

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

Before Commissioners: Dwight D. Keen, Chair
 Susan K. Duffy
 Andrew J. French

In the Matter of the Application of)
Southwestern Bell Telephone Company for)
Approval of Interconnection Agreement Under) Docket No. 10-SWBT-453-IAT
the Telecommunications Act of 1996 with)
Qwest Communications Company, LLC)

ORDER APPROVING INTERCONNECTION AGREEMENT AMENDMENT

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 May 25, 2022, Southwestern Bell Telephone Company d/b/a AT&T Kansas (“SWBT” or “AT&T”)¹ filed an application for approval of an amendment to the interconnection agreement (ICA) between itself and CenturyLink Communications, LLC f/k/a Qwest Communications Company, LLC (CenturyLink), originally approved by the Commission in this docket on January 27, 2010. SWBT states that the proposed amendment implements the Federal Communications Commission (FCC) Unbundled Network Element (UNE) and Resale Forbearance Orders and the FCC UNE Relief Order. SWBT also states that the amendment modifies certain provisions related to Operations Support Systems (OSS) and/or Data Connection Security Requirements in the current agreement.

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).

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.

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 amendment on June 15, 2022, attached hereto as Exhibit A and made a part hereof by reference. Staff explained the specifics of the FCC UNE and Resale Forbearance Orders as well as the FCC UNE Relief Order - and the related changes to the interconnection agreement between SWBT and Level 3 pertaining to those Orders. Staff also explained that the amendment modified certain provisions relating to OSS and/or Data Connection Security Procedures. Staff found no evidence to conclude the interconnection agreement amendment discriminated against any telecommunications carrier, nor that it was inconsistent with the public interest, convenience, or necessity. Staff recommended approval of the interconnection agreement amendment.

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 ICA amendment filed May 25, 2022, between SWBT and CenturyLink is approved.

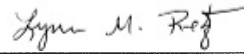
B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).²

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

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 06/23/2022



Lynn M. Retz
Executive Director

MRN

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Dwight D. Keen, Chair
Susan K. Duffy, Commissioner
Andrew J. French, Commissioner

FROM: Hemant Bhagat, Senior Telecommunications Analyst
Sandy Reams, Assistant Chief of Telecommunications
Bryan Seamans, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: June 15, 2022

SUBJECT: Docket No. 10-SWBT-453-IAT

In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 with Qwest Communications Company, LLC.

EXECUTIVE SUMMARY:

On May 25, 2022, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application for approval of an Amendment to Interconnection Agreement under the Telecommunications Act of 1996 between AT&T Kansas and CenturyLink Communications, LLC f/k/a Qwest Communications Company, LLC (CenturyLink) to implement the Federal Communications Commission's (FCC) Orders 19-66¹ and 19-72,² together referred to as the UNE and Resale Forbearance Orders, and Order 20-152 in WC Docket No. 19-308 (UNE Relief Order).³ The Amendment also modifies certain Operations Support Systems (OSS) and/or Data Connection Security Requirements in the current Agreement.

Staff recommends approval of the Amended Agreement.

The Commission action date is August 25, 2022.

¹ In the Matter of Bus. Data Servs. in an Internet Protocol Env't Tech. Transitions Special Access for Price Cap Loc. Exch. Carriers, 34 F.C.C. Rcd. 5767, 5772-5775 (2019).

² In the Matter of Petition of UsTelecom for Forbearance Pursuant to 47 U.S.C. 160(c) to Accelerate Inv. in Broadband & Next-Generation Networks, 34 F.C.C. Rcd. 6503, 6508-6531 (2019).

³ In the Matter of Modernizing Unbundling & Resale Requirements in an Era of Next-Generation Networks & Servs., 35 F.C.C. Rcd. 12425, 12435-12509 (2020).

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 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:

The FCC's UNE Forbearance Orders forbore price cap incumbent local exchange carriers (ILEC) from unbundling obligations for: (1) DS1/DS3 dedicated interoffice transport (UNE DS1/DS3 Transport) between the price cap ILEC's wire centers within a half mile of competitive fiber network deployment; (2) 2-wire and 4-wire analog voice-grade copper loops and attached equipment (UNE Analog Loops); and (3) Avoided-Cost Resale obligations. The FCC's UNE Relief Order: (1) eliminated unbundling requirements, subject to reasonable transition periods, for enterprise DS1 and DS3 loops in areas with sufficient evidence of competition, broadband-capable DS0 loops and subloops in the most densely populated areas, voice-grade narrowband loops nationwide, multiunit premises subloops and network interface devices nationwide, and operations support systems nationwide except for the purposes of managing other unbundled network elements, number portability, and interconnection; (2) preserved the unbundling requirements for DS0 loops in less densely populated areas and DS1 and DS3 loops in areas without sufficient evidence of competition; (3) eliminated unbundling requirements for dark fiber transport provisioned from wire centers within a half-mile of competitive fiber networks, but provided an eight-year transition period for existing circuits so as to avoid stranding investment and last-mile deployment by competitive LECs that may harm consumers; and (4) forbore from the Avoided-Cost Resale obligation where it still existed, subject to a three-year transition period.

The Amendment removes 2-wire and 4-wire Analog UNE Loops and DS1/DS23 Unbundled Dedicated Transport (DS1/DS3 UDT) in wire centers as of February 1, 2020. Any existing Analog Loops ordered on or before February 1, 2020, and DS1/DS3 UDT ordered on or before January 11, 2020, are grandfathered until August 2, 2022, and July 12, 2022, respectively.

The Amendment further removes 2-wire Digital UNE Loops (Digital Loop) and DS1 UNE Loops (DS1 Loops) in specified wire centers as of February 8, 2023. Any existing Digital Loops and DS1 Loops ordered on or before February 8, 2023, are grandfathered until February 8, 2025, and July 8, 2024, respectively.

Additionally, the Amendment removes DS3 UNE Loops (DS3 Loops), UNE Dark Fiber Transport (DFT), and UNE Subloops or UNE Network Interface Devices (NIDs) as of February 8, 2021. DS3 Loops and DFTs ordered on or before February 8, 2021, are grandfathered until February 8, 2024, and February 8, 2029, respectively. The Amendment expires concurrent with the existing Agreement.

The Amendment requires CenturyLink to provide AT&T Kansas with a forecast of the total number of Unbundled Loops that it plans to migrate to an alternate product or service.

The Amendment modifies certain provisions relating to OSS and/or Data Connection Security requirements. The Amendment foregoes recitals and the terms and conditions in the original Agreement and replaces them with the Data Connection Security Procedures as set forth on the AT&T CLEC Online website. The Data Connection Security Procedures relate to procedures on joint security requirements, information security, user identification and authentication, network monitoring, and software integrity. The OSS modification will also bring those into compliance with AT&T's CLEC OSS Interconnection Procedures set forth on AT&T's CLEC Online website.

The FCC Orders remove the requirement for the ILEC to provide a Competitive Local Exchange Company (CLEC) access to certain analog facilities owned by the ILEC, provided over copper facilities at wholesale rates. The original rules were imposed under the Telecommunications Act of 1996 and required ILECs to lease their existing facilities to CLECs at wholesale prices. This allowed the CLEC to compete in the telecommunications market against the ILEC without the upfront expense of constructing its own telecommunications network. The initial rules were written based on the technology at that time, which was analog copper facilities. As telecommunications companies transition to newer Internet Protocol (IP) technologies with fiber, the copper facilities are being replaced by updated technology and facilities.

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

Having reviewed the modification to the Agreement between AT&T Kansas and CenturyLink, Staff finds no evidence to conclude this Agreement discriminates against any telecommunications carrier, nor is it inconsistent with public interest, convenience, or necessity. Staff believes the public will generally benefit from KCC approval of this Application.

The Companies are registered with the Kansas Secretary of State and are active and in good standing with that office.

RECOMMENDATION:

Staff recommends the Commission grant approval of this Amended Agreement between AT&T Kansas and CenturyLink.

CERTIFICATE OF SERVICE

10-SWBT-453-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 06/23/2022.

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/S/ DeeAnn Shupe

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