

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

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

In the Matter of Paging Interconnection)
Agreement by and Between Mobile Radio)
Communications, Inc. and Southwestern) Docket No. 04-SWBT-615-IAT
Bell Telephone, L.P. d/b/a SBC Kansas)
Pursuant to Sections 251 and 252 of the)
Telecommunications Act of 1996.)

ORDER APPROVING AMENDED 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 14, 2017, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application requesting Commission approval of a modification to the Paging Interconnection Agreement (Interconnection Agreement) approved by the Commission on March 11, 2004, between SBC Kansas n/k/a AT&T Kansas and Mobile Radio Communications, Inc. (MRC). Supplementing its Application, AT&T Kansas included a copy of the Amendment to Interconnection Agreement (Amendment) executed by the parties on February 13, 2017, and the Affidavit of Richard T. Howell, AT&T Kansas' Manager-Regulatory Relations. AT&T Kansas' requested modifications to the Interconnection Agreement include implementing the Federal Communications Commission's (FCC) USF/ICC Order modifying certain provisions related to Customer Information Services in the current Agreement.¹ The Interconnection Agreement and proposed Amendment are collectively referred to herein as "amended Agreement".

¹ Application, page 1.

2. On April 18, 2017, the Commission Staff (Staff) submitted its Report and Recommendation dated April 14, 2017, recommending the Commission grant AT&T Kansas' Application and approve the amended Agreement between AT&T Kansas and MRC.

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:

- (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. AT&T Kansas contends that implementation of the amended Agreement complies fully 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. Staff states that it has reviewed the requested modification and finds no cause for concern regarding this filing. Staff recommends the Commission grant AT&T Kansas' Application and approve the amended Agreement.²

² Report and Recommendation, page 2.

5. The Commission adopts Staff's analysis and recommendation of April 14, 2017, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that AT&T Kansas' Application should be granted and the amended Agreement between AT&T Kansas and MRC should be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The March 14, 2017 Application of Southwestern Bell Telephone d/b/a AT&T Kansas is hereby granted and the amended Interconnection Agreement between AT&T Kansas and Mobile Radio Communications, Inc. implementing the FCC's USF/ICC Order and modifying certain provisions related to Customer Information Services in the current Agreement is hereby approved.

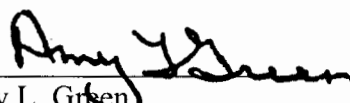
B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2015 Supp. 77-529(a)(1).

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.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: APR 25 2017


Amy L. Green
Secretary to the Commission

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**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: April 14, 2017

SUBJECT: Docket No. 04-SWBT-615-IAT
In the Matter of Paging Interconnection Agreement by and Between Mobile
Radio Communications, Inc. and Southwestern Bell Telephone, L.P. d/b/a SBC
Kansas Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.

EXECUTIVE SUMMARY:

On March 14, 2017, Southwestern Bell Telephone, LP d/b/a SBC Kansas (SBC Kansas) filed a Modification to an Interconnection Agreement (Agreement) between SBC Kansas and Mobile Radio Communications, Inc. (MRC). Staff recommends approval of the filing.

The Commission action date is **Monday, June 12, 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:

This modification implements the FCC's US/ICC Order and modifies certain provisions related to Customer Information Services and Notices in the current Agreement.

The Applicant is seeking review and approval of an Amendment to this Agreement under Section 252(e) of the Federal Telecommunications Act. Section 252(e) of the Federal Act states that state commissions may reject a negotiated 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. Staff has reviewed the proposed Amendment to the Agreement and finds no such cause for concern with this filing.

RECOMMENDATION:

Staff believes it is in the public interest to grant approval of the Amendment to the Agreement between SBC Kansas and MRC.

CERTIFICATE OF SERVICE

04-SWBT-615-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 APR 26 2017.

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/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

APR 26 2017