

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

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

In the Matter of the Application of)
Southwestern Bell Telephone Company for)
Approval of Interconnection Agreement Under) Docket No. 10-SWBT-653-IAT
the Telecommunications Act of 1996 With)
MCC Telephony of the Midwest, LLC.)

ORDER APPROVING MODIFIED INTERCONNECTION AGREEMENT

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1. On July 27, 2017, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT)¹ filed an application seeking approval of a modified interconnection agreement between itself and MCC Telephony of the Midwest, LLC (MCC). The negotiated agreement between the two companies was originally approved by this Commission on May 4, 2010, and last modified on March 10, 2015. SWBT indicates that the proposed modifications are necessitated by the Federal Communications Commission's (FCC's) USF/ICC Order.

2. The Commission has jurisdiction to review negotiated interconnection agreements entered into by SWBT pursuant to K.S.A. 66-2005(z)(2)(A) and 47 U.S.C. §252(e).

3. 47 U.S.C. §252(e)(2) provides that the Commission may reject a negotiated interconnection agreement only if it finds that the agreement (or portions thereof) discriminates against a telecommunications carrier not a party to the agreement; or the implementation of such

¹Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) is an "electing carrier" referenced under K.S.A. 66-2005(x). See Docket No. 12-SWBT-797-MIS.

an agreement (or portions thereof) is not consistent with the public interest, convenience, and necessity.

4. Commission Staff submitted a Report and Recommendation in regards to the modified interconnection agreement on August 10, 2017, attached hereto and made a part hereof by reference. Staff found no evidence to conclude the modified interconnection agreement discriminated against any telecommunications carrier, nor that it was inconsistent with the public interest, convenience, or necessity. Staff recommended approval of the modified interconnection agreement.

5. The Commission finds Staff's findings and recommendation to be reasonable and hereby adopts the same.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The modified interconnection agreement amendment filed July 27, 2017, between SWBT and MCC is approved.

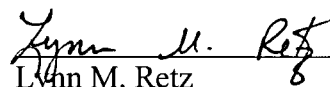
B. The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further order, or orders, as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: AUG 22 2017


Lynn M. Retz
Secretary to the Commission

MRN

Order Mailed Date

AUG 23 2017

REPORT AND RECOMMENDATION
UTILITIES DIVISION

TO: Chairman Pat Apple
Commissioner Shari Feist Albrecht
Commissioner Jay Scott Emler

FROM: Paula Artzer, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: August 10, 2017

SUBJECT: 10-SWBT-653-IAT
In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 with MCC Telephony of the Midwest, LLC.

EXECUTIVE SUMMARY:

On July 27, 2017, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) filed an Application for approval of an Interconnection Agreement Amendment (Amendment) between AT&T and MCC Telephony of the Midwest, LLC (MCC). Staff recommends approval of the filing.

BACKGROUND:

On June 13, 2017, AT&T and MCC entered into an Amendment to implement the Carrier Compensation Rate requirements per the Connect America Fund Order and the ICC Reform Order¹. AT&T filed for approval of this Amendment between AT&T and MCC. The Amendment expires concurrent with the existing Agreement.

AT&T is the largest local exchange carrier (LEC) operating in Kansas. The Company's largest service areas are Kansas City, Topeka, and Wichita. AT&T is headquartered in Topeka, Kansas.

¹ *Connect America Fund et al.*, WC Docket No. 10-90 et al, Report and Order issued by the Federal Communications Commission ("FCC") on November 18, 2011 (FCC 11-161), and as amended by the FCC on December 23, 2011 (FCC 11-189) ("FCC ICC Reform Order").

MCC is headquartered in Mediacom Park, New York, and is registered as a Limited Liability Corporation in Delaware. MCC received Certificates of Convenience and Authority on June 28, 2010, in Docket 10-MTMT-432-COC to provide Competitive Local Exchange (CLEC) service and 10-MTMT-433-COC, on June 14, 2010, to provide Interexchange (IXC) Service in the state of Kansas. MCC is registered with the Kansas Secretary of State's office and is "active and in good standing" with that office.

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 over which the Commission has control 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.

AT&T affirms that implementation of this Amendment complies fully with Section 252(e) of the Federal Act because the Amendment to the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.

Staff does not have any concerns regarding this Application. Staff reviewed the Amendment and did not find any language that discriminates against other telecommunications carriers not a party to the Agreement or language that is inconsistent with the public interest, convenience, and necessity. Changes made to the Agreement by this Amendment are in compliance with FCC Orders.

RECOMMENDATION:

Staff recommends the Commission grant approval of this Amendment to the Interconnection Agreement between AT&T Kansas and MCC. Staff finds no evidence of discrimination against other parties and finds that approval is in the public interest.

CERTIFICATE OF SERVICE

10-SWBT-653-IAT

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on **AUG 22 2017**.

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/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

AUG 23 2017