

MEMORANDUM
UTILITIES DIVISION

TO: Thomas E. Wright, Chairman
Michael C. Moffet, Commissioner
Joe F. Harkins, Commissioner

FROM: Guy McDonald, Senior Telecommunications Analyst

DATE: January 31, 2008

DATE SUBMITTED TO LEGAL: 1/31/08

DATE SUBMITTED TO COMMISSIONERS: 2/6/2008

SUBJECT: In the Matter of the Application of Southwestern Bell Telephone, L. P. for Approval of Interconnection Agreement under the Telecommunications Act of 1996 with DIECA Communications, Inc. d/b/a Covad Communications Company
Docket No. 07-SWBT-574-IAT

BACKGROUND:

On January 24, 2008, Southwestern Bell Telephone, L.P., d/b/a AT&T Kansas (AT&T), filed an Application for approval of a Modification to an Interconnection Agreement between themselves and DIECA Communication, Inc. d/b/a Covad Communications Company (Covad) previously approved by this Commission on December 13, 2006.

Approval is being sought under Section 252(e) of the Federal Act.

AT&T and Covad are certificated Local Exchange Carriers in the State of Kansas. At the time of this filing, both are properly registered with the Kansas Secretary of State's office and are 'active and in good standing' with the Secretary's office. Both are current with their KUSF assessments and KCC fees.

Commission action in this matter is required not later than **April 23, 2008**.

ANALYSIS:

This Modification seeks to extend the Agreement's expiration date from December 12, 2008, to December 12, 2011.

The parties state that this Amendment, with the original Agreement, are an integrated package, the result of negotiation and compromise and that there are no outstanding issues between themselves needing the assistance of mediation or arbitration.

ANALYSIS: (Continued)
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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 this proposed Modification and finds no such cause for concern with this filing.

RECOMMENDATION:

Staff recommends commission approval.

cc: Don Low
Janet Buchanan

Tom Stratton
Colleen Harrell

Susan Duffy
Patricia Shurtz