

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

STATE CORPORATION COMMISSION

JUN 05 2009

In the Matter of the Application of)
Southwestern Bell Telephone)
Company for Price Deregulation of)
Residential and Business)
Telecommunications Services in the)
Kinsley and Erie, Kansas Exchanges)
pursuant to K.S.A. 2008 Supp. 66-)
2005(q)(1).)

 Docket Room

Docket No. 09-SWBT- 936 -PDR

**APPLICATION OF SOUTHWESTERN BELL TELEPHONE COMPANY
FOR PRICE DEREGULATION OF RESIDENTIAL AND BUSINESS
TELECOMMUNICATIONS SERVICES IN THE KINSLEY AND ERIE, KANSAS
EXCHANGES AND REQUEST FOR PROTECTIVE ORDER**

COMES NOW Southwestern Bell Telephone Company ("SWBT") d/b/a AT&T Kansas, pursuant to K.S.A. 2008 Supp. 66-2005(q)(1)(C),(D),¹ and hereby submits its Application for price deregulation of business and residential telecommunications services in the Kinsley and Erie, Kansas exchanges. In support of its Application, SWBT shows the Commission as follows:

1. SWBT is an incumbent local exchange carrier authorized by the Commission to do business and to engage in the provisioning of telecommunications and other switched access local exchange services to the public in the state of Kansas and, specifically, the Kinsley and Erie, Kansas, exchanges.

2. Pursuant to K.S.A. 2008 Supp. 66-2005(q)(1)(C) and (D), in any Kansas exchange in which there are fewer than 75,000 local exchange access lines served by all providers, the Commission shall price deregulate all residential and business telecommunication services upon a demonstration by SWBT that there are two or more

¹ Vol. 28, No. 23 Kan. Reg. 872, 890-91 (June 4, 2009).

nonaffiliated telecommunications carriers or other entities, that are nonaffiliated with SWBT, providing local telecommunications service to residential and business customers, regardless of whether the entity provides local service in conjunction with other services in that exchange area. One of such nonaffiliated carriers or entities shall be required to be a facilities-based carrier or entity and not more than one of such nonaffiliated carriers or entities shall be a provider of commercial mobile radio services (“CMRS”) in that exchange. K.S.A. 2008 Supp. 66-2005(q)(1)(C), (D).²

Request for Price Deregulation

3. SWBT’s Kinsley and Erie, Kansas exchanges each have fewer than 75,000 local exchange access lines respectively.³

4. SWBT’s Kinsley and Erie, Kansas exchanges each, respectively, have two or more nonaffiliated telecommunications carriers or other entities that are nonaffiliated with SWBT, providing local telecommunications service to residential and business customers in the exchanges. In each exchange, at least one of the nonaffiliated carriers serving business and residence customers is a facilities-based carrier or entity that is not CMRS a provider.⁴

² See, *supra*, fn. 1.

³ SWBT Proprietary and Confidential Attachment 1 – Kinsley Exchange Demographic; SWBT Proprietary and Confidential Attachment 2 – Erie Exchange Demographic.

⁴ SWBT Proprietary and Confidential Attachment 1 – Kinsley Exchange Demographic; SWBT Proprietary and Confidential Attachment 2 – Erie Exchange Demographic. See also SWBT Attachment 3 – Documented Service Offerings by Nonaffiliated Telecommunications Carriers or Entities.

5. Sufficient evidence exists, as presented through SWBT's Application and attached exhibits, affirmatively demonstrating and satisfying the statutory competition standards for price deregulation of business and residential telecommunications services in the Kinsley and Erie exchanges.

6. Pursuant to K.S.A. 2008 Supp. 66-2005(q)(4), the Commission shall act upon a petition for price deregulation filed pursuant to K.S.A. 2008 Supp. 66-2005(q)(1)(C),(D) within 21 days of filing, subject to an extension period of an additional 30 days upon a good cause showing by the Commission in any order extending the initial time frame.⁵ SWBT requests approval of this Application within the statutorily provided time frame.

7. SWBT requests the Commission's approval of the Application find that price deregulation of the subject services shall become effective upon SWBT's filing of tariff provisions noting the deregulated status of business and residential services in the Kinsley and Erie, Kansas exchanges.

8. In the unlikely event the Commission concludes that not all of the statutory requirements for the deregulation of business and residential telecommunication services has been met in one or more of the subject exchanges, SWBT requests the Commission treat the application as severable and grant SWBT's request as to those remaining exchanges for which price deregulation is sought that satisfy the statutory standards of K.S.A. 2008 Supp. 66-2005(q)(1)(C) and (D).⁶

⁵ Vol. 28, No. 23 Kan. Reg.872, 891 (June 4, 2009).

⁶ See, *supra*, fn. 1.

Request for Protective Order

9. Certain of the exhibits being filed as part of SWBT's Application herein contain carrier specific data that SWBT considers to be proprietary and confidential. Said exhibits are being filed as proprietary and confidential information pursuant to the provisions of K.S.A. 66-1220a pending the issuance of a protective order by the Commission in this proceeding. Accordingly, SWBT requests the Commission issue a Protective Order in this proceeding to protect the proprietary and confidential nature of the information contained in SWBT's attachments.

Notice of Application Filing

10. Pursuant to the Commission's August 31, 2007 Order approving SWBT's application for price deregulation in its Smith Center and Colby-Gem, Kansas exchanges, SWBT has served a redacted version of its Application in the above captioned proceeding on those "competing carriers" named in the Application at the addresses shown on the Application's Certificate of Service.⁷

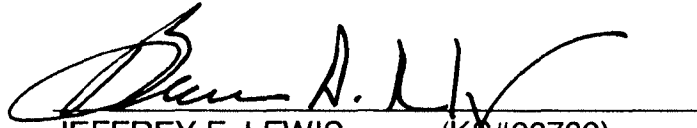
WHEREFORE, SWBT respectfully requests an Order of the Commission, pursuant to K.S.A. 2008 Supp. 66-2005(q)(1)(C) and (D),⁸ granting and approving its Application in this proceeding and price deregulating all business and residential telecommunication services in the Kinsley and Erie, Kansas exchanges, effective upon SWBT's filing of tariff provisions noting the deregulated status of residential and or business services in the subject exchanges.

⁷ Order Approving Application of Southwestern Bell Telephone Company for Price Deregulation of Residential and Business Telecommunications Services in the Smith Center And Colby-Gem Kansas Exchanges, Docket No. 08-SWBT-173-PDR, dated Aug. 31, 2007, at ¶ 12.

⁸ See, *supra*, fn. 1.

FURTHER, SWBT requests the Commission issue a Protective Order in this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce A. Ney", is written over a horizontal line.

JEFFREY E. LEWIS (KS#23732)
BRUCE A. NEY (KS#15554)✓
220 E. Sixth Street, Room 515
Topeka, Kansas 66603-3596
(785) 276-8413
(785) 276-1948 (facsimile)
bruce.ney@att.com

Attorneys for
Southwestern Bell Telephone Company

VERIFICATION

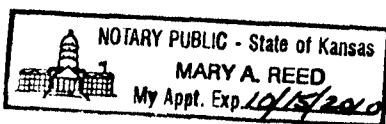
STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

I, Cyndi Gallagher, of lawful age, and being first duly sworn, now state: I am Director – Kansas Regulatory, for Southwestern Bell Telephone Company. I have read the above and foregoing Application for Price Deregulation of Residential and Business Telecommunications Services in the Kinsley and Erie, Kansas exchanges on behalf of Southwestern Bell Telephone Company, and verify the statements contained herein to be true and correct to the best of my knowledge and belief.



Cyndi Gallagher

Subscribed and sworn to before me this 5th day of June, 2009.





Notary Public

My appointment expires: October 15, 2010

Kinsley Exchange Demographic

	Residential	Business	Total
AT&T Landlines (1)	[REDACTED]	[REDACTED]	[REDACTED]
Nonaffiliated Facilities Based Carriers (2)	[REDACTED]	[REDACTED]	[REDACTED]
Nonaffiliated Commercial Mobile Radio Service Providers (3)			
Alltel Wireless (4)			
United Wireless Communications (5)			
Providers Serving Ported Numbers (6)	[REDACTED]	[REDACTED]	[REDACTED]

* Telephone numbers "ported" to other carriers

* Quantity of ported numbers is not intended to represent the actual number of wireline or wireless users in the Kinsley exchange.

- (1) From AT&T's access line database as of December 31, 2008
- (2) From E911 data as of March 31, 2009
- (3) See SWBT Attachment 3 – Documented Service Offerings by Nonaffiliated Commercial Mobile Radio Service Providers
- (4) See Docket No.04-ALKT-283-ETC, KCC Order granting ETC designation dated September 24, 2004 in the matter of the Application of ALLTEL Kansas Limited Partnership For Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(2) of the Communications Act of 1934.
- (5) See Docket No. 06-UWCC-243-ETC, Order Approving Application, In the Matter of United Wireless Communications, Inc. for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(2) of the Communications Act of 1934.
- (6) On April 30, 2009, AT&T conducted a query of its LNP database for the 620 NPA. The query captured actively ported telephone numbers that occurred between two carriers (i.e. AT&T Kansas to a CLEC or wireless carrier). NeuStar operates Number Portability Administrative Centers (NPAC) to support Local Number Portability (LNP). NPAC maintain a record of all ported numbers in a database which is continually updated as numbers are ported. AT&T maintains a copy of the NPAC LNP database as the information contained in the database is needed for AT&T to properly record, bill and route (translate) calls. The LNP database only contains ported numbers that are active.

Erie Exchange Demographic

	Residence	Business	Total
AT&T Landlines (1)	[REDACTED]	[REDACTED]	[REDACTED]
Nonaffiliated Facilities Based Carriers (2) [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Nonaffiliated Commercial Mobile Radio Service Providers (3) Alltel Wireless(4)			
Providers Serving Ported Numbers (5) [REDACTED]		* Telephone numbers "ported" to other carriers	[REDACTED]

* Quantity of ported numbers is not intended to represent the actual number of wireline or wireless users in the Erie exchange.

- (1) From AT&T's access line database as of December 31, 2008
- (2) From E911 data as of March 31, 2009
- (3) See SWBT Attachment 3 – Documented Service Offerings by Nonaffiliated Commercial Mobile Radio Service Providers
- (4) See Docket No.04-ALKT-283-ETC, KCC Order granting ETC designation dated September 24, 2004, in the matter of the Application of ALLTEL Kansas Limited Partnership For Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(2) of the Communications Act of 1934.
- (5) On April 30, 2009, AT&T conducted a query of its LNP database for the 620 NPA. The query captured actively ported telephone numbers that occurred between two carriers (i.e. AT&T Kansas to a CLEC or wireless carrier). NeuStar operates Number Portability Administrative Centers (NPAC) to support Local Number Portability (LNP). NPAC maintain a record of all ported numbers in a database which is continually updated as numbers are ported. AT&T maintains a copy of the NPAC LNP database as the information contained in the database is needed for AT&T to properly record, bill and route (translate) calls. The LNP database only contains ported numbers that are active.

SWBT
ATTACHMENT 3

KINSLEY EXCHANGE

Alltel

Your Zip Code: 87547 | Change Your Zip
KINSLEY

Store Locator | Send a Text Message | Rebates | Verizon Wireless Integration FAQs



Individual & family plans

Why spend more than you have to? Choose the plan that fits you or your family best. With My Circle, choose unlimited calling 5, 10 or numbers on any network, anywhere in America.

why Alltel?

phones & devices

- plans overview
- featured family plans
- voice & data plans
- national plans
- local plans
- wireless internet
- Wi-Fi
- unlimited calling
- prepaid plans
- add-ons

accessories &

messaging & more

tones & downloads

shop online &

support

business

Change your plan at any time without extending your contract.

nationwide calling on America's Largest Mobile to Mobile Calling Family

Featured Family Plans as low as \$84.99/mo	National Plans as low as \$39.99/mo	Voice & Data Plans as low as \$69.99/mo	Local Plans as low as \$39.99/mo
<ul style="list-style-type: none"> ✓ unlimited mobile-to-mobile ✓ unlimited nights & weekends ✓ additional lines ✓ unlimited data 	<ul style="list-style-type: none"> ✓ unlimited calling ✓ unlimited nights & weekends ✓ additional lines ✓ unlimited data 	<ul style="list-style-type: none"> ✓ unlimited calling ✓ unlimited nights & weekends ✓ additional lines ✓ unlimited data 	<ul style="list-style-type: none"> ✓ unlimited calling ✓ unlimited nights & weekends ✓ additional lines ✓ unlimited data
second line included	as low as \$9.99	as low as \$20	as low as \$9.99

get unlimited calling with My Circle

Choose a My Circle plan and get unlimited calling to any 5, 10 or 20 numbers on any network, anywhere in America. Plus, with My Circle, you can share your numbers with the whole family, making unlimited calling truly affordable.

add a My Circle Message Pack

go contract free

Finally, it's a wireless plan that puts you in charge. Pay by the day, the minute or the month any way, it's your choice. Sign up for U Prepaid it's all about you.



Store Locator | Send a Text Message | Rebates | Verizon Wireless Integration FAQs

Your Zip Code: 67547 | Change Your Zip
KINSLEY

business wireless plans

why Aitell?

phones & devices

accessories

national freedom plans
greater freedom plans
north american freedom
smartphone plans
add-ons

data services

solutions

support

personal

my account log in
Not a member? Register now.

Personal User ID
Business password
 min

National Freedom | Greater Freedom | North American Freedom | Smartphone Plans

National Freedom from Aitell offers extensive coverage at great rates. At Aitell, we know one size does not fit all. So, we created Business Pooling Plans. This allows you to create a plan that is as unique as your business!

With Business Pooling Plans you can:

- Create a pool of minutes by combining rate plans of various access points and amounts of anytime minutes.
- Maximize flexibility with Anytime rate plan changes – plans can be adjusted seasonally or month-to-month. In other words, business customers can tweak their plans month-to-month, as their business needs change. Why pay more for minutes you don't need? Customize a rate plan that meets your small business needs.



VIEW LARGER

- Sign up today and receive:
- Extensive coverage including major U.S. cities
 - Nationwide long distance
 - Special Affinity Program discounts for your employees

- Plan features include:
- Basic Voice Mail
 - Caller ID
 - 3-Way Calling
 - No Answer Transfer
 - Call Forwarding
 - Call Waiting

Get special discounts for your business!
Call 1-888-4AT-BIZZ or have us contact you.

Plans	Included Anytime Minutes	Night and Weekend Minutes	Mobile-to-Mobile Minutes	Included My Circle Numbers	Add'l Minute Rate
\$42.00	500	Yes	Yes	My Circle 10	25¢
\$52.00	750	Yes	Yes	My Circle 10	25¢
\$63.00	900	Yes	Yes	My Circle 10	25¢
\$84.00	1400	Yes	Yes	My Circle 10	25¢
\$105.00	2100	Yes	Yes	My Circle 10	25¢
\$155.00	4000	Yes	Yes	My Circle 10	25¢
\$210.00	6000	Yes	Yes	My Circle 10	25¢

United Wireless

Home

Internet Services

Cable Services

Phone Services

Support

3 Way Call

Caller ID

Basic Voice Mail

Detailed Billing

(on plans \$59.99 & higher)

Cellular Insurance - \$4.99

Detailed Billing - \$1.99

Caller ID - \$1.99

3 Way Calling - \$1.99

Call Forwarding - \$1.99

Call Waiting - \$1.99

\$9.99 per line

on rate plans \$59.99 & above

\$19.99 per line

on rate plans \$49.99 & below

Nights & Weekends

Nights

Mon through Thurs - 9 p.m. to 6 a.m.

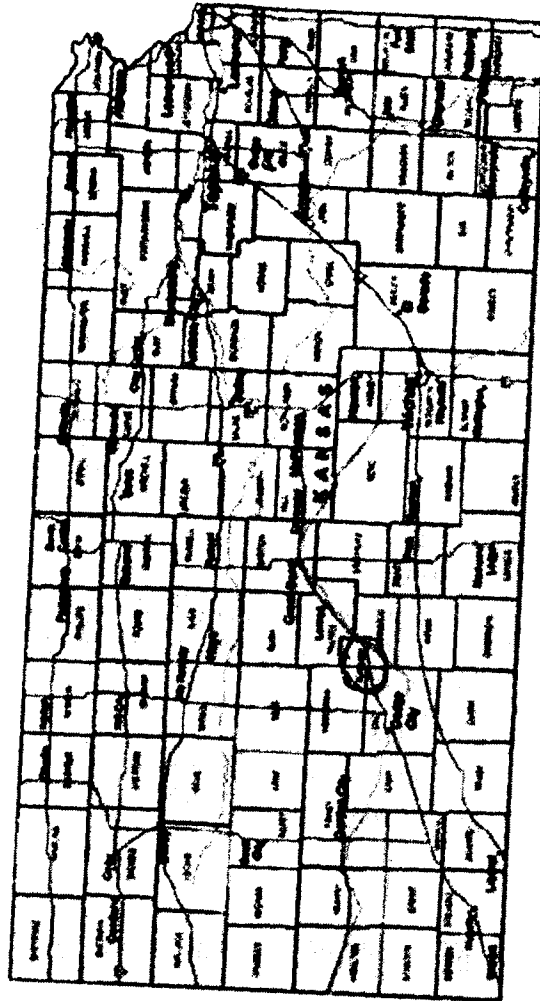
Weekends

Fri 9 p.m. to Mon 6 a.m.

7PM Nights & Weekends

Start your nights and weekends early! For just **\$2.99** per month you can have your nights and weekends start at 7PM.

Coverage Area



** Current coverage area depicted in graphical representation shows approximate licensed coverage area of United Wireless and roaming partners. Actual coverage may vary due to terrain, weather, signal strength, customer equipment, and other factors. Clarity and reception may be diminished by obstructions such as buildings and foliage. No guarantee of coverage is available.*

HOME ABOUT US CONTACT US

Copyright © 2005 - 2009 United Wireless.

ERIE EXCHANGE

Alltel



individual & family plans

Why spend more than you have to? Choose the plan that fits you or your family best. With My Circle, choose unlimited calling 5, 10 or numbers on any network, anywhere in America.

accessories

- plans overview
- featured family plans
- voice & data plans
- national plans
- local plans
- wireless internet
- Wi-Fi
- unlimited calling
- prepaid plans
- add-ons

messaging & more

tones & downloads

shop online

support

business

why Alltel?

phones & devices

accessories

plans

- plans overview
- featured family plans
- voice & data plans
- national plans
- local plans
- wireless internet
- Wi-Fi
- unlimited calling
- prepaid plans
- add-ons

messaging & more

tones & downloads

shop online

support

business

Change your plan at any time without extending your contract.

nationwide calling on America's Largest Mobile to Mobile Calling Family

Featured Family Plans as low as \$84.99/mo	National Plans as low as \$39.99/mo	Voice & Data Plans as low as \$69.99/mo	Local Plans as low as \$39.99/mo
See details	See details	See details	See details
✓	✓	✓	✓
✓	✓	✓	✓
✓	✓	✓	✓
second line included	as low as \$9.99	as low as \$20	as low as \$9.99
—	—	—	—
—	—	—	—

My Circle® Numbers

- unlimited mobile-to-mobile
- unlimited nights & weekends
- additional lines
- unlimited data

Get unlimited calling with My Circle

Choose a My Circle plan and get unlimited calling to any 5, 10 or 20 numbers on any network, anywhere in America. Plus, with My Circle, you can share your numbers with the whole family, making unlimited calling truly affordable.

add a My Circle Message Pack

go contract free

Finally, it's a wireless plan that puts you in charge. Pay by the day, the minute or the month any way, it's your choice. Sign up for U Prepaid it's all about you.



Store Locator | Send a Text Message | Rebates | Verizon Wireless Integration FAQs

Your Zip Code: 66733 | Change Your Zip
ERIE

business wireless plans

Get special discounts for your business!
Call 1-888-4AT-BIZZ or have us contact you.

- National Freedom
- Greater Freedom
- North American Freedom
- Smartphone Plans

National Freedom from Aitel offers extensive coverage at great rates. At Aitel, we know one size does not fit all. So, we created Business Pooling Plans. This allows you to create a plan that is as unique as your business!

With Business Pooling Plans you can:

- Create a pool of minutes by combining rate plans of various access points and amounts of anytime minutes.
- Maximize flexibility with Anytime rate plan changes - plans can be adjusted seasonally or month-to-month. In other words, business customers can tweak their plans month-to-month, as their business needs change. Why pay more for minutes you don't need? Customize a rate plan that meets your small business needs.



VIEW LARGER

- Sign up today and receive:**
- Extensive coverage including major U.S. cities
 - Nationwide long distance
 - Special Affinity Program discounts for your employees

- Plan features include:**
- Basic Voice Mail
 - Caller ID
 - 3-Way Calling
 - No Answer Transfer
 - Call Forwarding
 - Call Waiting

why Aitel?

phones & devices

accessories

plans

national freedom plans
greater freedom plans
north american freedom
smartphone plans
add-ons

data services

solutions

support

personal

my account log in

Not a member? Register now.

Personal

Business

Plans	Included Anytime Minutes	Night and Weekend Minutes	Mobile-to-Mobile Minutes	Included My Circle Numbers	Add'l Minute Rate
\$42.00	500	Yes	Yes	My Circle 10	25¢
\$52.00	750	Yes	Yes	My Circle 10	25¢
\$63.00	900	Yes	Yes	My Circle 10	25¢
\$84.00	1400	Yes	Yes	My Circle 10	25¢
\$105.00	2100	Yes	Yes	My Circle 10	25¢
\$155.00	4000	Yes	Yes	My Circle 10	25¢
\$210.00	6000	Yes	Yes	My Circle 10	25¢

CONFIDENTIAL INFORMATION

(Located in Docket Room)

In the Matter of the Application of Southwestern Bell Telephone Company for Price Deregulation of Residential and Business Telecommunications Services in the Kinsley and Erie, Kansas Exchanges Pursuant of K.S.A. 2008 Supp. 66-2005 (q) (1).

09-SWBT-936-PDR

Confidential Attachments 1 and 2 to the Application.

File Date:

June 5, 2009