

**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, L.P. for Approval of Interconnection ) Docket No. 05-SWBT-1125-IAT  
Agreement Under the Telecommunications Act of )  
1996 with Metropolitan Telecommunications, Inc. )

**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 September 12, 2017, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed an Application requesting Commission approval of a modification to the Interconnection Agreement approved by the Commission on June 29, 2005, between SWBT and Metropolitan Telecommunications of Kansas, Inc. (Metropolitan). Supplementing its Application, SWBT included a copy of the Amendment to Interconnection Agreement (Amendment) executed by the parties on July 17, 2017, and the Affidavit of Richard T. Howell, SWBT's Area Manager-Regulatory Relations. SWBT's requested modification to the Interconnection Agreement amends the existing ICA to reflect changes resulting from the Federal Communications Commission's (FCC) USF/ICC Order in the current Agreement.<sup>1</sup> The Interconnection Agreement and proposed Amendment are collectively referred to herein as "amended Agreement".

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

2. On November 20, 2017, the Commission Staff (Staff) submitted its Report and Recommendation dated November 15, 2017, recommending the Commission grant SWBT's Application and approve the amended Agreement between SWBT and Metropolitan.

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

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

5. The Commission adopts Staff's analysis and recommendation of November 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 Metropolitan should be approved.

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

A. The September 12, 2017 Application of Southwestern Bell Telephone d/b/a AT&T Kansas is hereby granted and the amended Interconnection Agreement between SWBT and Metropolitan Telecommunications of Kansas, Inc. is hereby approved.

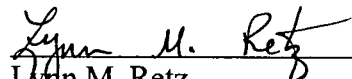
B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2016 Supp. 77-529(a)(1).

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: NOV 28 2017

  
Lynn M. Retz  
Secretary to the Commission

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**Order Mailed Date**

**NOV 29 2017**

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

Sam Brownback, Governor

## **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:** November 15, 2017

**SUBJECT:** Docket No. 05-SWBT-1125-IAT  
In the Matter of the Application of Southwestern Bell Telephone Company for  
Approval of Interconnection Agreement Under the Telecommunications Act of  
1996 With Metropolitan Telecommunications, Inc.

### **EXECUTIVE SUMMARY:**

On September 12, 2017, Southwestern Bell Telephone Company (SWBT) filed a Modification to an Interconnection Agreement (Agreement) between SWBT and Metropolitan Telecommunications, Inc. (Metropolitan). Staff recommends approval of the filing.

The Commission action date is **Monday, December 11, 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 reflects changes resulting from the FCC's USF/ICC Order.

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 Metropolitan.

## CERTIFICATE OF SERVICE

05-SWBT-1125-IAT

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

**NOV 28 2017**

first class mail/hand delivered on \_\_\_\_\_.

ANDONI ECONOMOU, EXECUTIVE VICE PRESIDENT  
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\*\*\*Hand Delivered\*\*\*

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/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

**NOV 29 2017**