

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

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

In the Matter of the Application of)
Southwestern Bell Telephone Company for)
Approval of Interconnection Agreement Under) Docket No. 14-SWBT-234-IAT
the Telecommunications Act of 1996 with)
Zayo Group, LLC)

ORDER APPROVING INTERCONNECTION AGREEMENT AMENDMENTS

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1. On February 1, 2018, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT)¹ filed an application seeking approval of amendments to the interconnection agreement between itself and Zayo Group, LLC (Zayo). The negotiated interconnection agreement between the two companies was originally approved by this Commission on January 9, 2014. SWBT indicates that the proposed amendments reflect changes resulting from the Federal Communications Commission's (FCC's) Lifeline and U\$Telcom Forbearance Orders, replaces the Customer Information Services (CIS) language and rates, modifies certain provisions related to termination of the agreement, and replaces the Structure Access Attachment in the current agreement.

¹Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) is an "electing carrier" referenced under K.S.A. 66-2005(x). See Docket No. 12-SWBT-797-MIS.

2. The Commission has jurisdiction to review negotiated interconnection agreements entered into by SWBT pursuant to K.S.A. 66-2005(z)(2)(A) and 47 U.S.C. §252(e).

3. 47 U.S.C. §252(e)(2) provides that the Commission may reject a negotiated interconnection 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.

4. Commission Staff submitted a Report and Recommendation in regards to the interconnection agreement amendments on February 12, 2018, attached hereto and made a part hereof by reference. Staff found no evidence to conclude the amendments discriminated against any telecommunications carrier, nor that they were inconsistent with the public interest, convenience, or necessity. Staff recommended approval of the amendments.

5. The Commission finds Staff's findings and recommendation to be reasonable and hereby adopts the same.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The amendments to the interconnection agreement filed February 1, 2018, by SWBT are approved.

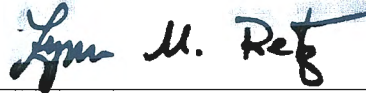
B. The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further order, or orders, as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: Feb. 27, 2018

A handwritten signature in black ink, reading "Lynn M. Retz", written over a horizontal line.

Lynn M. Retz
Secretary to the Commission

MRN

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chair Shari Feist Albrecht
Commissioner Jay Emler
Commissioner Pat Apple

FROM: Paula Artzer, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: February 12, 2018

SUBJECT: 14-SWBT-234-IAT
In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 with Zayo Group, LLC

EXECUTIVE SUMMARY:

On February 1, 2018, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) filed an Application for approval of an Interconnection Agreement Amendment (Amendment) between AT&T and Zayo Group, LLC (Zayo). Staff recommends approval of the filing.

BACKGROUND:

On December 14, 2017, AT&T and Zayo entered into an Amendment for the removal of Lifeline and Link Up resale offerings from the original Agreement per the Federal Communications Commission (FCC) June 22, 2015, Lifeline and Link Up Reform and Modernization Order¹. Modifications were also made to the Agreement due to the US Telecom Forbearance Order²; to certain provisions related to Termination of Agreement After Initial Term Expiration; to certain

¹ *Lifeline and Link Up Reform and Modernization* WC Docket 11-42 et al., Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order FCC 15-71, rel. June 22, 2015, ¶244.

² *Petition of US Telecom for Forbearance Pursuant to 47 U.S.C. § 160(c) from Enforcement of Obsolete ILEC Legacy Regulations That Inhibit Deployment of Next Generation Networks*, WC Docket No. 14-192, Released December 28, 2015.

provisions related to Customer Information Services; and a total replacement of the Structure Access Attachment. AT&T filed for approval of this Amended Agreement between AT&T and Zayo. The Amendment expires concurrent with the existing Agreement or with 180 days prior notification.

AT&T is the largest local exchange carrier (LEC) operating in Kansas. The Company's largest service areas are Kansas City, Topeka, and Wichita. AT&T is headquartered in Topeka, Kansas.

Zayo has US headquarters in Boulder, Colorado, and is registered as a Limited Liability Company. Zayo received Certificates of Convenience and Authority on April 8, 2011, in Docket 11-ZAYC-562-COC, to provide Interexchange (IXC) service and April 11, 2011, in Docket 11-ZAYC-561-COC, to provide Competitive Local Exchange (CLEC) service in the State of Kansas. Zayo is registered with the Kansas Secretary of State's office and is "active and in good standing" with that office.

ANALYSIS:

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.

AT&T affirms that implementation of this Amendment to the Agreement complies fully with Section 252(e) of the Federal Act because the Amendment to the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.

Staff does not have any concerns regarding this Application. Staff reviewed the Amendment to the Agreement and did not find any language that discriminates against other telecommunications carriers not a party to the Agreement or language that is inconsistent with the public interest, convenience, and necessity. Partial changes made to the Agreement are in compliance with FCC Orders.

RECOMMENDATION:

Staff recommends the Commission grant approval of this Amendment to the Interconnection Agreement between AT&T Kansas and Zayo. Staff finds no evidence of discrimination against other parties and finds that approval is in the public interest.

CERTIFICATE OF SERVICE

14-SWBT-234-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. 27, 2018.

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