

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Application of)
Southwestern Bell Telephone, L.P.)
for Approval of Interconnection Agreement) Docket No. 06-SWBT-237-IAT
Under the Telecommunications Act of)
1996 with NuVox Communications)
of Kansas, Inc.)

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 record, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On March 27, 2018, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application requesting Commission approval of an amendment to the Interconnection Agreement approved by the Commission on September 14, 2005, between AT&T Kansas and Windstream NuVox Kansas, LLC f/k/a Windstream NuVox Kansas, Inc. (NuVox). Supplementing its Application, AT&T Kansas included a copy of the Amendment to Interconnection Agreement (Amendment) executed by the parties on February 8, 2018, and the Affidavit of Richard T. Howell, AT&T Kansas' Area Manager-Regulatory Relations. AT&T Kansas' requested amendment to the parties' Interconnection Agreement implements the *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order issued by the Federal Communications Commission (FCC) on November 18, 2011 (FCC 11-161), and as amended by the FCC on December 23, 2011 (FCC 11-189) (FCC ICC Reform Order). The Amendment also changes the name of Windstream NuVox Kansas, Inc. to Windstream NuVox Kansas, LLC in the

current Agreement. The Interconnection Agreement and proposed Amendment are collectively referred to herein as “amended Agreement”.

2. On May 29, 2018, the Commission Staff (Staff) submitted its Report and Recommendation dated May 24, 2018, recommending the Commission grant AT&T Kansas’ Application and approve the amended Agreement between AT&T Kansas and NuVox.

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2017 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.

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

AT&T Kansas contends that implementation of the amended Agreement complies fully 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.

4. Staff confirms that the requested Amendment implements the FCC’s ICC Reform Order and changes the name of the company from Windstream NuVox Kansas, Inc. to Windstream

NuVox Kansas, LLC in the current Agreement. According to Staff, NuVox changed its name to Windstream NuVox Kansas, Inc. in Docket Nos. 10-NVCC-607-CCN and 10-NVCT-608-CCN on June 11, 2010. Subsequently, NuVox changed its name again to Windstream NuVox, Kansas, LLC in Docket No. 15-NVCC-614-CCN on August 6, 2015. Staff affirms that the requested Amendment is in compliance with Section 252(e) of the Federal Act and finds no cause for concern regarding the filing in this matter. Staff believes it is in the public interest to grant approval of the requested Amendment inasmuch as it complies with the FCC's ICC Reform Order and reflects the name change for NuVox.¹

5. The Commission adopts Staff's analysis and recommendation of May 24, 2018, 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 that the amended Agreement between AT&T Kansas and NuVox should be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The March 27, 2018 Application of Southwestern Bell Telephone Company d/b/a AT&T Kansas is hereby granted and the amended Interconnection Agreement between AT&T Kansas and Windstream NuVox Kansas, LLC f/k/a Windstream NuVox Kansas, Inc. 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.

¹ Report and Recommendation, page 2.

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

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 06/07/2018

A handwritten signature in cursive script, reading "Lynn M. Retz", written in black ink.

Lynn M. Retz
Secretary to the Commission

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STATE OF KANSAS



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REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chair Shari Feist Albrecht
Commissioner Jay Scott Emler
Commissioner Dwight D. Keen

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

DATE: May 24, 2017

SUBJECT: Docket No. 06-SWBT-237-IAT
In the Matter of the Application of Southwestern Bell Telephone, L.P. for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 with NuVox Communications of Kansas, Inc.

EXECUTIVE SUMMARY:

On March 27, 2018, Southwestern Bell Telephone, L.P. (SWBT) filed a Modification to an Interconnection Agreement (Agreement) between SWBT and NuVox Communications of Kansas, Inc. (NuVox). Staff recommends approval of the filing.

The Commission action date is **Monday, June 25, 2018.**

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:

This Amendment implements the Federal Communications Commission (FCC)'s ICC Order and changes the name from Windstream NuVox Kansas, Inc. to Windstream NuVox Kansas, LLC in the current Agreement. NuVox changed its name to Windstream NuVox Kansas, Inc. in Docket Nos. 10-NVCC-607-CCN and 10-NVCT-608-CCN on June 11, 2010. Subsequently, NuVox changed its name again to Windstream NuVox, Kansas, LLC in Docket No. 15-NVCC-614-CCN on August 6, 2015.

The Applicant is seeking review and approval of a Modification to this Agreement under Section 252(e) of the Federal Telecommunications Act. Section 252(e) of the Federal Act states that state commissions may reject a negotiated agreement only if it finds that the agreement (or portions thereof) discriminates against a telecommunications carrier not a party to the agreement; or the implementation of such an agreement (or portions thereof) is not consistent with the public interest, convenience and necessity. Staff has reviewed the proposed Modification to the Agreement and finds no such cause for concern with this filing.

RECOMMENDATION:

Staff believes it is in the public interest to grant approval of the Modification to the Agreement between SWBT and NuVox as it complies with the FCC's ICC Order and reflects the name change for NuVox.

CERTIFICATE OF SERVICE

06-SWBT-237-IAT

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 06/08/2018.

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/S/ DeeAnn Shupe

DeeAnn Shupe