

**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 the) Docket No. 08-SWBT-1136-IAT
Telecommunications Act of 1996 With Neutral)
Tandem-Kansas, LLC.)

ORDER APPROVING AMENDED 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 record and being duly advised in the premises, the Commission makes the following findings:

1. On November 21, 2016, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed an Application requesting Commission approval of a modification to the Interconnection Agreement between SWBT and Neutral Tandem-Kansas, LLC (Neutral Tandem-Kansas). Supplementing its Application, SWBT included as Attachments I and II, copies of the subject Amendment to the Interconnection Agreement and the Affidavit of Richard T. Howell, Area Manager-Regulatory Relations.

2. SWBT states that the Amendment to Interconnection Agreement entered into between SWBT and Neutral Tandem-Kansas, dated October 25, 2016, amends the Interconnection Agreement between the two parties, which was approved by the Commission on September 15, 2008. The subject Interconnection Agreement and Amendment to Interconnection Agreement are collectively referred to herein as "amended Agreement". SWBT further states that the amended Agreement is for the purpose of including certain provisions relating to WC Docket No. 13-97 approved by the Federal Communications Commission (FCC);

implements the FCC's USF/ICC, Lifeline and Link Up Reform and Modernization, USTelecom Forbearance Orders, modifies certain provisions related to Termination of Agreement After Initial Term Expiration; and modifies certain provisions related to Customer Information Services and Notices in the current Agreement.¹ SWBT maintains that the amended Agreement fully complies 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.²

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2015 Supp. 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 agreement (or portion thereof) is not consistent with the public interest, convenience, and necessity.

4. On January 17, 2017, the Commission Staff (Staff) submitted its Report and Recommendation dated January 11, 2017, recommending the Commission approve the amended Agreement between SWBT and Neutral Tandem-Kansas. Citing Section 252(e)(2) of the

¹ Application, page 1.

² Id., page 2.

Federal Act, Staff states that a state commission 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 if it finds that implementation of such an agreement (or portions thereof) is not consistent with the public interest, convenience and necessity. Staff confirms that the subject modification implements the FCC's US/ICC, Lifeline and Link Up Reform and Modernization, and USTelecom Forbearance Orders; adds rates and provisions related to Transit Traffic Services; modifies certain provisions related to Termination of Agreement After Initial Term Expiration; and modifies certain provisions related to Customer Information Services and Notices in the current Agreement. Staff, having reviewed the amended Agreement between SWBT and Neutral Tandem-Kansas, finds no evidence to conclude that the amended Agreement discriminates against any telecommunications carrier, nor is it inconsistent with the public interest, convenience, and necessity. Concluding, Staff recommends the Commission grant SWBT's Application and approve the amended Agreement.³

5. The Commission adopts Staff's recommendation of January 11, 2017, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that SWBT's Application should be granted and that the amended Agreement between SWBT and Neutral Tandem-Kansas should be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Southwestern Bell Telephone Company d/b/a AT&T Kansas' Application is hereby granted and the amended Interconnection Agreement between SWBT and Neutral Tandem-Kansas, LLC 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

³ Report and Recommendation, page 2.

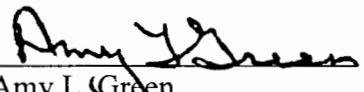
reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2015 Supp. 77-529(a)(1).

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.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: JAN 24 2017


Amy L. Green
Secretary to the Commission

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Order Mailed Date

JAN 25 2017

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

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

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

DATE: January 11, 2017

SUBJECT: Docket No. 08-SWBT-1136-IAT
In the Matter of the Application of Southwestern Bell Telephone
Company for Approval of Interconnection Agreement Under the
Telecommunications Act of 1996 With Neutral Tandem-Kansas, LLC.

EXECUTIVE SUMMARY:

On November 21, 2016, Southwestern Bell Telephone (SWBT) filed a Modification to an Interconnection Agreement (Agreement) between SWBT and Neutral Tandem-Kansas, LLC (Neutral Tandem-Kansas). Staff recommends approval of the filing.

The Commission action date is **Sunday, February 19, 2017.**

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 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.

ANALYSIS:

This modification implements the FCC's US/ICC, Lifeline and Link Up Reform and Modernization, and USTelecom Forbearance Orders; adds rates and provisions related to Transit Traffic Services; modifies certain provisions related to Termination of Agreement After Initial Term Expiration; and modifies certain provisions related to Customer Information Services and Notices in the current Agreement.

The Applicant is seeking review and approval of an Amendment to this Agreement under Section 252(e) of the Federal Telecommunications Act. Section 252(e) of the Federal Act 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 Amendment to the Agreement and finds no such cause for concern with this filing.

RECOMMENDATION:

Staff recommends the Commission grant approval of the Amendment to the Agreement between SWBT and Neutral Tandem-Kansas.

CERTIFICATE OF SERVICE

08-SWBT-1136-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 JAN 24 2017.

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/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date
JAN 25 2017