

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

Before Commissioners:                      Shari Feist Albrecht, Chair  
   Jay Scott Emler  
   Pat Apple

In the Matter of the Application for Approval                      )  
of an Interconnection Agreement By and                      )  
Between United Telephone Company of                      )  
Kansas d/b/a CenturyLink, United Telephone                      )  
Company of Eastern Kansas d/b/a CenturyLink,                      )                      Docket No. 14-UTDT-529-IAT  
United Telephone Company of Southcentral                      )  
Kansas d/b/a CenturyLink, Embarq Missouri,                      )  
Inc. d/b/a CenturyLink, and Fiber Communications                      )  
of Columbus LLC d/b/a Optic Communications                      )  
Pursuant to the Telecommunications Act of 1996.                      )

**ORDER APPROVING AMENDED INTERCONNECTION AGREEMENT**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and record, and being duly advised in the premises, the Commission finds and concludes as follows:

1.        On September 23, 2014, United Telephone Company of Kansas d/b/a CenturyLink, United Telephone Company of Eastern Kansas d/b/a CenturyLink, United Telephone Company of Southcentral Kansas d/b/a CenturyLink, and Embarq Missouri, Inc. d/b/a CenturyLink (collectively "CenturyLink") requested Commission approval of an amendment to the Interconnection Agreement between CenturyLink and Fiber Communications of Columbus LLC d/b/a Optic Communications (Fiber Communications). Supplementing its Application, CenturyLink included a copy of the Amendment to Interconnection Agreement (Amendment) executed by the parties on September 15, 2014. The Interconnection Agreement and Amendment are collectively referred to herein as "Amended Agreement".

2. On November 24, 2014, the Commission Staff (Staff) submitted its Report and Recommendation dated November 19, 2014, recommending the Commission grant CenturyLink's request and approve the Amended Agreement between CenturyLink and Fiber Communications.

3. The proposed Amended Agreement adds the following term to Article V. INTERCONNECTION, TRANSPORT AND TERMINATION OF TRAFFIC, which reads as follows:

64.5.3.1. CenturyLink and Columbus Communications Services, LLC ("Columbus"), CLEC's ILEC affiliate, have established facilities for the purpose of exchanging ILEC EAS traffic. The Parties agree to use spare capacity on this facility to interconnect at Burlington in an efficient manner. CLEC will provision separate Local Interconnection Trunks on the existing facility for its CLEC traffic and represents and warrants that it will not use any trunks over the existing facility established for use in its ILEC operations for any traffic that is governed by this Agreement. CLEC may order Third Party ILEC Meet Point using Leased Facilities from CenturyLink to establish a POI in Burlington using spare slots on the meet point circuit between the Columbus switch and CenturyLink's Scammon Remote Switch. CLEC will obtain an LOA from Columbus Communications Services and provide it to CenturyLink with the CFA of the meet point circuit to order the leased facility. CenturyLink will bill CLEC a \$361.24 monthly recurring charge and a \$990.00 non-recurring charge for each DS-1 established between Scammon and Burlington<sup>1</sup>.

CenturyLink contends that implementation of the Amended Agreement complies fully with Section 252(e) of the Telecommunications Act of 1996 (Federal Act) and is consistent with the public interest, convenience, and necessity and does not discriminate against any telecommunications carrier. Except as modified above, the provisions of the Amended Agreement will remain in full force and effect<sup>2</sup>.

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<sup>1</sup> Amendment at page 1.

<sup>2</sup> Ibid, page 2.

4. 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:

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

5. Staff states that it has reviewed the requested amendment and finds no evidence to conclude that the Amended Agreement discriminates against any telecommunications carrier, or that the Agreement is inconsistent with the public interest, convenience, and necessity. Staff concludes that the Amended Agreement will generally benefit the public and recommends that it be approved. Staff further notes that both CenturyLink and Fiber Communications are properly registered with the Kansas Secretary of State's office and the status of each with that office is "active and in good standing". Report and Recommendation at page 2.

6. The Commission adopts Staff's analysis and recommendation of November 19, 2014, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that CenturyLink's request should be granted and the Amended Agreement between CenturyLink and Fiber Communications should be approved.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The September 23, 2014 request of United Telephone Company of Kansas d/b/a CenturyLink, United Telephone Company of Eastern Kansas d/b/a CenturyLink, United Telephone Company of Southcentral Kansas d/b/a CenturyLink, and Embarras Missouri, Inc. d/b/a CenturyLink is hereby granted and the Amended Interconnection Agreement between CenturyLink and Fiber Communications of Columbus LLC d/b/a Optic Communications, is hereby approved.

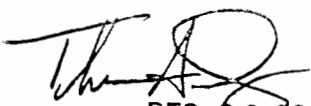
B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2013 Supp. 77-529(a)(1).

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.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Com.; Apple, Com.

Dated: DEC 02 2014

  
ORDER MAILED DEC 03 2014  
Thomas A. Day  
Acting Executive Director

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Utilities Division  
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Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner

Sam Brownback, Governor

## **REPORT AND RECOMMENDATION UTILITIES DIVISION**

**TO:** Chair Shari Feist Albrecht  
Commissioner Jay Scott Emler  
Commissioner Pat Apple

**FROM:** Kelly Mabon, Telecommunications Analyst  
Christine Aarnes, Chief of Telecommunications  
Jeff McClanahan, Director of Utilities

**DATE:** November 19, 2014

**SUBJECT:** **Docket No. 14-UTDT-529-IAT**

In the Matter of the Application for Approval of an Interconnection Agreement By and Between United Telephone Company of Kansas d/b/a CenturyLink, United Telephone Company of Eastern Kansas, d/b/a CenturyLink, United Telephone Company of Southcentral Kansas d/b/a CenturyLink, Embarq Missouri, Inc. d/b/a CenturyLink, and Fiber Communications of Columbus LLC d/b/a Optic Telecommunications Act of 1996.

### **EXECUTIVE SUMMARY:**

On September 23, 2014, Embarq Missouri, Inc. d/b/a CenturyLink, United Telephone Company of Eastern Kansas d/b/a CenturyLink, United Telephone Company of Southcentral Kansas d/b/a CenturyLink, United Telephone Company of Kansas d/b/a CenturyLink (CenturyLink) filed a request for approval an Amendment to an Interconnection Agreement with Fiber Communications of Columbus LLC d/b/a Optic Communications (Fiber Communications). Staff recommends approval of this Application.

The Commission action date is **Monday, December 22, 2014.**

### **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:**

In this Amendment, the Parties agree to use spare capacity to interconnect at Burlington in an efficient manner. Fiber Communications will provision separate Local Interconnection Trunks on the existing facility for its Fiber Communications traffic and will not use any trunks over the existing facility established for use in its CenturyLink operations for any traffic that is governed by this Agreement.

CenturyLink 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 Agreement between CenturyLink and Fiber Communications, Staff finds no evidence to conclude this Agreement discriminates against any telecommunications carrier, nor is 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 Application for an Amendment to the Interconnection Agreement between CenturyLink and Fiber Communications.

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
PATRICIA CARROLL, GENERAL MANAGER FIBER COMMUNICATIONS OF COLUMBUS LLC, D/B/A OPTIC COMMUNICATIONS 224 S. KANSAS COLUMBUS, KS 66725		
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
LINDA K. GARDNER, ATTORNEY UNITED TELEPHONE CO. OF KANSAS D/B/A CENTURYLINK KSOPKJ0702 600 NEW CENTURY PARKWAY NEW CENTURY, KS 66031		

ORDER MAILED DEC 03 2014

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.