

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

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

Application for Approval of a Commercial                      )  
Mobile Radio Services (CMRS) Interconnection                      )  
Agreement by and Between United Telephone                      )                      Docket No. 15-UTDT-457-IAT  
Company of Kansas d/b/a CenturyLink and                      )  
New Cingular Wireless PCS, LLC Pursuant to                      )  
The Telecommunications Act of 1996.                      )

**ORDER APPROVING 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 31, 2015, United Telephone Company of Kansas d/b/a CenturyLink (CenturyLink) filed an Application seeking Commission approval of a Commercial Mobile Radio Services (CMRS) Interconnection Agreement (“Interconnection Agreement” or “Agreement”) between CenturyLink and New Cingular Wireless PCS, LLC (New Cingular). Supplementing its Application, CenturyLink included a copy of the Interconnection Agreement executed by the parties on March 23, 2015.

2.        On June 3, 2015, the Commission Staff (Staff) submitted its Report and Recommendation dated June 2, 2015, recommending the Commission grant CenturyLink’s Application and approve the Interconnection Agreement between CenturyLink and New Cingular. CenturyLink contends that the Interconnection Agreement fully complies with Section 252(e) of the Federal Telecommunications Act of 1996 (Federal Act), and that approval of the Agreement is consistent with the public interest, convenience, and necessity, and does not

discriminate against any telecommunications carrier. CenturyLink further maintains that the Agreement promotes diversity in providers, and increases customer choice for telecommunications services and that its negotiation and execution is consistent with Kansas' regulatory statutes.<sup>1</sup>

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:

- (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.

4. According to Staff, New Cingular provides mobile voice and data communications services. The company's products include digital wireless voice; analog wireless voice; and wireless data, which include general packet radio service (GPRS), interactive messaging, corporate e-mail access, short messaging, and wireless Internet/WAP. CenturyLink operates as a rural telephone company and is the second largest local exchange carrier (LEC) in Kansas. CenturyLink operates three separate service areas in Kansas: Eastern, Southeast, and

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

United. Both companies are properly registered with the Kansas Secretary of State's office where their status is shown to be "active and in good standing". Staff states that the Interconnection Agreement made the subject of this filing is for a term of three years, or until March 23, 2018. Staff indicates that it has reviewed the Interconnection Agreement and has no concerns regarding CenturyLink's Application. Staff further determines that the Agreement does not discriminate against a carrier not a party to the Agreement and that the Agreement is in the public interest. Concluding, Staff recommends the Commission grant CenturyLink's Application and approve the Interconnection Agreement.<sup>2</sup>

5. The Commission adopts Staff's analysis and recommendation of June 2, 2015, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that CenturyLink's Application should be granted and that the Interconnection Agreement between CenturyLink and New Cingular should be approved.

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

A. The Application of United Telephone Company of Kansas d/b/a CenturyLink is hereby granted and the Interconnection Agreement between CenturyLink and New Cingular Wireless PCS, LLC, executed by the parties on March 23, 2015, 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. 2014 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.

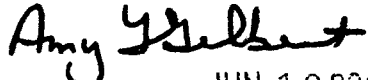
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<sup>2</sup> Report and Recommendation, pages 1-2.

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

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: JUN 11 2015

  
ORDER MAILED JUN 12 2015  
Amy L. Gilbert  
Secretary

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**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chair Shari Feist Albrecht  
Commissioner Jay Scott Emler  
Commissioner Pat Apple

**FROM:** Hal Baumhardt, Senior Telecommunications Analyst  
Christine Aarnes, Chief of Telecommunications  
Jeff McClanahan, Director of Utilities

**DATE:** June 2, 2015

**SUBJECT: 15-UTDT-457-IAT**  
Application for Approval of a Commercial Mobile Radio Services (CMRS) Interconnection Agreement By and Between United Telephone Company of Kansas dba CenturyLink and New Cingular Wireless PCS, LLC Pursuant to The Telecommunications Act of 1996

**EXECUTIVE SUMMARY:**

On March 31, 2015, United Telephone Company of Kansas d/b/a CenturyLink (CenturyLink) filed an Application for approval of an Interconnection Agreement (Agreement) between CenturyLink and New Cingular Wireless PCS, LLC (New Cingular). Staff recommends approval of the filing.

**BACKGROUND:**

On March 31, 2015, CenturyLink filed an Application for approval of an Interconnection and Resale Agreement (Agreement) between CenturyLink and New Cingular.

New Cingular Wireless PCS, LLC provides mobile voice and data communications services. Its products include digital wireless voice; analog wireless voice; and wireless data, which include general packet radio service (GPRS), interactive messaging, corporate email access, short messaging, and wireless Internet/WAP. New Cingular Wireless PCS, LLC was formerly known as AT&T Wireless PCS LLC and changed its name to New Cingular Wireless PCS, LLC in February 2006. New Cingular is headquartered in Atlanta, Georgia, and its CEO and President is Stanley T. Sigman.

CenturyLink operates as a rural telephone company and is the second largest local exchange carrier (LEC) in Kansas. CenturyLink operates three separate service areas in

Kansas: Eastern; Southeast; and United. CenturyLink is headquartered in Monroe, Louisiana, and its President is Kenny Wyatt.

**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 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.

CenturyLink affirms that implementation of this Agreement complies fully with Section 252(e) of the Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. CenturyLink deems this Agreement promotes diversity in providers and increases customer choice for telecommunications services.

New Cingular is registered with the Kansas Secretary of State’s Office and is “*active and in good standing*” with that office. Moreover, the Company is current with Kansas Universal Service Fund (KUSF) and Commission Assessments.

CenturyLink and New Cingular acknowledged that the CMRS Agreement herein shall consist of the Interconnection in the State of Kansas which was entered into on March 23, 2015. The term of this Agreement is for three years or until March 23, 2018, which corresponds with the expiration date of the adopted Agreement, and this Agreement replaces any and all other prior Interconnection Agreements, both written and oral, applicable to the state of Kansas.

Staff has reviewed this Interconnection Agreement between CenturyLink and New Cingular, and Staff does not have any concerns regarding the Application. Furthermore, Staff affirms that this Agreement does not discriminate against a carrier not a party to the Agreement and approval of this Agreement is in the public interest.

**RECOMMENDATION:**

Staff recommends the Commission grant approval of this Interconnection Agreement between CenturyLink and New Cingular.

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET  
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
DAVID HANDAL NEW CINGULAR WIRELESS PCS, LLC D/B/A AT&T MOBILITY 1 AT&T WAY RM 4A105 BEDMINSTER, NJ 07921		
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
LINDA K. GARDNER, ATTORNEY UNITED TELEPHONE CO. OF KANSAS D/B/A CENTURYLINK KSOPKJ0702 600 NEW CENTURY PKWY NEW CENTURY, KS 66031		

ORDER MAILED **JUN 12 2015**

The Docket Room hereby certified that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.