

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: John Wine, Chair
Cynthia L. Claus, Commissioner
Brian J. Moline, Commissioner

In the Matter of the Application of Southwestern Bell Telephone)
Company for Approval of Interconnection Agreement Under the) DOCKET NO.
Telecommunications Act of 1996 with American Fiber Systems,) 03-SWBT-330-IAT
Inc.)

ORDER ASSESSING COSTS

NOW, the above-captioned matter comes for consideration and determination by the State Corporation Commission, and the necessity for an investigation and possible hearing by the Commission, and the matter of assessing the expenses attributable to such investigation to Southwestern Bell Telephone Company (SWBT) and American Fiber Systems, Inc. (AFIT).

The Commission, having considered its own files and records, and being fully advised in the premises, finds and concludes that:

1. Southwestern Bell Telephone Company (SWBT) and American Fiber Systems, Inc. (AFIT) are public utilities, or have made application for authority to serve as public utilities subject to the jurisdiction of the State Corporation Commission; or are subject to assessment pursuant to K.S.A. 66-1502(b).

2. The Commission should utilize members of its staff, comprised of attorneys, accountants and engineers, and as deemed appropriate by the Commission, employ special assistants and consultants to investigate all matters connected with the above-captioned matter.

3. The findings of said investigation should be presented to the Commission; and that if the expenses attributable to said investigation exceed one hundred dollars (\$100) such expenses will be assessed against Southwestern Bell Telephone Company (SWBT) and American Fiber Systems, Inc. (AFIT), pursuant to K.S.A. 66-1502 beginning **NOV 07 2002**

. By this order Southwestern Bell Telephone Company (SWBT) American Fiber Systems, Inc. (AFIT), are given notice that each has an opportunity to request a hearing in accordance with the provisions of the Kansas administrative procedure act.

IT IS, THEREFORE, BY THE COMMISSION ORDERED:

That the investigation, as outlined by the findings of the Commission herein, shall be conducted for the purpose of preparing investigative reports and other materials relating to the application in the docket; that said investigative reports and other materials shall be presented to the Commission; that Southwestern Bell Telephone Company (SWBT) and American Fiber Systems, Inc. (AFIT), are hereby assessed the expenses attributable to said investigation, if such expenses exceed \$100; and that such assessment shall be made in accordance with and subject to the limitations of K.S.A. 66-1502.

A party may file a petition for reconsideration of this order within 15 days of service. If the order is mailed, service is made upon mailing, and three (3) days are added to the above time period.

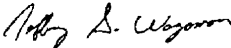
BY THE COMMISSION IT IS SO ORDERED.

Dated: **OCT 30 2002**

Wine, Chair; Claus, Com.; Moline, Com.

ORDER MAILED

OCT 31 2002

 Executive
Director

Executive Director

dkf