

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Thomas E. Wright, Chairman
Michael C. Moffet
Joseph F. Harkins

In the Matter of the Application of)
Southwestern Bell Telephone Company for)
Approval of Interconnection Agreement) Docket No. 03-SWBT-305-IAT
Under the Telecommunications Act of 1996) Telecom
with BullsEye Telecom, Inc.)

ORDER APPROVING MODIFICATION TO INTERCONNECTION AGREEMENT

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

1. On June 9, 2008, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) filed an application modifying its previously approved interconnection agreement (Agreement) between AT&T and BullsEye Telecom, Inc. (BullsEye).

2. The parties entered into the original Agreement upon Commission approval on January 6, 2003. The first proposed modification amends Sections 1.0 and 2.0 of the Agreement to conform to the Federal Communication Commission's (FCC) interim terminating compensation plan for ISP-bound traffic.¹ The final modification extends the expiration of the Agreement to January 9, 2011.

3. AT&T is an Incumbent Local Exchange Carrier in Kansas. BullsEye was granted a certificate to operate as a Competitive Local Exchange Carrier in the state of Kansas in Docket

¹ See FCC CC Docket No. 99-68, Intercarrier Compensation for ISP-Bound Traffic, Ref. ¶ 79. "In order to limit disputes and avoid costly efforts to identify this traffic...delivered to carrier...that exceeds a 3:1 ratio of terminating to originating traffic is ISP-bound traffic."

No. 03-BLET-066-COC on September 18, 2002. BullsEye was also granted a certificate to operate as an Interexchange Carrier in Docket No. 03-BLEC-065-COC on August 7, 2002. AT&T and BullsEye are both registered with the Kansas Secretary of State's office and are "active and in good standing" with that office. AT&T and BullsEye are both current with the Kansas Universal Service Fund assessments and Commission fees.

4. On February 20, 2008, Commission staff (Staff) submitted a memorandum recommending Commission approval of this modification.

5. Staff stated that AT&T and BullsEye present this modification as an integrated package, the result of negotiations and compromise. Furthermore, AT&T and BullsEye state there are no outstanding issues in need of mediation or arbitration.

6. Section 252(e) of the Telecommunications Act of 1996 states that state commissions may reject a negotiated 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 an agreement (or portions thereof) is not consistent with the public interest, convenience and necessity. Staff has reviewed the proposed Agreement and finds no such cause for concern with this filing.

7. The Commission finds and concludes that the modification to the Agreement between AT&T and BullsEye should be approved. The Agreement, as modified, is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Southwestern Bell Telephone Company d/b/a AT&T Kansas for approval of a modification to the interconnection agreement with BullsEye Telecom, Inc. is hereby approved.

B. The parties have fifteen days, plus three 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. 2007 Supp. 77-529.

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.

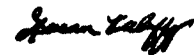
BY THE COMMISSION IT IS SO ORDERED.

Wright, Chmn.; Moffet, Com.; Harkins, Com.

Dated: AUG 29 2008

ORDERED MAILED

AUG 29 2008



**EXECUTIVE
DIRECTOR**

Susan K. Duffy
Executive Director

CRH:cik