

**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) Docket No. 08-SWBT-455-IAT
Agreement Under the Telecommunications Act of)
1996 with Twin Valley Communications, Inc.)

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 September 12, 2017, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed an Application requesting Commission approval of a modification to the Interconnection Agreement approved by the Commission on November 20, 2007, between SWBT and Twin Valley Communications, Inc. (Twin Valley). Supplementing its Application, SWBT included a copy of the Amendment to Interconnection Agreement (Amendment) executed by the parties on June 29, 2017, and the Affidavit of Richard T. Howell, SWBT's area Manager-Regulatory Relations. SWBT's requested modification to the Interconnection Agreement reflects the changes resulting from the FCC's USF/ICC and Lifeline and Link Up Reform and Modernization Orders; replacement of the OS/DA language and rates; and revised electronic notification in the current Agreement.¹ The Interconnection Agreement and proposed Amendment are collectively referred to herein as "amended Agreement".

¹ Application, page 1.

2. On October 30, 2017, the Commission Staff (Staff) submitted its Report and Recommendation dated October 26, 2017, recommending the Commission grant SWBT's Application and approve the amended Agreement between SWBT, and Twin Valley.

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 confirms that the requested modification reflects the changes resulting from the FCC's USF/ICC and Lifeline and Link Up Reform and Modernization Orders; replacement of the Operator Services and Directory Assistance (OS/DA) language and rates; and revised electronic notification in the current Agreement. Staff further states that it has reviewed the requested modification and finds no cause for concern regarding this filing. Staff

recommends the Commission grant SWBT's Application and approve the amended Agreement.²

5. The Commission adopts Staff's analysis and recommendation of October 26, 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 the amended Agreement between SWBT and Twin Valley should be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The September 12, 2017 Application of Southwestern Bell Telephone Company d/b/a AT&T Kansas is hereby granted and the amended Interconnection Agreement between SWBT and Twin Valley Communications, 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 herein. K.S.A. 66-118b; K.S.A. 2016 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: NOV 02 2017


Lynn M. Retz
Secretary to the Commission

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Order Mailed Date

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² Report and Recommendation, page 2.

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

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

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

DATE: October 26, 2017

SUBJECT: Docket No. 08-SWBT-455-IAT
In the Matter of the Application of Southwestern Bell Telephone Company for
Approval of Interconnection Agreement Under the Telecommunications Act of
1996 With Twin Valley Communications, Inc.

EXECUTIVE SUMMARY:

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

The Commission action date is **Monday, December 11, 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 reflects the changes resulting from the FCC's USF/ICC and Lifeline and Link Up Reform and Modernization Orders; replacement of the Operator Services and Directory Assistance language and rates; and revised electronic notification in the current Agreement.

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 Twin Valley.

CERTIFICATE OF SERVICE

08-SWBT-455-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 NOV 02 2017.

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/s/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

NOV 03 2017