

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Brian J. Moline, Chair
 Robert E. Krehbiel
 Michael C. Moffet

In the Matter of the Application of)
Southwestern Bell Telephone, L.P. for)
Approval of Interconnection Agreement) Docket No. 06-SWBT-366-IAT
Under the Telecommunications Act of 1996)
With XO Communications Services, 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, 2005, Southwestern Bell Telephone, L.P. d/b/a SBC Kansas (SWBT) filed an application for approval of an interconnection agreement (MFN Agreement) between SWBT and XO Communications Services, Inc. (XO). The MFN Agreement was executed on September 26, 2005.

2. XO has chosen in the MFN Agreement to adopt an interconnection agreement previously approved by the Commission in arbitrated proceedings designed to develop successor agreements for the Kansas 271 Interconnection Agreement. Upon Commission approval, the MFN Agreement will supersede the interconnection agreement between SWBT and XO approved by the Commission in Docket No. 04-SWBT-204-IAT.

3. There are no outstanding issues between the parties that need the assistance of mediation or arbitration. XO is properly registered with the office of the Kansas Secretary of State and is currently listed as “active and in good standing” with that office.

4. SWBT files the MFN Agreement seeking Commission approval of its terms and conditions consistent with the Telecommunications Act of 1996. SWBT believes approval of the MFN Agreement is consistent with the public interest, convenience and necessity, and does not discriminate against any telecommunications carrier.

5. SWBT specifically requests that the Commission refrain from taking any action to change, suspend, or otherwise delay implementation of this agreement, in keeping with the support of competition previously demonstrated by the Commission.

6. The Commission finds and concludes that the MFN Agreement between SWBT and XO should be approved. The implementation of the Agreement is consistent with the public interest, convenience and necessity and does not, on its face, discriminate against any telecommunications provider not a party to the agreement.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The application of Southwestern Bell Telephone, L.P. for approval of a MFN Interconnection Agreement with XO Communications Services, Inc. is hereby approved.

B. The parties have fifteen days, plus three 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. 66-118; K.S.A. 2003 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.

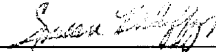
BY THE COMMISSION IT IS SO ORDERED.

Moline, Chr.; Krehbiel Com.; Moffet Com.

Dated: OCT 24 2005

ORDER MAILED

OCT 24 2005



Executive
Director

Susan K. Duffy
Executive Director

RLL:jtg