

2. On March 25, 2015, the Commission Staff (Staff) submitted its Report and Recommendation dated March 24, 2015, recommending the Commission grant CenturyLink's Application and approve the Interconnection Agreement between CenturyLink and Teleport. CenturyLink contends that the Interconnection Agreement fully complies with Section 252(e) of the Federal Telecommunications Act of 1996 (Federal Act), and that approval of the Agreement is consistent with the public interest, convenience, and necessity, and does not discriminate against any telecommunications carrier. CenturyLink further maintains that the Agreement

promotes diversity in providers, and increases customer choice for telecommunications services and that its negotiation and execution is consistent with Kansas' regulatory statutes.¹

3. 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.

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:

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

4. According to Staff, Teleport was granted Certificates of Convenience and Authority pursuant to Commission Orders issued January 2, 2013, in Docket Nos. 13-TCAT-374-COC, as a competitive local exchange carrier (CLEC), and 13-TCAT-375-COC, as an interexchange carrier (IXC), respectively. CenturyLink operates as a rural telephone company and is the second largest local exchange carrier (LEC) in Kansas. Both Teleport and CenturyLink are properly registered with the Kansas Secretary of State's office where their status is listed as *active and in good standing*. Staff further notes that Teleport is current with Kansas Universal Service Fund (KUSF) and Commission assessments and the company's 2013

¹ Application at page 1.

Annual Interrogatory. The Interconnection Agreement between CenturyLink and Teleport made the subject of this Application will remain in effect for a term of three (3) years from the date of execution, January 7, 2015, unless terminated earlier in accordance with the terms of the Agreement. Staff states that it has reviewed the Interconnection Agreement and has no concerns regarding CenturyLink's request for its approval. Concluding, Staff recommends the Commission grant CenturyLink's Application and approve the Interconnection Agreement between CenturyLink and Teleport.²

5. The Commission adopts Staff's analysis and recommendation of March 24, 2015, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that CenturyLink's Application should be granted and the Interconnection Agreement between CenturyLink and Teleport should be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of United Telephone Company of Southcentral Kansas d/b/a CenturyLink is hereby granted and the Interconnection Agreement between CenturyLink and Teleport Communications America, LLC, executed by the parties on January 7, 2015, 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. 2014 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.

² Report and Recommendation, pages 1 and 2.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: MAR 31 2015



ORDER MAILED APR 01 2015

Neysa Thomas
Acting Secretary

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**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: March 24, 2015

SUBJECT: 15-USCT-331-IAT
In the Matter of the Application for Approval of an Interconnection Agreement by and Between United Telephone Company of Southcentral Kansas dba CenturyLink and Teleport Communications America, LLC Pursuant to The Telecommunications Act of 1996

EXECUTIVE SUMMARY:

On January 29, 2015, United Telephone Company of Southcentral Kansas d/b/a CenturyLink (CenturyLink) filed an Application for approval of an Interconnection Agreement (Agreement) between CenturyLink and Teleport Communications America, LLC (Teleport). Staff recommends approval of the filing.

BACKGROUND:

On January 29, 2015, CenturyLink filed an Application for approval of an Interconnection and Resale Agreement (Agreement) between CenturyLink and Teleport.

Teleport operates as a competitive local exchange carrier (CLEC) and as an interexchange carrier (IXC) throughout the State of Kansas. The Company is a wholly owned subsidiary of Teleport Communications Group (TCGI), which is a wholly owned subsidiary of AT&T Corp, a New York Corporation.

CenturyLink operates as a rural telephone company and is the second largest local exchange carrier (LEC) in Kansas. CenturyLink operates three separate service areas in Kansas: Eastern; Southeast; and United. CenturyLink is headquartered in Monroe, Louisiana, and its President is Kenny Wyatt.

ANALYSIS:

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.

CenturyLink affirms that implementation of this Agreement complies fully with Section 252(e) of the Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. CenturyLink deems this Agreement promotes diversity in providers and increases customer choice for telecommunications services.

Teleport was granted Certificates of Convenience and Authority on January 2, 2013, in Docket No. 13-TCAT-374-COC as a CLEC and in Docket No. 13-TCAT-375-COC as an IXC.

Teleport 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.

CenturyLink and Teleport acknowledged that the Agreement herein shall consist of the Interconnection, Collocation and Resale Agreement in the State of Kansas which was entered into on January 7, 2015. The term of this Agreement is for three years or until January 7, 2018, which corresponds with the expiration date of the adopted Agreement.

Staff has reviewed this Interconnection and Resale Agreement between CenturyLink and Teleport, and Staff does not have any concerns regarding the Application.

RECOMMENDATION:

Staff recommends the Commission grant approval of this Interconnection Agreement between CenturyLink and Teleport.

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
ANN HUGHES, EXTERNAL AFFAIRS TELEPORT COMMUNICATIONS AMERICA, LLC 220 SE 6TH AVE RM 500 TOPEKA, KS 66603		
LINDA K. GARDNER, ATTORNEY UNITED TELEPHONE CO. OF KANSAS D/B/A CENTURYLINK KSOPKJ0702 600 NEW CENTURY PKWY NEW CENTURY, KS 66031		

ORDER MAILED APR 01 2015

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.