

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Brian J. Moline, Chair
 Robert E. Krehbiel
 Michael C. Moffet

In the Matter of the Application of)
Southwestern Bell Telephone Company for)
Approval of Interconnection Agreement) Docket No. 03-SWBT-330-IAT
Under the Telecommunications Act of 1996)
with American Fiber Systems, Inc.)

ORDER

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On July 20, 2005, Southwestern Bell Telephone, L.P. d/b/a SBC Kansas (SBC) filed an application seeking approval of a modification to the Interconnection Agreement (Agreement) with American Fiber Systems, Inc. (American).

2. The Agreement previously received Commission approval on January 17, 2003. The modification proposed by SBC's July 20, 2005 application ensures that the terms and conditions of the Agreement related to specific network elements, made available on an unbundled basis under Sections 251(c)(3) and 251(d)(2), are conformed so as to be consistent with application federal law. The Commission previously approved this amendment in Docket No. 05-SWBT-317-GIT. The Agreement, with this modification, and the attachments incorporated therein are an integrated package and are the result of negotiation and compromise.

3. There are no outstanding issues between the parties that need the assistance of mediation or arbitration. American is registered as “active and in good standing” with the Kansas Secretary of State’s Office.

4. SBC files this modification to the Agreement seeking Commission approval of its terms and conditions consistent with the Federal Telecommunications Act of 1996. SBC believes approval of the modification is consistent with the public interest, convenience and necessity, and does not discriminate against any telecommunications carrier. SBC indicates the Agreement, with the proposed modifications, and the attachments incorporated therein are an integrated package and are the result of negotiation and compromise.

5. SBC specifically requests that the Commission refrain from taking any action to change, suspend, or otherwise delay implementation of this modification to the agreement, in keeping with the support of competition previously demonstrated by the Commission.

6. The Commission finds and concludes that the modification of the Interconnection Agreement between SBC and American should be granted. The implementation of the modification is consistent with the public interest, convenience and necessity and does not, on its face, discriminate against any telecommunications provider not a party to the agreement.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The June 22, 2005 application of Southwestern Bell Telephone, L.P. d/b/a SBC Kansas to modify the interconnection agreement with American Fiber Systems, Inc. is hereby approved.

B. The parties have fifteen days, plus three 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. 66-118; K.S.A. 2003 Supp. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of issuing such further order, or orders, as it may deem necessary.

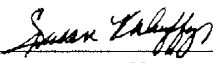
BY THE COMMISSION IT IS SO ORDERED.

Moline, Chr.; Krehbiel, Com.; Moffet, Com.

Dated: AUG 01 2005

ORDER MAILED

AUG 01 2005

 Executive
Director
Susan K. Duffy
Executive Director

BL:jtg