

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

Before Commissioners: Thomas E. Wright, Chairman
 Joseph F. Harkins
 Ward Loyd

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| In the Matter of the Application of |) | |
| Southwestern Bell Telephone Company for |) | Docket No. 11-SWBT-413-IAT |
| Approval of Interconnection Agreement |) | Telecom LEC |
| under the Telecommunications Act of 1996 |) | |
| with Broadview Networks, Inc. |) | |

ORDER APPROVING INTERCONNECTION AGREEMENT

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 November 29, 2010, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) filed an application for approval of an interconnection agreement (Agreement) between itself and Broadview Networks, Inc. (Broadview).

2. AT&T is a certificated Incumbent Local Exchange Carrier (ILEC) serving rural and urban areas of Kansas. Broadview holds a certificate of convenience and authority to provide Competitive Local Exchange Carrier (CLEC) and Interexchange Carrier (IXC) services in the State of Kansas.

3. AT&T and Broadview are both registered with the Kansas Secretary of State's office and are "active and in good standing" with that office (as of December 7, 2010), and are current with the Kansas Universal Service Fund (KUSF) assessments and Commission fees. On December 10, 2010, the Commission Staff (Staff) submitted a Report and Recommendation recommending the Commission approve the Agreement.

5. AT&T presented the Agreement and the attachments incorporated therein as an integrated package, the result of negotiations and compromise. Furthermore, AT&T stated that there are no outstanding issues in need of mediation or arbitration.

6. Section 252(e) of the Telecommunications Act of 1996 states that a state commission 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.

7. Based on Staff's recommendation, the Commission finds and concludes that the Agreement between AT&T and Broadview should be approved. The Agreement is consistent with the public interest, convenience, and necessity and does not discriminate against any telecommunications carrier.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Southwestern Bell Telephone Company d/b/a AT&T Kansas for approval of the interconnection agreement with Broadview Network, Inc. is hereby approved. 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. 66-118b; K.S.A. 2009 Supp. 77-529.C. The Commission retains jurisdiction over the subject matter and the parties purpose of continuing such further order, or orders, as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Wright, Chmn.; Harkins, Com.; Loyd, Com.

Dated: DEC 30 2010

ORDERED MAILED

JAN 03 2011

 **EXECUTIVE
DIRECTOR**

Susan K. Duffy
Executive Director

aos: kjg