

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

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

In the Matter of the Application of Southwestern )  
Bell Telephone Company for Approval of )  
Interconnection Agreement Under the ) Docket No. 11-SWBT-414-IAT  
Telecommunications Act of 1996 With Granite )  
Telecommunications, LLC. )

**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 June 16, 2017, Southwestern Bell Telephone Company (SWBT) filed an Application requesting Commission approval of a modification to the Interconnection Agreement between SWBT and Granite Telecommunications, LLC (Granite). Supplementing its Application, SWBT included a copy of the Amendment to Interconnection Agreement (Amendment) executed by the parties on April 7, 2017 and the Affidavit of Richard T. Howell, SWBT's Area Manager-Regulatory Relations. SWBT's requested modifications to the Interconnection Agreement include implementing the Federal Communications Commission's (FCC) USF/ICC, Lifeline and Link Up Reform and Modernization, and US Telecom Forbearance Orders; adding rates and provisions related to Transit Traffic Services; modifying certain provisions related to Termination of Agreement After Initial Term Expiration; modifying certain provisions related to Customer Information Services; and replacing the Notices

Current Agreement.<sup>1</sup> The Interconnection Agreement and proposed Amendment are collectively referred to herein as “amended Agreement”.

2. On August 22, 2017, the Commission Staff (Staff) submitted its Report and Recommendation dated August 15, 2017, recommending the Commission grant SWBT’s Application and approve the amended Agreement between SWBT and Granite.

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2016 Supp. 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. SWBT 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 confirms that SWBT’s requested modification amends the current Agreement to include the modifications detailed in paragraph 1 above. Staff states that it

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<sup>1</sup> Application, page 1.

has reviewed the requested modifications and finds no cause for concern regarding this filing. Staff concludes that the requested modification is in the public interest and recommends the Commission grant SWBT's Application and approve the amended Agreement.<sup>2</sup>

5. The Commission adopts Staff's analysis and recommendation of August 15, 2017, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that SWBT's Application should be granted and the amended Agreement between SWBT and Granite is in the public interest and should be approved.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The June 16, 2017 Application of Southwestern Bell Telephone Company is hereby granted and the amended Interconnection Agreement between SWBT and Granite Telecommunications, LLC 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. 2016 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: AUG 29 2017

  
Lynn M. Retz  
Secretary to the Commission

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<sup>2</sup> Report and Recommendation, page 2.

**Order Mailed Date**

**AUG 30 2017**

**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:** August 15, 2017

**SUBJECT:** Docket No. 11-SWBT-414-IAT  
In the Matter of the Application of Southwestern Bell Telephone Company for  
Approval of Interconnection Agreement Under the Telecommunications Act of  
1996 With Granite Telecommunications, LLC.

**EXECUTIVE SUMMARY:**

On June 16, 2017, Southwestern Bell Telephone Company (SWBT) filed a Modification to an Interconnection Agreement (Agreement) between SWBT and Granite Telecommunications, LLC (Granite). Staff recommends approval of the filing.

The Commission action date is **Thursday, September 14, 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 USF/ICC, Lifeline and Link Up Reform and Modernization, and US Telecom Forbearance Orders; adds rates and provisions related to Transit Traffic Services; modifies certain provisions related to Termination of Agreement After Initial Term Expiration; modifies certain provisions related to Customer Information Services; and replaces the Notices provisions in the current Agreement.

The Applicant is seeking review and approval of a Modification 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 Modification 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 Modification to the Agreement between SWBT and Granite.

**CERTIFICATE OF SERVICE**

11-SWBT-414-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 **AUG 29 2017**.

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/S/ DeeAnn Shupe  
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DeeAnn Shupe

**Order Mailed Date**

**AUG 30 2017**