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November 3, 2009

Ms. Susan K. Duffy, Executive Director  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Kansas 66604-4027

STATE CORPORATION COMMISSION

NOV 03 2009

Re: Docket No. 06-SWBT-370-IAT

Dear Ms. Duffy:

Enclosed for filing with the Commission are an original and three (3) copies of an Application for Approval of a Modification to the Interconnection Agreement ("the Agreement") previously approved between Southwestern Bell Telephone Company d/b/a AT&T Kansas and MCI metro Access Transmission Services LLC ("MCI") on October 26, 2005 in the above-captioned docket. Also enclosed is the supporting Affidavit of Janet Arnold, Manager-Regulatory Relations.

This modification amends the Agreement to extend its expiration date to December 13, 2011. The Agreement, with this modification and the attachments incorporated therein, is an integrated package and is the result of negotiation and compromise. There are no outstanding issues between the parties that need the assistance of mediation or arbitration. MCI is registered as active and in good standing with the Kansas Secretary of State's office.

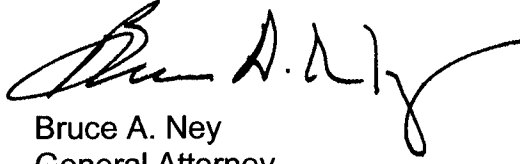
AT&T Kansas files this modification to the Agreement seeking Commission approval of its terms and conditions consistent with the Federal Telecommunications Act of 1996. AT&T Kansas represents and believes in good faith that the implementation of this modification to the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. AT&T Kansas specifically requests that the Commission refrain from taking any action to change, suspend or otherwise delay implementation of this modification to the agreement, in keeping with the support for competition previously demonstrated by the Commission.

Contact information for MCI is listed below.

CLEC Officer Name:	CLEC Attorney Name:
Kathy Jespersen	
Manager – Verizon	
205 N. Michigan Ave., Rm. 5036SE	
Chicago, IL 60601	
Phone: 312-320-3294	
Fax: 312-470-5574	
E-mail: <a href="mailto:kathy.jespersen@verizonbusiness.com">kathy.jespersen@verizonbusiness.com</a>	

The Commission's prompt attention to this matter would be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce A. Ney". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Bruce A. Ney  
General Attorney

Enclosures

cc: Ms. Colleen Harrell (transmittal letter only)  
Ms. Kathy Jespersen

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

Application of Southwestern Bell                    )  
Telephone Company, L.P. for Approval            )  
of Interconnection Agreement Under            ) Docket No. 06-SWBT-370-IAT  
the Telecommunications Act of 1996            )  
With MCImetro Access Transmission            )  
Services LLC    )

**APPLICATION OF SOUTHWESTERN BELL TELEPHONE COMPANY  
FOR APPROVAL OF A MODIFICATION TO INTERCONNECTION AGREEMENT**

Southwestern Bell Telephone Company d/b/a AT&T Kansas hereby files this Application for Approval of a Modification to the Interconnection Agreement ("the Agreement") under the Telecommunications Act of 1996 ("Federal Act") between AT&T Kansas and MCImetro Access Transmission Services LLC ("MCI") and would respectfully show the Kansas Corporation Commission ("Commission") the following:

**I. INTRODUCTION**

AT&T Kansas presents to this Commission a modification to the Agreement previously negotiated, executed and filed with the Commission on October 11, 2005 pursuant to the terms of the Federal Act. The Commission issued an order approving the Agreement on October 26, 2005. This modification amends the Agreement to extend its expiration date to December 13, 2011. A copy of the executed Amendment which reflects the parties' agreement to incorporate this modification to the Agreement is attached hereto as Attachment I.

## **II. REQUEST FOR APPROVAL**

AT&T Kansas seeks the Commission's approval of this modification to the Agreement, consistent with the provisions of the Federal Act. The implementation of this modification to the Agreement complies fully with Section 252(e) of the Federal Act because the modifications are consistent with the Commission's previous conclusion that the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.

AT&T Kansas respectfully requests that the Commission grant expeditious approval of this modification to the Agreement, without change, suspension or other delay in its implementation. The Agreement, with this modification, is a bilateral agreement, reached as a result of negotiations and compromise between competitors, and the parties do not believe a docket or intervention by other parties is necessary or appropriate.

## **III. STANDARD FOR REVIEW**

The statutory standards of review are set forth in Section 252(e) of the Federal Act which provides as follows:

Section 252(e) of the Federal Act:

### **(e) APPROVAL BY STATE COMMISSION**

- (1) APPROVAL REQUIRED.** -- Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.
- (2) GROUNDS FOR REJECTION.** -- The State Commission may only reject --
  - (A)** an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that --

- (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 . . .

The affidavit of Janet Arnold, Manager-Regulatory Relations, establishes that the modification to the Agreement submitted herein satisfies the standards for approval under the Federal Act. (Affidavit, Attachment II).

#### **IV. KANSAS LAW**

The negotiated and executed modification to the Agreement is consistent with the Kansas regulatory statutes.

#### **V. CONCLUSION**

For the reasons set forth above, AT&T Kansas respectfully requests that the Commission approve this modification to the Agreement previously approved.



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Company d/b/a AT&T Kansas

**AMENDMENT  
to  
INTERCONNECTION AGREEMENT UNDER  
SECTIONS 251 AND 252 OF THE  
TELECOMMUNICATIONS ACT OF 1996**

**by and between**

**SOUTHWESTERN BELL TELEPHONE COMPANY**

**d/b/a  
AT&T KANSAS**

**and**

**MCIMETRO ACCESS TRANSMISSION  
SERVICES LLC**

**AMENDMENT TO  
INTERCONNECTION AGREEMENT UNDER SECTIONS 251 AND 252 OF THE  
TELECOMMUNICATIONS ACT OF 1996  
BETWEEN  
SOUTHWESTERN BELL TELEPHONE, L.P. D/B/A AT&T KANSAS  
AND  
MCIMETRO ACCESS TRANSMISSION SERVICES LLC**

The Interconnection Agreement effective October 26, 2005 by and between Southwestern Bell Telephone, L.P. d/b/a AT&T Kansas ("AT&T") and MCImetro Access Transmission Services LLC ("MCIm") ("Agreement") effective in the State of Kansas is hereby amended as follows:

1. Section 4 of the General Terms and Conditions is amended by adding the following section:
  - 4.2. Notwithstanding anything to the contrary in this Section 4.2, the term of this Agreement, as modified by this Amendment, will be extended and shall remain in effect for a period of three (3) years from December 13, 2008 until December 13, 2011, and thereafter as set forth in the Agreement.
2. AT&T and MCIm acknowledge and agree that the Agreement is, and shall remain, subject to intervening changes in law in accordance with Section 23 of the Agreement.
3. EXCEPT AS MODIFIED HEREIN, ALL OTHER TERMS AND CONDITIONS OF THE UNDERLYING AGREEMENT (INCLUDING ANY AMENDMENTS THERETO) SHALL REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.
4. In entering into this Amendment, neither Party waives, and each Party expressly reserves, any rights, remedies or arguments it may have at law or under the intervening law or regulatory change provisions in the underlying Agreement (including intervening law rights asserted by either Party via written notice predating this Amendment) with respect to any orders, decisions, legislation or proceedings and any remands thereof, which the Parties have not yet fully incorporated into this Agreement or which may be the subject of further review.
5. This Amendment shall be filed with and is subject to approval by the Kansas Corporation Commission and shall become effective ten (10) days following approval by such Commission.

MCImetro Access Transmission Services LLC

Southwestern Bell Telephone ~~Company~~ AT&T  
Kansas by AT&T Operations, inc., its authorized  
agent

By: 

By: 

Name: **Peter H. Reynolds**  
(Print or Type)

Name: Eddie A. Reed, Jr.

Title: Director  
(Print or Type)

Title: Director-Interconnection Agreements

Date: June 11, 2009

Date: 6-19-09

Resale OCN # 7229 and 7020

UNE OCN # 7524, 7593 and 2533

Switch Based OCN # 7524, 7593 and 2533

ACNA WUA and BFP and AKJ





5. This modification to the Agreement does not discriminate against any telecommunications carrier. The modification is available to any similarly situated local service provider in negotiating a similar agreement.
6. The negotiated and executed modification to the Agreement is consistent with Kansas law.

  
\_\_\_\_\_  
Janet Arnold

Subscribed and sworn to before me this 3<sup>rd</sup> day of November, 2009.



  
\_\_\_\_\_  
Notary Public

My Commission Expires: January 26, 2011