

**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 Under the                                      )                      Docket No. 18-SWBT-418-IAT  
Telecommunications Act of 1996 with WTC                                      )  
Technologies, Inc.    )

**ORDER APPROVING 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 March 27, 2018, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application seeking Commission approval of an Interconnection Agreement between AT&T Kansas and WTC Technologies, Inc. (WTC). Supplementing its Application, AT&T Kansas included a copy of the Interconnection Agreement executed by the parties on March 7, 2018 and the Affidavit of Richard T. Howell, AT&T Kansas' Area Manager-Regulatory Relations.

2.        On May 29, 2018, the Commission Staff (Staff) submitted its Report and Recommendation dated May 24, 2018, recommending the Commission grant AT&T Kansas' Application and approve the Interconnection Agreement between AT&T Kansas and WTC. According to Staff, WTC is properly registered with the Kansas Secretary of State's office where its status is shown to be *active and in good standing*.<sup>1</sup>

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

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2017 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:

- (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (ii) the implementation of such agreement (or portion) is not consistent with the public interest, convenience, and necessity.

AT&T Kansas affirms that implementation of the Interconnection Agreement fully complies with Section 252(e) of the Federal Act, and that approval of the Agreement is consistent with the public interest, convenience, and necessity, and does not discriminate against any telecommunications carrier. AT&T Kansas further maintains that the Agreement promotes diversity in providers, provides interconnectivity, and increases customer choices for telecommunications services and that its negotiation and execution is consistent with the Federal Act.<sup>2</sup>

4. Concluding its review and analysis of AT&T Kansas' Application and the Interconnection Agreement, Staff states that it finds no evidence to conclude that this Agreement discriminates against any telecommunications carrier, nor is it inconsistent with the public interest, convenience, or necessity. Staff believes the public will generally benefit from Commission

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<sup>2</sup> Application, page 2.

approval of AT&T Kansas' Application as it provides a competitive option for customers. Concluding its analysis, Staff determines that the Interconnection Agreement between AT&T Kansas and WTC is in the public interest and recommends the Commission grant AT&T Kansas' Application and approve the Interconnection Agreement between AT&T Kansas and WTC.<sup>3</sup>

5. The Commission adopts Staff's analysis and recommendation of May 24, 2018, 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 Interconnection Agreement between AT&T Kansas and WTC should be approved.

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

A. The Application of Southwestern Bell Telephone Company d/b/a AT&T Kansas filed March 27, 2018, is hereby granted and the Interconnection Agreement between AT&T Kansas and WTC Technologies, Inc., executed by the parties on March 7, 2018, is hereby approved.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>4</sup>

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.

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<sup>3</sup> Report and Recommendation, page 2.

<sup>4</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 06/07/2018

A handwritten signature in cursive script, reading "Lynn M. Retz", written in dark ink.

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:** Chair Shari Feist Albrecht  
Commissioner Jay Scott Emler  
Commissioner Dwight D. Keen

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

**DATE:** May 24, 2018

**SUBJECT:** Docket No. 18-SWBT-418-IAT  
In the Matter of the Application of Southwestern Bell Telephone Company for  
Approval of Interconnection Agreement Under the Telecommunications Act of  
1996 With WTC Technologies, Inc.

### **EXECUTIVE SUMMARY:**

On March 27, 2018, Southwest Bell Telephone Company d/b/a AT&T Kansas (AT&T) filed an Application for approval of Interconnection Agreement Under the Telecommunications Act of 1996 With WTC Technologies, Inc (WTC). Staff recommends approval of the filing.

The Commission action date is **Monday, June 25, 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:**

AT&T 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 AT&T and WTC, 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 as it provides a competitive option for consumers.

The companies are registered with the Kansas Secretary of State and are active and in good standing with that office.

### **RECOMMENDATION:**

Staff believes it is in the public interest to grant approval of the Interconnection Agreement between AT&T and WTC.

## **CERTIFICATE OF SERVICE**

18-SWBT-418-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 06/08/2018.

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/S/ DeeAnn Shupe  
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