

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

Before Commissioners:                    Andrew J. French, Chairperson  
   Dwight D. Keen  
   Annie Kuether

In the Matter of the Application of Southwestern    )  
Bell Telephone Company for Approval of    )  
Interconnection Agreement Under the    )                    Docket No. 08-SWBT-940-IAT  
Telecommunications Act of 1996 With    )  
Bandwidth.com CLEC, LLC.                    )

**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 records, the Commission finds and concludes:

1.        On February 19, 2025, Southwestern Bell Telephone Company d/b/a AT&T Kansas (“AT&T Kansas”) filed an application requesting Commission approval of an amended interconnection agreement (“amended Agreement”) between AT&T Kansas and Bandwidth.com CLEC, LLC (“Bandwidth”).<sup>1</sup>

2.        AT&T Kansas is the largest telecommunication carrier operating in Kansas and maintains the status of an “electing carrier,” with major service areas in Kansas City, Topeka and Wichita. It is headquartered in Topeka, Kansas.<sup>2</sup>

3.        Bandwidth, a Delaware limited liability company headquartered in Raleigh, North Carolina, was granted a Certificates of Convenience and Authority to provide Interexchange

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<sup>1</sup> Application, p. 1. Staff’s Report and Recommendation (Feb. 26, 2025), p. 1.

<sup>2</sup> Staff’s Report and Recommendation (Feb. 26, 2025), p. 2.

Carrier (IXC) and Competitive Local Exchange Carrier (CLEC) services in the State of Kansas on January 22, 2008, in Docket Nos. 08-BDWT-404-COC and 08-BDWT-405-COC, respectively.<sup>3</sup>

4. AT&T Kansas states that the amended Agreement between AT&T Kansas and Bandwidth was executed on December 5, 2024, and replaces Section 3.3.2 from Appendix 911 with language that allows Bandwidth to purchase facilities to interconnect to AT&T Kansas' Selective Router.<sup>4</sup> AT&T Kansas represents the Agreement fully complies 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.<sup>5</sup>

5. 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.

6. Section 252(e)(2) of the Federal Act requires the Commission to presume that interconnection agreements are 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 authority.<sup>6</sup>

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<sup>3</sup> *Id.*

<sup>4</sup> Application, p. 1.

<sup>5</sup> *Id.*

<sup>6</sup> 47 U.S.C. §252(e)(2).

7. On February 26, 2025, the Commission Staff (“Staff”) submitted its Report and Recommendation (“R&R”), advising the Commission to approve the amended Agreement between AT&T Kansas and Bandwidth. Staff acknowledges the Agreement complies with Section 252(e) of the Federal Act and supports approval of the Agreement as being consistent with the public interest and convenience and necessity. Both AT&T Kansas and Bandwidth are properly registered with the Kansas Secretary of State’s office and their status with that office is active and in good standing.<sup>7</sup> Staff accordingly recommends the Commission grant AT&T Kansas’ Application and approve the Agreement.<sup>8</sup>

8. The Commission adopts Staff’s R&R of February 26, 2025, as findings, which is attached and made a part hereto, and that AT&T Kansas’ Application should be granted.

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

A. Southwestern Bell Telephone Company d/b/a AT&T Kansas’ Application filed February 19, 2025, is hereby granted and the Interconnection Agreement between AT&T Kansas and Bandwidth.com CLEC, LLC is hereby approved.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>9</sup>

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>7</sup> R&R, p. 2.

<sup>8</sup> *Id.* pp. 2–3.

<sup>9</sup> K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

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

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 03/13/2025

A handwritten signature in cursive script, appearing to read "Abigail D. Emery".

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Abigail D. Emery  
Acting Secretary to the Commission

BWB

Andrew J. French, Chairperson  
Dwight D. Keen, Commissioner  
Annie Kuether, Commissioner

Laura Kelly, Governor

## REPORT AND RECOMMENDATION UTILITIES DIVISION

**TO:** Andrew J. French, Chairperson  
Dwight D. Keen, Commissioner  
Annie Kuether, Commissioner

**FROM:** Hemant Bhagat, Senior Telecommunications Analyst  
Steve Garrett, Deputy Chief of Telecommunications  
Jeff McClanahan, Director of Utilities

**DATE:** February 26, 2025

**RE:** Docket No 08-SWBT-940-IAT

In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With Bandwidth.com CLEC, LLC.

### **EXECUTIVE SUMMARY:**

On February 19, 2025, Southwestern Bell Telephone Company d/b/a (AT&T Kansas) filed an Application with the Kansas Corporation Commission (Commission) for Approval of an Interconnection Agreement Amendment (Amendment) that modifies the language allowing Bandwidth.com CLEC, LLC. (Bandwidth) to purchase facilities to interconnect to AT&T Kansas's Selective Router, under the Telecommunications Act of 1996. Staff recommends approval of the filing.

The Commission action date is May 19, 2025.

### **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:**

On July 10, 2008, the Commission issued its Order approving an Interconnection Agreement (Agreement) between AT&T Kansas and Bandwidth. The Agreement was amended through Commission Orders on September 28, 2017, relating to Carrier Compensation Rates and on March 5, 2020, for removal of certain analog Unbundled Network Elements and Wholesale Resale offerings.

The current Amendment filed on February 19, 2025, replaces Section 3.3.2 from APPENDIX 911 of the Agreement to now include interconnection for Switched Access facilities, in addition to the existing interconnection for Special Access facilities approved in the initial Agreement. Where diverse facilities are requested by Bandwidth, AT&T Kansas will provide such diverse facilities where technically feasible at a standard AT&T-13STATE Switched Access tariff rates. The Amendment revises the terms and provision of the Agreement only to the extent necessary to give effect to the terms and provision of this Amendment. In the event of a conflict in terms and provisions between the Amendment and the Agreement, this Amendment shall govern.

With the exception of this Amendment, all other terms and conditions of the underlying Agreement remain unchanged and in full force. AT&T Kansas 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.

AT&T Kansas, headquartered in Topeka, Kansas, is the largest Incumbent Local Exchange Carrier operating in Kansas. The Company's largest service areas are Kansas City, Topeka, and Wichita. Bandwidth, a Delaware corporation, headquartered in Raleigh, North Carolina, received Certificates of Convenience and Authority by Commission Order to provide Interexchange Carrier (IXC) and Competitive Local Exchange Carrier services in the State of Kansas on January 22, 2008, in Docket No. 08-BDWT-404-COC and January 22, 2008, in Docket No. 08-BDWT-405-COC respectively.

AT&T Kansas and Bandwidth are "Active and in Good Standing" with the Kansas Secretary of State's Office.<sup>1</sup> Both Companies are current with the Kansas Universal Service Fund (KUSF), Commission Assessments, and the Annual Interrogatory.

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<sup>1</sup> <https://www.sos.ks.gov/eforms/BusinessEntity/Search.aspx>, Kansas Secretary of State's Office, last viewed February 19, 2025.

Staff reviewed the Amendment and did not find any language that discriminates against other telecommunications carriers not a party to the Agreement. Implementation of this Amendment is in the public interest. Staff further finds that the AT&T Kansas proposed Amendment was the result of negotiation and compromise and that there are no outstanding issues between the parties that need the assistance of mediation or arbitration pursuant to 47 U.S.C. § 252 - Procedures for negotiation, arbitration, and approval of agreements.

**RECOMMENDATION:**

Staff recommends the Commission grant approval of this Interconnection Agreement Amendment between AT&T Kansas and Bandwidth.com CLEC, LLC.

## **CERTIFICATE OF SERVICE**

08-SWBT-940-IAT

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 03/13/2025.

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