

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 of)
Southwestern Bell Telephone Company for) Docket No. 13-SWBT-321-IAT
Approval of Interconnection Agreement Under)
the Telecommunications Act of 1996 With)
Nex-Tech, Inc.)

ORDER APPROVING MODIFICATIONS TO 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 2, 2014, Southwestern Bell Telephone Company d/b/a AT&T Kansas ("SWBT") filed an Application for Commission approval of modifications to the Interconnection Agreement between SWBT and Nex-Tech, Inc. ("Nex-Tech"). The Interconnection Agreement was approved by the Commission in this docket on December 27, 2012. The modifications add a transit traffic service attachment, add liability language, and update certain notice provisions.

2. The Commission has jurisdiction to supervise and control telecommunications public utilities under K.S.A. 66-1,188 and jurisdiction over contracts between telecommunications public utilities under K.S.A. 66-1,190. However, the U.S. Congress and the Federal Communications Commission ("FCC") have pre-empted certain aspects of state regulation of interconnection between telecommunications carriers.

3. Specifically, Section 252(e)(2) of the Federal Telecommunications Act of 1996 (47 U.S.C. §252(e)(2)) states that State commissions may only reject a negotiated

interconnection agreement 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.

4. Commission Staff ("Staff") submitted a Report and Recommendation in regards to the Interconnection Agreement modifications on August 27, 2014, attached hereto and made a part hereof by reference. Staff found no evidence to conclude the Interconnection Agreement modifications discriminated against any telecommunications carrier, nor that they were inconsistent with the public interest, convenience, or necessity. Staff recommended approval of the Interconnection Agreement modifications.

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 modifications to the Interconnection Agreement between SWBT and Nex-Tech are approved.

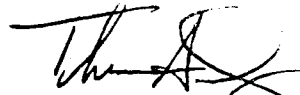
B. The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 77-529(a)(1).

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.

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

Dated: SEP 04 2014



ORDER MAILED SEP 03 2014

Thomas A. Day
Acting Executive Director

MRN

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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: August 27, 2014

SUBJECT: Docket No. 13-SWBT-321-IAT
In the Matter of the Application of Southwestern Bell Telephone
Company for Approval of Interconnection Agreement Under the
Telecommunications Act of 1996 With Nex-Tech, Inc.

BACKGROUND:

On July 2, 2014, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed an Application for approval of a modification to an Interconnection Agreement with Nex-Tech, Inc. Staff recommends approval of this Application.

The Commission action date is **Tuesday, September 30, 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:

This modification adds a transit traffic service attachment, adds liability language, and updates the notice provisions in the current Agreement.

SWBT 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 SWBT and Nex-Tech, Inc., Staff finds no evidence to conclude this Agreement discriminates against any telecommunications carrier, nor is it 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 a modification to the Interconnection Agreement between SWBT and Nex-Tech, Inc.

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
MICHAEL NEELEY, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		
SCOTT ROE, VIDEO SOLUTIONS MANAGER NEX-TECH, INC. 2418 VINE ST PO BOX 339 HAYS, KS 67601		
BRUCE A. NEY, GENERAL ATTORNEY SOUTHWESTERN BELL TELEPHONE CO. D/B/A AT&T KANSAS 220 SE 6TH AVE RM 515 TOPEKA, KS 66603-3596		

ORDER MAILED SEP 05 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.