

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 and Reciprocal Compensation ) Docket No. 00-SWBT-892-IAT  
Agreement Under the Telecommunications Act of )  
1996 With High Plains/Midwest LLC d/b/a )  
WestLink Communications. )

ORDER

COMES NOW, the above captioned matter for consideration and determination by the State Corporation Commission of the State of Kansas ("Commission"). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1. On March 27, 2000, Southwestern Bell Telephone Company ("SWBT") filed this Application for Approval of an Interconnection and Reciprocal Compensation Agreement ("Agreement") between SWBT and High Plains/Midwest LLC d/b/a WestLink Communications ("WestLink").

2. On April 19, 2000, the Commission staff ("Staff") submitted a memorandum recommending the Commission approve the agreement between SWBT and WestLink.

3. SWBT and WestLink contend that implementation of this Agreement complies fully with Section 252(e) of the Federal Act. Both companies agree that approval of this agreement is consistent with the public interest, convenience and necessity. SWBT and WestLink assert that the agreement does not discriminate against any telecommunications carrier. SWBT and WestLink state that the agreement promotes a diversity of local service providers, provides interconnectivity, and

increases customers' choices for telecommunications services.

4. To the extent WestLink's presence would increase the options for local telephone services, Staff believes the public will generally benefit from Commission approval of this application.

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 that the application for approval of the agreement between SWBT and WestLink should be granted. The agreement does not, on its face, discriminate against any telecommunications provider not a party to the agreement. Implementation of the agreement is consistent with the public interest, convenience and necessity. This agreement should be effective immediately upon approval by the Commission. The initial term of the Agreement shall continue until July 1, 2002, and it will remain in effect thereafter until terminated by either party upon 120 days prior notice.

IT IS THEREFORE, BY THE COMMISSION ORDERED:

A. The Interconnection and Reciprocal Compensation Agreement between Southwestern Bell Telephone Company and High Plains/Midwest LLC d/b/a WestLink Communications is hereby approved. The Agreement will be effective immediately upon approval. The initial term of the Agreement shall continue until July 1, 2002, and it will remain in effect thereafter until terminated by either party upon 120 days prior notice.

B. A party may file a petition for reconsideration of this Order within fifteen (15) days of the service of this Order. If this Order is mailed, service is complete upon mailing, and three (3) days may be added to the, above time frame.

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


BY THE COMMISSION IT IS SO ORDERED.

Wine, Chr.; Claus, Corn.; Moline, Corn.

Dated: MAY 04 2000

ORDER MADE

MAY 10 4 2000

  
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Jeffrey S. Wagaman  
Executive Director

BL:hdo