

**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 the                                      ) Docket No. 10-SWBT-721-IAT  
Telecommunications Act of 1996 With Cincinnati                              )  
Bell Any Distance Inc.    )

**ORDER APPROVING AMENDED INTERCONNECTION AGREEMENT**

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 record and being duly advised in the premises, the Commission makes the following findings:

1.        On September 10, 2014, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application requesting Commission approval of a modification to the Interconnection Agreement between AT&T Kansas and Cincinnati Bell Any Distance Inc. (Cincinnati Bell). Supplementing its Application, AT&T Kansas included as Attachments I and II, copies of the subject Amendment to Agreement and the Affidavit of Janet Arnold, SWBT's Manager-Regulatory Relations.

2.        AT&T Kansas states that the Amendment to Agreement (Amendment) entered into between AT&T Kansas and Cincinnati Bell dated August 26, 2014, amends the Interconnection Agreement between the two parties, which was approved by the Commission on July 28, 2010. The subject Interconnection Agreement and Amendment to Agreement are collectively referred to herein as "amended Agreement". AT&T Kansas further states that the amended Agreement adds a transit traffic service attachment and replaces the notices section in the current Agreement. AT&T Kansas maintains that the amended Agreement fully complies

with Section 252(e) of the Telecommunications Act of 1996 (Federal Act) and is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. Application at page 2.

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2013 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:

- (1) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (2) the implementation of such agreement (or portion thereof) is not consistent with the public interest, convenience, and necessity.

4. On October 13, 2014, the Commission Staff (Staff) submitted its Report and Recommendation dated October 3, 2014, recommending the Commission approve the amended Agreement between AT&T Kansas and Cincinnati Bell, which adds a transit traffic service attachment and replaces the notice provisions in the current Agreement. Citing Section 252(e) of the Federal Act, Staff confirms that the amended Agreement fully complies with the Federal Act and believes that approval of the Agreement is consistent with the public interest, convenience, and necessity. Having reviewed the amended Agreement, Staff states that it has no concerns regarding AT&T Kansas' Application. Both AT&T Kansas and Cincinnati Bell are properly

registered with the Kansas Secretary of State's office and their status with that office is active and in good standing. Cincinnati Bell was granted a Certificate of Convenience and Authority to operate as a Competitive Local Exchange Carrier (CLEC) in Kansas pursuant to the Commission's December 17, 2009 Order issued in Docket No. 10-BWTC-220-COC. Cincinnati Bell was granted a Certificate of Convenience and Authority to operate as a reseller of interexchange services (IXC) pursuant to the Commission's June 6, 1994 Order issued in Docket No. 94-NLDC-207-COC. The company is current with Kansas Universal Service Fund (KUSF) and Commission assessments and its 2013 Annual Interrogatory. Concluding, Staff recommends the Commission grant AT&T's Application and approve the amended Interconnection Agreement. Report and Recommendation at page 2.

5. The Commission adopts Staff's analysis and recommendation of October 3, 2014, 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 that the amended Agreement between AT&T Kansas and Cincinnati Bell should be approved.

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

A. Southwestern Bell Telephone Company d/b/a AT&T Kansas' Application is hereby granted and the amended Interconnection Agreement between AT&T Kansas and Cincinnati Bell Any Distance Inc. is hereby approved.

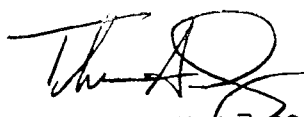
B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2013 Supp. 77-529(a)(1).

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.**

Albrecht, Chair; Emler, Com.; Apple, Com.

Dated: OCT 16 2014

  
ORDER MAILED OCT 17 2014  
Thomas A. Day  
Acting Executive Director

oan

Utilities Division  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner



Phone: 785-271-3220  
Fax: 785-271-3357  
<http://kcc.ks.gov/>

Sam Brownback, Governor

## **REPORT AND RECOMMENDATION UTILITIES DIVISION**

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

**FROM:** Hal Baumhardt, Senior Telecommunications Analyst  
Christine Aarnes, Chief of Telecommunications  
Jeff McClanahan, Director of Utilities

**DATE:** October 3, 2014

**SUBJECT: Docket No. 10-SWBT-721-IAT**

In the Matter of the Application of Southwestern Bell Telephone Company of a Modification to Interconnection Agreement with Cincinnati Bell Any Distance, Inc.

### **EXECUTIVE SUMMARY:**

On September 10, 2014, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application for approval of Modification to the Interconnection Agreement (Agreement) between AT&T Kansas and Cincinnati Bell Any Distance (Cincinnati Bell). Staff recommends approval of the filing.

### **BACKGROUND:**

On September 10, 2014, AT&T Kansas filed this Application for approval of Modification to the Agreement between AT&T Kansas and Cincinnati Bell.

Cincinnati Bell is a competitive local exchange carrier (CLEC) that provides telecommunications services to residential and business customers secured from incumbent local exchange carriers. Cincinnati Bell also provides long distance services throughout the State of Kansas. Cincinnati Bell is headquartered in Cincinnati, Ohio, and its President is Theodore H. Torbeck.

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

### **ANALYSIS:**

AT&T Kansas affirms that implementation of this Agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. AT&T Kansas deems this Agreement promotes diversity in providers, provides interconnectivity, and will increase customer choices for telecommunications services.

Cincinnati Bell was granted a Certificate of Convenience and Authority in the state of Kansas on December 17, 2009, in Docket No. 10-BWTC-220-COC as a CLEC, and as a reseller of interexchange services (IXC) in Docket No. 94-NLDC-207-COC on June 6, 1994.

The Company is registered with the Kansas Secretary of State's office and is "*active and in good standing*" with that office. Moreover, the Company is current with Kansas Universal Service Fund (KUSF), Commission Assessments, and its 2013 Annual Interrogatory. The original Agreement was approved by the Commission on July 28, 2010.

This modification to the Agreement adds a transit traffic service attachment and replaces the notice provisions in the current Agreement. The parties acknowledged that the Agreement herein shall consist of the Interconnection Agreement for the State of Kansas, which the parties executed on April 28, 2010. This Amendment shall not modify or extend the Effective Date or Term of the underlying Agreement and, except as modified herein, all other terms and conditions of the underlying Agreement shall remain unchanged and in full force and effect.

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 this Agreement between AT&T Kansas and Cincinnati Bell and Staff does not have any concerns regarding this Application.

### **RECOMMENDATION:**

Staff recommends the Commission grant approval of this Modification to the Interconnection Agreement between AT&T Kansas and Cincinnati Bell Any Distance.

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET  
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
D. SCOTT RINGO, JR., ASSISTANT SECRETARY CINCINNATI BELL ANY DISTANCE INC. 221 E FOURTH ST ROOM 103-1170 CINCINNATI, OH 45202		
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
BRUCE A. NEY, GENERAL ATTORNEY SOUTHWESTERN BELL TELEPHONE CO. D/B/A AT&T KANSAS 220 SE 6TH AVE RM 505 TOPEKA, KS 66603-3596		

ORDER MAILED **OCT 17 2014**

The Docket Room hereby certified that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.