

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

Before Commissioners: Pat Apple, Chairman  
Shari Feist Albrecht  
Jay Scott Emler

In the Matter of the Application of Southwestern )  
Bell Telephone Company for Approval of )  
Interconnection Agreement Under the ) Docket No. 17-SWBT-328-IAT  
Telecommunications Act of 1996 With )  
Midcontinent Communications, a South Dakota )  
General Partnership. )

**ORDER APPROVING 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 January 23, 2017, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application seeking Commission approval of an Interconnection Agreement between AT&T Kansas and Midcontinent Communications, a South Dakota General Partnership (Midcontinent). Supplementing its Application, AT&T Kansas included a copy of the Interconnection Agreement executed by the parties on January 5, 2017, and the Affidavit of Richard T. Howell, AT&T Kansas' Area Manager-Regulatory Relations.

2. On February 22, 2017, the Commission Staff (Staff) submitted its Report and Recommendation dated February 21, 2017, recommending the Commission grant AT&T Kansas' Application and approve the Interconnection Agreement between AT&T Kansas and Midcontinent. AT&T Kansas maintains that the Interconnection Agreement fully complies with Section 252(e) of the Federal Telecommunications Act of 1996 (Federal Act), and that approval of the Agreement is consistent with the public interest, convenience, and necessity, and does not

discriminate against any telecommunications carrier. AT&T Kansas further maintains that the Agreement promotes diversity in providers, provides interconnectivity, and increases customer choices for telecommunications services.<sup>1</sup>

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2015 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:

- (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.

4. According to Staff, Midcontinent is properly registered with the Kansas Secretary of State's office as a South Dakota General Partnership. Staff states that it has reviewed the Interconnection Agreement between AT&T Kansas and Midcontinent and finds no evidence to conclude that the Agreement discriminates against any telecommunications carrier, nor is it inconsistent with public interest, convenience, or necessity. Staff believes the public will generally benefit from the Commission's granting of AT&T Kansas' Application and approval of the Interconnection Agreement inasmuch as it provides a competitive option for consumers.

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<sup>1</sup> Application, page 2.

Concluding, Staff recommends approval of the Interconnection Agreement between AT&T Kansas and Midcontinent.<sup>2</sup>

5. The Commission adopts Staff's analysis and recommendation of February 21, 2016, 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 the Interconnection Agreement between AT&T Kansas and Midcontinent approved.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The Application of Southwestern Bell Telephone Company d/b/a AT&T Kansas is hereby granted and the Interconnection Agreement between AT&T Kansas and Midcontinent Communications, a South Dakota General Partnership, executed by the parties on January 5, 2017, is hereby approved.

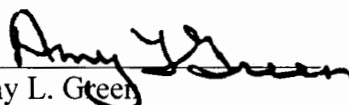
B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2015 Supp. 77-529(a)(1).

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.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: **FEB 28 2017**

  
Amy L. Greer  
Secretary to the Commission

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<sup>2</sup> Report and Recommendation, page 2.

Order Mailed Date

**MAR 01 2017**

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chairman Pat Apple  
Commissioner Shari Feist Albrecht  
Commissioner Jay Scott Emler

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

**DATE:** February 21, 2017

**SUBJECT:** Docket No. 17-SWBT-328-IAT  
In the Matter of the Application of Southwestern Bell Telephone Company for  
Approval of Interconnection Agreement Under the Telecommunications Act of  
1996 With Midcontinent Communications, a South Dakota General Partnership.

**EXECUTIVE SUMMARY:**

On January 23, 2017, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) filed an Application for approval of an Interconnection Agreement with Midcontinent Communications, a South Dakota General Partnership (Midcontinent). Staff recommends approval of this Application.

The Commission action date is **Sunday, April 23, 2017.**

**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:**

AT&T 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 AT&T and Midcontinent, 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 recommends the Commission grant approval of this Application for an Interconnection Agreement between AT&T and Midcontinent.

## CERTIFICATE OF SERVICE

17-SWBT-328-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 **FEB 28 2017**.

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/S/ DeeAnn Shupe  
DeeAnn Shupe

der Mailed Date

**MAR 01 2017**