the application for approval once Logix has brought itself into compliance with the Secretary of State’s office and becomes authorized by that office to do business in Kansas, with a status of “active and in good standing.”

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Southwestern Bell Telephone, L.P.’s application for approval of the modification to its interconnection agreement with Logix Communications, LP d/b/a Logix Communications is dismissed, without prejudice, as indicated in paragraph 4, above.

B. The parties have fifteen days, plus three 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. 66-118; K.S.A. 2006 Supp. 77-529(a)(1).

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

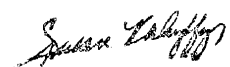
BY THE COMMISSION IT IS SO ORDERED.

Moline, Chr.; Krehbiel, Com.; Moffet, Com.

Dated: JUN 07 2007

ORDER MAILED

JUN 07 2007

 Executive
Director

Susan K. Duffy
Executive Director

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