

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

Before Commissioners:                      Shari Feist Albrecht, Chair  
   Jay Scott Emler  
   Dwight D. Keen

In the Matter of the Application of                      )  
Southwestern Bell Telephone Company                      )  
for Approval of Interconnection Agreement                      )                      Docket No. 15-SWBT-605-IAT  
Under the Telecommunications Act of                      )  
1996 With Wide Voice, LLC.                      )

**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 February 16, 2018, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed an Application requesting Commission approval of an amendment to the Interconnection Agreement approved by the Commission on August 20, 2015, between SWBT and Wide Voice, LLC (Wide Voice). Supplementing its Application, SWBT included a copy of the Amendment to Agreement (Amendment) executed by the parties on January 11, 2018, and the Affidavit of Richard T. Howell, SWBT's Area Manager-Regulatory Relations. SWBT's requested modification to the Interconnection Agreement allows Wide Voice to interconnect to the public switched telephone network and deliver traffic to and receive traffic from AT&T on behalf of one or more interconnected VoIP providers (IVP) in connection with the 2015 VoIP Number Access Order approved by the Federal Communications Commission (FCC) in WC Docket No. 13-97.<sup>1</sup> The Interconnection Agreement and proposed Amendment are collectively referred to herein as "amended Agreement".

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<sup>1</sup> Application, page 1 and Report and Recommendation, page 2.

2. On April 19, 2018, the Commission Staff (Staff) submitted its Report and Recommendation dated April 17, 2018, recommending the Commission grant SWBT's Application and approve the amended Agreement between SWBT and Wide Voice.

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2016 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 an agreement or portion is not consistent with the public interest, convenience, and necessity.

4. SWBT 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. Staff states that it has reviewed the requested Amendment and finds no cause for concern regarding this filing. Staff determines that approval of the requested modification to the subject Interconnection Agreement is in the public interest and recommends the Commission grant SWBT's Application and approve the amended Agreement.<sup>2</sup>

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<sup>2</sup> Report and Recommendation, page 2.

5. The Commission adopts Staff's analysis and recommendation of April 17, 2018, 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 Wide Voice should be approved.

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

A. The February 16, 2018 Application of Southwestern Bell Telephone d/b/a AT&T Kansas is hereby granted and the amended Interconnection Agreement between SWBT and Wide Voice, 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 reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2017 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, Commissioner; Keen, Commissioner

Dated: 04/26/2018



Lynn M. Retz  
Secretary to the Commission

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# STATE OF KANSAS



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SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

## REPORT AND RECOMMENDATION UTILITIES DIVISION

**TO:** Chairman Pat Apple  
Commissioner Shari Feist Albrecht  
Commissioner Dwight D. Keen

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

**DATE:** April 17, 2017

**SUBJECT:** Docket No. 15-SWBT-605-IAT  
In the Matter of the Application of Southwestern Bell Telephone Company for  
Approval of Interconnection Agreement Under the Telecommunications Act of  
1996 With Wide Voice, LLC

### EXECUTIVE SUMMARY:

On September 12, 2017, Southwestern Bell Telephone Company (SWBT) filed a Modification to an Interconnection Agreement (Agreement) between SWBT and Wide Voice, LLC (Wide Voice). Staff recommends approval of the filing.

The Commission action date is **Tuesday, May 15, 2018.**

### 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 allows Wide Voice to interconnect to the public switched telephone network and deliver traffic to and receive traffic from AT&T on behalf of one or more interconnected VoIP providers ("IVP") in connection with the 2015 VoIP Number Access Order approved by the FCC in WC Docket No. 13-97.

The Applicant is seeking review and approval of a Modification 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 Modification to the Agreement and finds no such cause for concern with this filing.

**RECOMMENDATION:**

Staff believes it is in the public interest to grant approval of the Modification to the Agreement between SWBT and Wide Voice as it provides more options for consumers.

## CERTIFICATE OF SERVICE

15-SWBT-605-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 04/27/2018.

TANDY DECOSTA, DIRECTOR OF TELEPHONY SERVICES  
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\*\*\*Hand Delivered\*\*\*

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/S/ DeeAnn Shupe  
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DeeAnn Shupe