

**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 Approval of Interconnection            ) Docket No. 11-SWBT-860-IAT  
Agreement Under the Telecommunications Act of                )  
1996 with WiMac Tel, Inc.    )

**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 May 2, 2014, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application requesting Commission approval of a modification to the Interconnection Agreement between AT&T Kansas and WiMac Tel, Inc. (WiMac). Supplementing its Application, AT&T Kansas included as Attachments I and II, a copy of the fully executed Amendment to Interconnection Agreement and the Affidavit of Janet Arnold, AT&T Kansas’ Manager-Regulatory Relations.

2.        AT&T Kansas states that the Amendment to Agreement entered into between AT&T Kansas and WiMac, dated April 28, 2014, amends the Interconnection Agreement between the two parties, which was approved by the Commission on September 9, 2011. The subject Interconnection Agreement and Amendment to Agreement are collectively referred to herein as “amended Agreement”. AT&T Kansas further states that the amended Agreement is for the purpose of adding a transit traffic service attachment and replacing the notice provisions

in the current Agreement. AT&T Kansas 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. Further, AT&T Kansas asserts that the amended Agreement promotes diversity in providers, provides interconnectivity, and will increase customer choices for telecommunications services. Application at pages 1 and 2.

3. 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.

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 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 authority.

4. On July 23, 2014, the Commission Staff (Staff) submitted its Report and Recommendation dated July 22, 2014, recommending the Commission approve the amended Agreement between AT&T Kansas and WiMac. Citing Section 252(e) of the 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 indicates that it has reviewed the amended Agreement and finds no cause for concern regarding AT&T Kansas' Application. Concluding, Staff recommends the Commission grant AT&T Kansas' Application and approve the amended Agreement. Report and Recommendation at page 2.

5. The Commission adopts Staff's recommendation of July 22, 2014, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that AT&T Kansas' Application should be granted and that the amended Agreement between AT&T Kansas and WiMac 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 AT&T Kansas and WiMac Tel, Inc. 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. K.S.A. 66-118b; K.S.A. 2013 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, Com.; Apple, Com.

Dated: JUL 29 2014



ORDER MAILED JUL 30 2014

Thomas A. Day  
Acting Executive Director

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**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chair Shari Feist Albrecht  
Commissioner Jay Scott Emler  
Commissioner Pat Apple

**FROM:** Hal Baumhardt, Senior Telecommunications Analyst  
Christine Aarnes, Chief of Telecommunications  
Jeff McClanahan, Director of Utilities

**DATE:** July 22, 2014

**SUBJECT: Docket No. 11-SWBT-860-IAT**

In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 with WiMacTel, Inc.

**EXECUTIVE SUMMARY:**

On May 6, 2014, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application for approval of Modification to the Interconnection Agreement (Agreement) between AT&T Kansas and WiMacTel, Inc. (WiMacTel) negotiated and executed on September 9, 2011. Staff recommends approval of the filing.

**BACKGROUND:**

On May 6, 2014, AT&T Kansas filed this Application for approval of Modification to the Agreement between AT&T Kansas and WiMacTel.

WiMacTel is certified in the state of Kansas as both a competitive local exchange carrier (CLEC) and as a reseller of interexchange services (IXC). In addition to providing telecommunications service, WiMacTel is a diverse telecommunications company specializing in public communications and operator services, having market reach in Canada, United States, Latin America and the Caribbean. The Company also provides innovative communication solutions for payphone operators involving 1 + coin, 011 + coin, Operator Services and 411 directory assistance. WiMacTel is headquartered in Palo Alto, California, and its President and CEO is James MacKenzie.

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

**ANALYSIS:**

AT&T Kansas affirms that implementation of this Agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. AT&T Kansas deems this Agreement promotes diversity in providers, provides interconnectivity, and will increase customer choices for telecommunications services.

WiMacTel is registered with the Kansas Secretary of State's office and is "*active and in good standing*" with that office. Moreover, the Company is current with Kansas Universal Service Fund (KUSF), Commission Assessments, and filed its 2013 Annual Interrogator on May 8, 2014.

This modification to the Agreement adds a transit traffic service attachment and replaces the notice provisions in the current Agreement. The parties acknowledged that the Agreement herein shall consist of the Interconnection Agreement for the State of Kansas, which was entered into on June 14, 2011. This Amendment shall not modify or extend the Effective Date or Term of the underlying Agreement, and except as modified herein, all other terms and conditions of the underlying Agreement shall remain unchanged and in full force and effect.

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 this Agreement between AT&T Kansas and WiMacTel and Staff does not have any concerns regarding this Application.

**RECOMMENDATION:**

Staff recommends the Commission grant approval of this Modification to the Interconnection Agreement between AT&T Kansas and WiMacTel, 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
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
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		
JOHN WILSON, CHIEF TECHNOLOGY OFFICER WIMACTEL, INC. Unit N 7003 - 5th Street SE Calgary, AB T2H-2G2		

ORDER MAILED JUL 30 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.