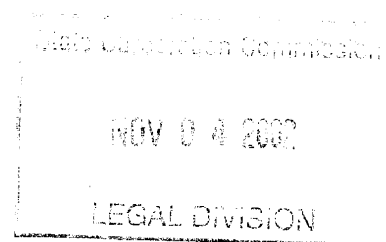


**MEMORANDUM  
UTILITIES DIVISION**



**TO:** Chair Wine  
Commissioner Claus  
Commissioner Moline

**FROM:** Ross Miller

**DATE:** November 4, 2002

**DATE SUBMITTED TO LEGAL:** NOV 4 2002

**DATE SUBMITTED TO COMMISSIONERS:** 11/7/02

**RE:** Docket No. 03-SWBT-301-IAT

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

**BACKGROUND:**

This application was filed on October 9, 2002, by Southwestern Bell Telephone Company ("SWBT") seeking Approval of an Interconnection Agreement ("Agreement") between SWBT and Sprint Communications Company, L.P. ("Sprint"). These parties originally arbitrated an agreement filed in Docket No. 97-SCCC-167-ARB. The Kansas Corporation Commission ("KCC" or "Commission") approved that arbitrated agreement on February 26, 1997. Herein, the parties have negotiated a new Agreement that shall replace the former one upon approval of the KCC.

This filing includes the complete new Agreement in the 13 state format of SWBT and a first Amendment thereto. The Amendment consists of Amendment/UNE executed on October 1, 2002, which is taken from the K2A. The Amendment adds DS3 digital loop, OC3 digital loop, OC12 digital loop and OC48 digital loop combination language as well as Unbundled Dedicated Transport language to the Agreement. SWBT indicates this two-step approach is necessary "in order to preserve the K2A and not make it a negotiated agreement."

By the terms negotiated between the parties, the Amendment becomes a part of the Agreement filed herein, and it shall terminate coterminous with the termination date of the Agreement itself. The termination date of this Agreement and the first Amendment thereto is November 24, 2004, however, it may remain in full force and effect until terminated by either Party upon proper notice.

Since this Agreement has been negotiated in its entirety and filed concurrently with the first

Amendment, it is precluded from the customary expedited treatment of the K2A track. For expediency, Staff has combined its consideration and recommendation of both the Agreement and the first Amendment thereto. Approval of this Agreement shall incorporate and include this first Amendment with an effective date of the Agreement ten (10) calendar days after approval by the KCC.

### **ANALYSIS:**

Staff has reviewed this Agreement and the first Amendment thereto between SWBT and Sprint for the interconnection of local telecommunications services. Both the Agreement and the Amendment thereto are dated October 1, 2002.

SWBT filed this Agreement using a generic 13-State format that includes Kansas specific references and verbiage that avoids the potential discrepancies associated with the former "one size fits all" 13-State format. The 21.6% discount resale rate contained herein is consistent with those rates established in the Commission's order of March 10, 2000, in Docket No. 97-SCCC-149-GIT.

The proposed amendment is comprised of the following:

Amendment/UNE is taken from the K2A Agreement that would qualify for expedited treatment on a stand alone basis. Specific language incorporated into this Agreement by the Amendment includes DS3 Digital Loop, OC3 Loop, OC12 Loop, OC48 Loop and Unbundled Dedicated Transport.

This is the only modification to the Agreement proposed in this filing. The revision included with this Amendment shall terminate when the Agreement terminates.

The parties believe approval is consistent with the public interest, convenience and necessity. They indicate the Agreement and this Amendment thereto do not discriminate against any telecommunications carrier. They contend it promotes diversity of local service providers, provides interconnectivity and increases customer's choices for telecommunications services.

To the extent this Company's presence increases the options for local telephone services, Staff believes the public will generally benefit from Commission approval of the Agreement and the first modification thereto. The registry of Sprint Communications Company, L.P. with the office of the Kansas Secretary of State was reported to be delinquent as of October 15, 2002. That discrepancy was an error, and it has since been corrected. The current status is "active and in good standing." Staff is now prepared to make its recommendation.

### **RECOMMENDATION:**

Staff recommends the Commission grant approval of this application for an Agreement and

the modification of same by a first Amendment thereto between Sprint Communications Company, L.P. and Southwestern Bell Telephone Company for the interconnection of local telecommunications services. Effective ten (10) calendar days following approval by the KCC, this Agreement shall remain in force until the termination date of November 24, 2004, and may remain in full force and effect thereafter until terminated by either Party.

cc: Joseph White  
Janet Buchanan  
Tom Behner

Jeffrey S. Wagaman  
Public Administrator  
Pat Shurtz

Eva Powers  
Bret Lawson