

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: John Wine, Chair
Cynthia L. Claus
Brian J. Moline

In the Matter of the Application of)
Southwestern Bell Telephone Company for)
Approval of Interconnection Agreement) Docket No. 03-SWBT-305-IAT
Under the Telecommunications Act of 1996)
with BullsEye Telecom, 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 October 11, 2002, Southwestern Bell Telephone Company ("SWBT") filed an application for approval of an interconnection agreement ("Agreement") between SWBT and BullsEye Telecom, Inc. ("BullsEye"). The parties state that this is a bilateral agreement, reached as a result of comprehensive, good faith negotiations and compromise between competitors. SWBT and BullsEye do not believe a docket of intervention by other parties is necessary or appropriate. The companies further state that there are no outstanding issues between SWBT and BullsEye that need the assistance of mediation or arbitration.

2. Approval of the Agreement is sought under the terms of the Federal Telecommunications Act of 1996, Section 252(e) ("Federal Act"). The parties believe that the Agreement is consistent with the public interest, convenience, and necessity and does not discriminate against any carrier not a party to the Agreement.

3. On September 18, 2002, BullsEye was granted a Certificate of Convenience and Authority to provide local exchange service in Docket No. 03-BLET-066-COC.

4. On December 23, 2002, Commission staff ("Staff") submitted a memorandum recommending Commission approval of the Agreement. Staff found that the Agreement, including the conditions and rules for resale, is clear and reasonable and does not discriminate against other carriers. Staff wrote that approval of the Agreement will further the public interest by increasing consumer choice.

5. The Federal Telecommunications Act of 1996, Section 252(e) states the Commission may only reject:

(A) an agreement (or any portion thereof) adopted by negotiation . . . if it finds that:

(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 . . .

6. The Commission finds and concludes that the application for approval of the Agreement between SWBT and BullsEye for the interconnection of local telecommunications services should be approved. The Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The interconnection agreement between Southwestern Bell Telephone Company and BullsEye Telecom, Inc. is hereby approved.

B. Any party may file a petition for reconsideration of this order within fifteen days of the date this order is served. If service is by mail, service is complete upon mailing and three days may be added to the above time frame.

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.

Wine, Chr.; Claus, Com.; Moline, Com.

Dated: JAN 06 2003

ORDER MAILED

JAN 06 2003

 Executive
Director

Jeffrey S. Wagaman
Executive Director

BL:cg