

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

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

In the Matter of the Application for Approval)
of an Interconnection Agreement by and)
Between United Telephone Company of)
Kansas d/b/a CenturyLink, United Telephone)
Company of Eastern Kansas d/b/a CenturyLink,) Docket No. 14-UTDT-529-IAT
United Telephone Company of Southcentral)
Kansas d/b/a CenturyLink, Embark Missouri,)
Inc. d/b/a CenturyLink, and Fiber Communications)
of Columbus LLC d/b/a Optic Communications)
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 May 19, 2014, United Telephone Company of Kansas d/b/a CenturyLink, United Telephone Company of Eastern Kansas d/b/a CenturyLink, United Telephone Company of Southcentral Kansas d/b/a CenturyLink, and Embark Missouri, Inc. d/b/a CenturyLink (collectively "CenturyLink") filed an Application seeking Commission approval of an Interconnection Agreement between CenturyLink and Fiber Communications of Columbus LLC d/b/a Optic Communications (Fiber Communications). Supplementing its Application, CenturyLink included a copy of the Interconnection Agreement executed by the parties on April 24, 2014.

2. On July 7, 2014, the Commission Staff (Staff) submitted its Report and Recommendation dated June 26, 2014, recommending the Commission grant CenturyLink's

Application and approve the Interconnection Agreement between CenturyLink and Fiber Communications. 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.

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 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.

4. Staff states that it has reviewed the Interconnection Agreement and finds no evidence to conclude that the Interconnection Agreement discriminates against any telecommunications carrier, or that the Agreement is inconsistent with the public interest, convenience, or necessity. Staff concludes that the Agreement will generally benefit the public and recommends that it be approved. Staff further notes that both CenturyLink and Fiber

Communications are properly registered with the Kansas Secretary of State and the status of each with that office is "active and in good standing". Report and Recommendation at page 2.

5. The Commission adopts Staff's analysis and recommendation of June 26, 2014, 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 the Interconnection Agreement between CenturyLink and Fiber Communications approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of United Telephone Company of Kansas d/b/a CenturyLink, United Telephone Company of Eastern Kansas d/b/a CenturyLink, United Telephone Company of Southcentral Kansas d/b/a CenturyLink, and Embarras Missouri, Inc. d/b/a CenturyLink filed May 19, 2014 is hereby granted and the Interconnection Agreement between CenturyLink and Fiber Communications of Columbus LLC d/b/a Optic Communications, executed by the parties on April 24, 2014, is hereby approved.

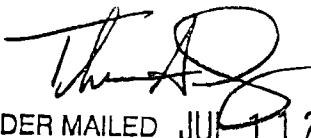
B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2013 Supp. 77-529(a)(1).

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.

Albrecht, Chair; Emler, Com.; Apple, Com.

Dated: JUL 10 2014


ORDER MAILED JUL 11 2014
Thomas A. Day
Acting Executive Director

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Shari Feist Albrecht, Chair
Jay Scott Emler, Commissioner
Pat Apple, Commissioner

Sam Brownback, Governor

REPORT AND RECOMMENDATION UTILITIES DIVISION

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

FROM: Kelly Mabon, Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utililites

DATE: June 26, 2014

SUBJECT: Docket No. 14-UTDT-529-IAT

In the Matter of the Application for Approval of an Interconnection Agreement By and Between United Telephone Company of Kansas d/b/a CenturyLink, United Telephone Company of Eastern Kansas, d/b/a CenturyLink, United Telephone Company of Southcentral Kansas d/b/a CenturyLink, Embarq Missouri, Inc. d/b/a CenturyLink, and Fiber Communications of Columbus LLC d/b/a Optic Telecommunications Act of 1996.

EXECUTIVE SUMMARY:

On May 19, 2014, Embarq Missouri, Inc. d/b/a CenturyLink, United Telephone Company of Eastern Kansas d/b/a CenturyLink, United Telephone Company of Southcentral Kansas d/b/a CenturyLink, United Telephone Company of Kansas d/b/a CenturyLink (CenturyLink) filed a request for approval of an Interconnection Agreement with Fiber Communications of Columbus LLC d/b/a Optic Communications (Fiber Communications). Staff recommends approval of this Application.

The Commission action date is **Sunday, August 17, 2014.**

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 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:

CenturyLink contends that implementation of this Agreement complies fully with Section 252(e) of the Federal Act and believes approval is consistent with the public interest, convenience, and necessity and does not discriminate against any telecommunications carrier.

Having reviewed the Agreement between CenturyLink and Fiber Communications, Staff finds no evidence to conclude this Agreement discriminates against any telecommunications carrier, nor is inconsistent with public interest, convenience, or necessity. Staff believes the public will generally benefit from KCC approval of this Application.

The companies are registered with the Kansas Secretary of State and are active and in good standing with that office.

RECOMMENDATION:

Staff recommends the Commission grant approval of this Application for an Interconnection Agreement between CenturyLink and Fiber Communications.

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
PATRICIA CARROLL, GENERAL MANAGER FIBER COMMUNICATIONS OF COLUMBUS LLC, D/B/A OPTIC COMMUNICATIONS 224 S. KANSAS COLUMBUS, KS 66725		
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 5454 W 110TH ST OVERLAND PARK, KS 66211-1204		

ORDER MAILED **JUL 11 2014**

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.