

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

Before Commissioners: Susan K. Duffy, Chair  
Dwight D. Keen  
Andrew J. French

In the Matter of the Application of )  
Southwestern Bell Telephone Company for )  
Approval of Interconnection Agreement Under ) Docket No. 10-SWBT-453-IAT  
the Telecommunications Act of 1996 with )  
Qwest Communications Company, LLC )

**ORDER APPROVING INTERCONNECTION AGREEMENT AMENDMENT;  
TERMINATING THREE PRIOR AGREEMENTS**

NOW, 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 July 22, 2020, Southwestern Bell Telephone Company d/b/a AT&T Kansas (“SWBT” or “AT&T”)<sup>1</sup> filed an application for approval of an amendment to the interconnection agreement (ICA) between itself and CenturyLink Communications, LLC f/k/a Qwest Communications Company, LLC (CenturyLink), originally approved by the Commission in this docket on January 27, 2010. According to SWBT, the amendment implements a name change from Qwest Communications Company, LLC to CenturyLink Communications, LLC; terminates the ICA between AT&T and CenturyTel Acquisition, LLC, approved October 26, 2005, in Docket No. 06-SWBT-385-IAT; terminates the ICA between AT&T and CenturyTel Fiber Company II, LLC, approved October 26, 2005, in Docket No. 06-SWBT-387-IAT; terminates the ICA between AT&T and Embarq Communications, Inc., approved February 15, 2008, in Docket No. 08-SWBT-

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<sup>1</sup>Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) is an “electing carrier” referenced under K.S.A. 66-2005(x). See Docket No. 12-SWBT-797-MIS.

721-IAT; adds the Access Customer Name Abbreviations (ACNAs) DTI, ENY, KMM and SMW and Operating Company Numbers (OCNs) 5935, 2895, 985D, 4388, 8983 and 886E to the agreement; implements the Federal Communications Commission (FCC) Intercarrier Compensation (ICC) Reform Order; modifies certain provisions related to Customer Information Services; adds language to the Joint and Several Liability section; and replaces language in the Notices section of the current ICA.

2. The Commission has jurisdiction to review negotiated interconnection agreements entered into by SWBT pursuant to K.S.A. 66-2005(z)(2)(A) and 47 U.S.C. §252(e).

3. 47 U.S.C. §252(e)(2) provides that the Commission may reject a negotiated interconnection 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.

4. Commission Staff submitted a Report and Recommendation in regards to the interconnection agreement amendment on August 14, 2020, attached hereto as Exhibit A and made a part hereof by reference. Staff found no evidence to conclude the interconnection agreement amendment discriminated against any telecommunications carrier, nor that it was inconsistent with the public interest, convenience, or necessity. Staff found that the changes made to the ICA complied with FCC Orders. Staff recommended approval.

5. 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 ICA amendment filed July 22, 2020, between SWBT and CenturyLink is approved.

B. The following ICAs are hereby terminated: (1) the ICA between AT&T and CenturyTel Acquisition, LLC, approved October 26, 2005, in Docket No. 06-SWBT-385-IAT; (2) the ICA between AT&T and CenturyTel Fiber Company II, LLC, approved October 26, 2005, in Docket No. 06-SWBT-387-IAT; and (3) the ICA between AT&T and Embarq Communications, Inc., approved February 15, 2008, in Docket No. 08-SWBT-721-IAT.

C. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>2</sup>

**BY THE COMMISSION IT IS SO ORDERED.**

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 08/20/2020

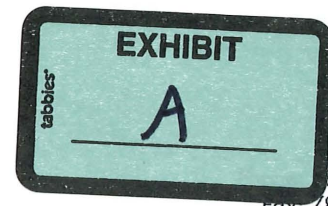


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Lynn M. Retz  
Executive Director

MRN

<sup>2</sup>K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

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Susan K. Duffy, Chair  
Dwight D. Keen, Commissioner  
Andrew J. French, Commissioner

Laura Kelly, Governor

## **REPORT AND RECOMMENDATION UTILITIES DIVISION**

**TO:** Chair Susan K. Duffy  
Commissioner Dwight D. Keen  
Commissioner Andrew J. French

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

**DATE:** August 14, 2020

**SUBJECT:** 10-SWBT-453-IAT  
In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With Qwest Communications Company, LLC.

### **EXECUTIVE SUMMARY:**

On July 22, 2020, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) filed an Application for approval of an Interconnection Agreement Amendment (Amendment) between AT&T and Qwest Communications Company, LLC. Per AT&T, this Amendment implements a name change from Qwest Communications Company, LLC to CenturyLink Communications, LLC (CenturyLink); terminates the Interconnection Agreements (ICA) between AT&T and CenturyTel Acquisition, LLC approved October 26, 2005, in Docket No. 06-SWBT-385-IAT; terminates the ICA between AT&T and CenturyTel Fiber Company II, LLC approved October 26, 2005, in Docket No. 06-SWBT-378-IAT; terminates the ICA between AT&T and Embarq Communications, Inc. approved February 15, 2008, in Docket No. 08-SWBT-721-IAT; implements the FCC ICC Reform Order; modifies certain provisions related to Customer Information Services; adds language to the Joint and Several Liability section; and replaces language in the Notices section, in the current Agreement. Staff recommends approval of the filing.

### **BACKGROUND:**

On December 17, 2019, AT&T and CenturyLink entered into an Amendment for the modification to the Agreement to reflect changes to the intercarrier compensation rate from the original Agreement per the Federal Communications Commission (FCC) November 18, 2011, intercarrier

compensation rate requirements per the Connect America Fund Order<sup>1</sup>. The Amendment also modifies the Customer Information Services section, the Joint and Several Liability section and the Notices section. The Amendment expires concurrent with the existing Agreement.

AT&T is the largest local exchange carrier (LEC) operating in Kansas. The Company's largest service areas are Kansas City, Topeka, and Wichita. AT&T is headquartered in Topeka, Kansas.

CenturyLink is headquartered in Monroe, Louisiana, and is registered as a limited liability corporation. CenturyLink received a Certificate of Convenience and Authority on August 17, 1995, in Docket No. 96-QCCC-032-CCN, to provide Interexchange (IXC) services, and Docket No. 00-QWCT-367-COC, approved December 8, 1999, to provide Competitive Local Exchange (CLEC) services in the state of Kansas. CenturyLink filed Docket No. 14-QCCC-342-CCN, approved March 6, 2014, to change the name on the IXC Operating Certificate to CenturyLink Communications, LLC, and Docket No. 14-QWCT-372-CCN, to change the name on the CLEC Operating Certificate to CenturyLink Communications, LLC, also approved March 6, 2014. CenturyLink is registered with the Kansas Secretary of State's office and is "active and in good standing" with that 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 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.

AT&T affirms that implementation of this Amendment complies fully with Section 252(e) of the Federal Act because the Amendment to the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.

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<sup>1</sup> *Connect America Fund et al.*, WC Docket No. 10-90 et al, Report and Order issued by the Federal Communications Commission ("FCC") on November 18, 2011 (FCC 11-161), and as amended by the FCC on December 23, 2011 (FCC 11-189) ("FCC ICC Reform Order").

Staff does not have any concerns regarding this Application. Staff reviewed the Amendment and did not find any language that discriminates against other telecommunications carriers not a party to the Agreement or language that is inconsistent with the public interest, convenience, and necessity. Changes made to the Agreement by this Amendment are in compliance with FCC Orders.

**RECOMMENDATION:**

Staff recommends the Commission grant approval of this Amendment to the Interconnection Agreement between AT&T Kansas and CenturyLink Communications, LLC. Staff recommends termination of the ICA's in Docket Nos. 06-SWBT-385-IAT, 06-SWBT-378-IAT and 08-SWBT-721-IAT. Staff finds no evidence of discrimination against other parties and finds that approval is in the public interest.

## **CERTIFICATE OF SERVICE**

10-SWBT-453-IAT

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of  
electronic service on 08/20/2020.

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/S/ DeeAnn Shupe  
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