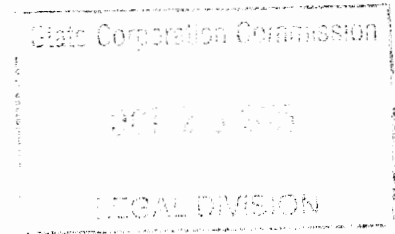


**MEMORANDUM
UTILITIES DIVISION**



TO: Chair Moline
Commissioner Wine
Commissioner Krehbiel

FROM: Ross Miller

DATE: October 21, 2003

DATE SUBMITTED TO LEGAL: 10/23/03

DATE SUBMITTED TO COMMISSIONERS: 11/16/03

RE: Docket No. 03-SWBT-301-IAT

In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 with Sprint Communications Company, L.P.

BACKGROUND:

This application was filed on September 30, 2003, by Southwestern Bell Telephone L.P. d/b/a SBC Kansas ("SBC"), formerly Southwestern Bell Telephone Company ("SWBT"), seeking Approval of a fourth modification to the Interconnection Agreement ("Agreement") between SBC and Sprint Communications Company, L.P. ("Sprint"). The Agreement was filed in this Docket on October 9, 2002, together with a first amendment thereto. The amendment was executed on October 1, 2002. The Kansas Corporation Commission ("KCC" or "Commission") approved both the Agreement and its first amendment concurrently on November 12, 2002.

On December 27, 2002, a second modification was filed, and it was approved on January 21, 2003. On August 19, 2003, a third amendment was filed, which was approved on September 24, 2003. This fourth modification "amends the Agreement to incorporate a new non-recurring rate for HFPL Line and Station Transfer – Maintenance Phase which replaces and supersedes the rate currently shown as 'to be determined.'"

By the terms negotiated between the parties, this Amendment will become an integral part of the existing Agreement, and it shall terminate coterminous with the termination date of the Agreement itself. The termination date of the Agreement is November 24, 2004, however, it may remain in full force and effect thereafter until terminated by either Party. The parties have not requested a specific effective date in this matter.

ANALYSIS:

Staff has reviewed this fourth amendment to the Agreement between SBC and Sprint for the interconnection of local telecommunications services. The proposed amendment is comprised of the following:

Amendment – HFPL Line and Station Transfer Rate, SBC Kansas/Sprint Communications, LP, pages 1 – 4, dated July 8, 2003.

All other terms and conditions remain the same.

This is the only modification to the Agreement proposed in this filing. The revision included with this Amendment shall terminate when the Agreement terminates.

The parties believe approval is consistent with the public interest, convenience and necessity. They indicate the Agreement and this third amendment thereto do not discriminate against any telecommunications carrier. They contend it promotes diversity of local service providers, provides interconnectivity and increases customer's choices for telecommunications services.

To the extent this Company's presence increases the options for local telephone services, Staff believes the public will generally benefit from Commission approval of the Agreement and the first modification thereto. The registry of Sprint Communications Company, L.P. with the office of the Kansas Secretary of State is currently "active and in good standing."

Staff is now prepared to make its recommendation.

RECOMMENDATION:

Staff recommends the Commission grant approval of this application for a fourth amendment to the Agreement between Sprint Communications Company, L.P. and Southwestern Bell Telephone L.P. d/b/a SBC Kansas for the interconnection of local telecommunications services. Effective immediately upon approval by the KCC, this Agreement shall remain in force until the termination date of the Agreement on November 24, 2004, however, it may remain in full force and effect thereafter until terminated by either Party.

cc: Don Low
Janet Buchanan
Tom Behner

Susan Duffy
Public Administrator
Pat Shurtz

Eva Powers
Bret Lawson