

**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 of Southwestern)
Bell Telephone Company for Approval of)
Interconnection Agreement Under the) Docket No. 15-SWBT-420-IAT
Telecommunications Act of 1996 with New)
Horizons Communications Corp.)

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 March 17, 2015, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application seeking Commission approval of an Interconnection Agreement between AT&T Kansas and New Horizons Communications Corp. (New Horizons). Supplementing its Application, AT&T Kansas included a copy of the Interconnection Agreement executed by the parties on March 9, 2015.

2. On April 8, 2015, the Commission Staff (Staff) submitted its Report and Recommendation dated April 6, 2015, recommending the Commission grant AT&T Kansas' Application and approve the Interconnection Agreement between AT&T Kansas and New Horizons. AT&T 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. AT&T Kansas further maintains that the Agreement promotes diversity in providers, and increases customer choice for

telecommunications services and that its negotiation and execution is consistent with Kansas' regulatory statutes.¹

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:

- (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.

4. Concluding its review and analysis of AT&T Kansas' Application and the Interconnection Agreement, Staff states that it does not have any concerns regarding this filing. Staff states that in the review process it found no language that discriminates against other telecommunications carriers not a party to the Agreement. Staff determines that implementation of the Agreement is in the public interest because it provides additional telecommunications carrier options for the consumer. Staff recommends the Commission grant AT&T Kansas'

¹ Application, pages 2 and 3.

Application and approve the Interconnection Agreement between AT&T Kansas and New Horizons.²

5. The Commission adopts Staff's analysis and recommendation of April 6, 2015, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that AT&T Kansas' Application should be granted and the Interconnection Agreement between AT&T Kansas and New Horizons should be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Southwestern Bell Telephone Company d/b/a AT&T Kansas is hereby granted and the Interconnection Agreement between AT&T Kansas and New Horizons Communications Corp., executed by the parties on March 9, 2015, is hereby approved.

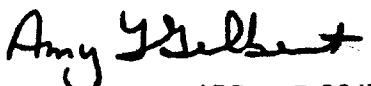
B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529(a)(1).

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, Commissioner; Apple, Commissioner

Dated: APR 14 2015


ORDER MAILED APR 15 2015
Amy L. Gilbert
Secretary

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² Report and Recommendation, page 2.

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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: Paula Artzer, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: April 06, 2015

SUBJECT: 15-SWBT-420-IAT
In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 with New Horizons Communications Corp.

EXECUTIVE SUMMARY:

On March 17, 2015, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) filed an Application for approval of an Interconnection Agreement (Agreement) between AT&T and New Horizons Communications Corporation (New Horizons). Staff recommends approval of the filing.

BACKGROUND:

On March 9, 2015, AT&T and New Horizons entered into an Agreement for Interconnection and Resale of AT&T services. AT&T filed for approval of this Agreement with the Commission between AT&T and New Horizons. The Agreement expires on June 8, 2017. New Horizons is certified in the state of Kansas as a competitive local exchange carrier (CLEC) to provide Local Exchange, Exchange Access, and Interexchange services. New Horizons is headquartered in Lexington, Massachusetts.

AT&T Kansas is the largest local exchange carrier (LEC) operating in Kansas. The Company's largest service areas are Kansas City, Topeka, and Wichita. AT&T Kansas is headquartered in Topeka, Kansas.

New Horizons was granted a Certificate of Convenience and Authority in December 2014 in Docket No. 15-NHCC-085-COC and in May 2007 in Docket No. 07-NHCC-1189-COC to provide telecommunications services in the State of Kansas. New Horizons is registered with the Kansas Secretary of State's office and is "active and in good standing" with that office.

ANALYSIS:

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.

AT&T affirms that implementation of this Agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. AT&T deems this Agreement promotes diversity in providers, provides interconnectivity, and will increase customer choices for telecommunications services.

Staff does not have any concerns regarding this Application. Staff reviewed the Agreement and did not find any language that discriminates against other telecommunications carriers not a party to the Agreement. Implementation of this Agreement is in the public interest because it provides additional telecommunications carrier options for the consumer.

RECOMMENDATION:

Staff recommends the Commission grant approval of this Interconnection Agreement between AT&T Kansas and New Horizons. Staff finds no evidence of discrimination against other parties and finds that it is in the public interest, convenience and necessity of the citizens of Kansas to have additional options in their choice for telecommunications providers.

IN RE: DOCKET NO. 15-SWBT-420-IAT

DATE APR 14 2015

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
GLEN NELSON, VP MARKETING & BUSINESS DEVELOPMENT NEW HORIZONS COMMUNICATIONS CORP. 420 BEDFORD ST STE 100 LEXINGTON, MA 02420		
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
BRUCE A. NEY, GENERAL ATTORNEY SOUTHWESTERN BELL TELEPHONE CO. D/B/A AT&T KANSAS 220 SE 6TH AVE RM 505 TOPEKA, KS 66603-3596		

ORDER MAILED APR 15 2015

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.