

is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.¹

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2018 Supp. 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.

4. 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:

- (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.

5. On November 18, 2019, the Commission Staff (Staff) submitted its Report and Recommendation dated November 15, 2019, recommending the Commission approve the Agreement between CenturyLink and Triton. Citing Section 252(e) of the Federal Act, Staff indicates it has no information that would cause the Agreement to be inconsistent 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 CenturyLink and Triton are properly registered with the Kansas Secretary of State's office and their status with that office is active and

¹ Application at 1.

in good standing. Staff accordingly recommends the Commission grant CenturyLink's Application and approve the Agreement.

6. The Commission adopts Staff's recommendation of November 15, 2019, as stated in its Report and Recommendation, which is attached and made a part of this Order, and finds that CenturyLink's Application should be granted, and the Agreement between CenturyLink and Triton be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application filed by Embarq Missouri, Inc. d/b/a CenturyLink, United Telephone Company of Eastern Kansas d/b/a CenturyLink, United Telephone Company of Southcentral Kansas d/b/a CenturyLink and United Telephone Company of Eastern Kansas d/b/a CenturyLink on September 11, 2019 is hereby granted and the Resale Agreement between CenturyLink and Triton Networks, 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).²

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.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 11/26/2019



Lynn M. Retz
Executive Director

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² K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chair Dwight D. Keen
Commissioner Shari Feist Albrecht
Commissioner Susan K. Duffy

FROM: Kelly Mabon, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: November 15, 2019

SUBJECT: Docket No. 20-UTDT-128-IAT
In the Matter of the Application for Approval of the Resale Agreement and Between Embarq Missouri, Inc. d/b/a CenturyLink, United Telephone Company of Kansas d/b/a CenturyLink, United Telephone Company of Southcentral Kansas d/b/a CenturyLink, and United Telephone Company of Eastern Kansas d/b/a CenturyLink and Triton Networks, LLC Pursuant to the Telecommunications Act of 1996.

EXECUTIVE SUMMARY:

On September 11, 2019 Embarq Missouri, Inc. d/b/a CenturyLink; United Telephone Company of Kansas d/b/a CenturyLink; United Telephone Company of Southcentral Kansas d/b/a CenturyLink; and United Telephone Company of Eastern Kansas d/b/a CenturyLink (CenturyLink) filed an Application for approval of a Resale Agreement Under the Telecommunications Act of 1996 with Triton Networks, LLC (Triton). Staff recommends approval of the filing.

The Commission action date is **Tuesday, December 10, 2019.**

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:

CenturyLink 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.

Having reviewed the Agreement between CenturyLink and Triton, Staff finds no evidence to conclude this Agreement discriminates against any telecommunications carrier, nor is it inconsistent with public interest, convenience, or necessity. Staff believes the public will generally benefit from KCC approval of this Application as it provides a competitive option for consumers.

The companies are registered with the Kansas Secretary of State and are active and in good standing with that office.

RECOMMENDATION:

Staff believes it is in the public interest to grant approval of the Interconnection Agreement between CenturyLink and Triton.

CERTIFICATE OF SERVICE

20-UTDT-128-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 11/26/2019.

WALKER HENDRIX, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
w.hendrix@kcc.ks.gov

PAUL H. GARDNER
D/B/A ATTORNEY AT LAW
801W. VESPER
BLUE SPRINGS, MO 64015-3733
Fax: 816-229-9196
lkgardner@hotmail.com

ROBERT W HOUSE, CEO
TRITON NETWORKS LLC
12160 ABRAMS ROAD SUITE 200
DALLAS, TX 75243
rhouse@tritonnet.com

DAVID HUGHES, SENIOR EXECUTIVE
TRITON NETWORKS LLC
12160 ABRAMS ROAD SUITE 200
P.O. BOX 741044
DALLAS, TX 75374
dhughes@tritonnet.com

JASON TOPP, ASSOCIATE GENERAL COUNSEL
UNITED TELEPHONE CO. OF KANSAS
D/B/A CENTURYLINK
200 S 5TH STREET
MINNEAPOLIS, MN 55402
Fax: 913-345-6756
jason.topp@centurylink.com

/S/ DeeAnn Shupe

DeeAnn Shupe