

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

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

In the Matter of the Application of Southwestern Bell)
Telephone Company for Approval of Interconnection) Docket No. 21-SWBT-270-IAT
Agreement Under the Telecommunications Act of 1996)
With McLeodUSA Telecommunications Services, LLC.)

ORDER APPROVING AMENDED INTERCONNECTION AGREEMENT

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

1. On December 8, 2022, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application requesting Commission approval of an Amended Interconnection Agreement between Southwestern Bell Telephone Company and McLeodUSA Telecommunication Services, LLC (McLeod). The Amended Interconnection Agreement modifies the DS1 and DS3 transport rates for McLeod.

2. AT&T is the largest telecommunication carrier operating in Kansas and maintains the status of an “electing carrier,” with major service areas in Kansas City, Topeka and Wichita. It is headquartered in Topeka, Kansas. McLeod is a competitive local exchange company, headquartered in Little Rock, Arkansas, and is foreign limited liability company registered to do business with the Kansas Secretary of State.

3. AT&T Kansas states that the Amendments to Interconnection Agreement entered into and between AT&T Kansas and McLeod change DS1 and DS3 transport rates that may be applied. AT&T Kansas indicates the amended Agreement fully complies with Section 252(e) of

the Telecommunications Act of 1996 (Federal Act) and is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.¹

4. The Commission derives its authority and jurisdiction of telecommunications public utilities from K.S.A. 66-2005 (z).

5. 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 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 authority.

6. On December 27, 2022, the Commission Staff (Staff) submitted its Report and Recommendation, advising the Commission to approve the Amended Agreement between AT&T Kansas McLeod. Citing Section 252(e) of the Federal Act, Staff acknowledges the Amended Agreement fully complies with Section 252(e) of the Federal Act and supports approval of the Agreement as being consistent with the public interest and convenience and necessity. Staff identifies Pricing Sheets attached to the Amended Agreement in Exhibit A for commercial local transport and the rates in Exhibit B that may be applied on notice being given by McLeod, if it elects not to purchase commercial local transport. Otherwise, Staff does not identify any other changes in the Amended Agreement.

7. The Commission adopts Staff's recommendation of December 27, 2022, as stated in its Report and Recommendation, which is attached and made a part of this Order, and finds that

¹ Application at 2.

AT&T Kansas' Application should be granted, and the Amended Agreement between AT&T Kansas and McLeod be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Southwestern Bell Telephone Company d/b/a AT&T Kansas' Application filed November 21, 2022, is hereby granted and the Amended Interconnection Agreement between AT&T Kansas and McLeodUSA Telecommunication Services, LLC is approved.

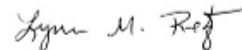
B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).²

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.

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 01/05/2023



Lynn M. Retz
Executive Director

wah

² K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

21-SWBT-270-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 01/05/2023.

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/S/ KCC Docket Room

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