

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners:                      Dwight D. Keen, Chair  
   Shari Feist Albrecht  
   Susan K. Duffy

In the Matter of the Application of                      )  
Southwestern Bell Telephone Company for                      )  
Approval of Two-Way CMRS Interconnection                      ) Docket No. 20-SWBT-020-IAT  
Agreement Under the Telecommunications Act                      )  
of 1996 with CSC Wireless, LLC.                      )

**ORDER APPROVING INTERCONNECTION AGREEMENT**

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 September 25, 2019, Southwestern Bell Telephone Company (SWBT) filed an application for approval of a modification to the Interconnection Agreement (Agreement) between itself and CSC Wireless, LLC (CSC).

2.        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.”

3. Section 252(e)(2) of the Federal Telecommunications Act of 1996<sup>1</sup> 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.

4. Commission Staff submitted a Report and Recommendation, dated November 7, 2019, regarding the Interconnection Agreement, attached hereto and made a part hereof by reference. Staff has no concerns regarding the Application, affirming that this Agreement does not discriminate against a carrier not a party to the Agreement and stating that approval of this Agreement is in the public interest. Staff recommended approval of the Interconnection Agreement.

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 Interconnection Agreement between Southwestern Bell Telephone Company and CSC Wireless, LLC, filed September 25, 2019, is approved.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>2</sup>

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.

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<sup>1</sup>47 U.S.C. §252(e)(2).

<sup>2</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

**BY THE COMMISSION IT IS SO ORDERED.**

Keen, Chairman; Albrecht, Commissioner; Duffy, Commissioner

Dated: 11/21/2019 \_\_\_\_\_



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Lynn M. Retz  
Executive Director

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**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chair Dwight D. Keen  
Commissioner Shari Feist Albrecht  
Commissioner Susan K. Duffy

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

**DATE:** November 7, 2019

**SUBJECT:** Docket No. 20-SWBT-020-IAT  
In the Matter of the Application of Southwestern Bell Telephone Company for  
Approval of Two-Way CMRS Interconnection Agreement Under the  
Telecommunications Act of 1996 With CSC Wireless, LLC.

**EXECUTIVE SUMMARY:**

On September 25, 2019, Southwestern Bell Telephone Company (SWBT) filed an Application for approval of a modification to the Interconnection Agreement under the Telecommunications Act of 1996 with CSC Wireless, LLC (CSC). Staff recommends approval of the filing.

The Commission action date is **Tuesday, December 24, 2019.**

**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:**

This modification adds the states of Alabama, Florida, Georgia, Illinois, Michigan, South Carolina, and Tennessee in the current Agreement.

The Applicant is seeking review and approval of an Amendment to this Agreement under Section 252(e) of the Federal Telecommunications Act. 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 the proposed Amendment to the Agreement and finds no such cause for concern with this filing.

**RECOMMENDATION:**

Staff believes it is in the public interest to grant approval of the Interconnection Agreement between SWBT and CSC.

## CERTIFICATE OF SERVICE

20-SWBT-020-IAT

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 11/21/2019.

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/S/ DeeAnn Shupe  
DeeAnn Shupe

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