

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of Arbitration Between Level 3)
Communications, LLC and SBC)
Communications, Inc. Pursuant to Section)
252(b) of the Communications Act of 19934, as)
Amended by the Telecommunications Act of)
1996, for Rates, Terms, and Conditions of)
Interconnection.)

Docket No. 04-L3CT-1046-ARB

ORDER APPROVING INTERCONNECTION AGREEMENT AMENDMENT

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 records and being duly advised in the premises, the Commission makes the following findings:

1. On August 26, 2024, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas)¹ filed an application for approval of an amendment to the interconnection agreement (ICA) between itself and Level 3 Communications, LLC (Level 3), originally approved by the Commission in this docket on April 21, 2005. AT&T Kansas states that the proposed amendment would update the most recent Amendment to the Interconnection Agreement, amended December 13, 2022, which had inadvertently omitted DS1/DS3 transport rates.

2. The Commission has jurisdiction to review negotiated interconnection agreements entered by AT&T Kansas pursuant to K.S.A. 66-2005(z)(2)(A) and 47 U.S.C. §252(e).

3. Pursuant to 47 U.S.C. §252(e), the Commission may reject a negotiated interconnection agreement only if it finds that the agreement (or portions thereof) discriminates

¹ Southwestern Bell Telephone Company d/b/a AT&T Kansas is an “electing carrier” referenced under K.S.A. 66-2005(x). See Docket No. 12-SWBT-797-MIS.

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.

4. Commission Staff (Staff) submitted a Report and Recommendation, dated September 3, 2024, regarding the interconnection agreement amendment, attached hereto and made a part hereof by reference. Staff recommended approval of the amended interconnection agreement.

5. The Commission adopts Staff's analysis and recommendation of September 3, 2024, as stated in its Report and Recommendation and finds the application of AT&T Kansas and Level 3 should be granted and the company's amended interconnection agreement approved as proposed.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

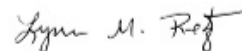
A. The proposed amendment to the Interconnection Agreement, filed August 26, 2024, between Southwestern Bell Telephone Company d/b/a AT&T Kansas and Level 3 Communications, LLC is approved.

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).²

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 10/01/2024



Lynn M. Retz
Executive Director

AAL

² K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

FROM: Drennan Dolsky, Telecommunications Analyst
Steve Garrett, Deputy Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: September 3, 2024

SUBJECT: Docket No. 04-L3CT-1046-ARB

In the Matter of Arbitration Between Level 3 Communications, LLC and SBC Communications, Inc. Pursuant to Section 252(b) of the Communications Act of 19934, as Amended by the Telecommunications Act of 1996, for Rates, Terms, and Conditions of Interconnection.

EXECUTIVE SUMMARY:

On August 26, 2024, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application with the Kansas Corporation Commission (Commission) for Approval of an Interconnection Agreement Amendment (Amendment) with Level 3 Communications, LLC (Level 3). The proposed Amendment modifies the DS1 and DS3 transport rates between AT&T Kansas and Level 3 that were inadvertently omitted from the previously Amended Interconnection Agreement approved by the Commission on April 21, 2005. Staff recommends approval of this Amendment.

The Commission action date is November 21, 2024.

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 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:

On April 21, 2005, the Commission issued its order approving an Interconnection Agreement between AT&T Kansas and Level 3. AT&T Kansas filed the Amendment to modify DS1 and DS3 transport rates that was approved by the Commission on December 13, 2022. On August 26, 2024, AT&T Kansas filed the most recent Amendment to the Interconnection Agreement amending the December 13, 2022, filing that had inadvertently omitted the DS1/DS3 transport rates. This Amendment to the Agreement is consistent with the provisions of Section 252(e) of the Federal Act.

AT&T Kansas 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.

Based on a review of the Amendment to the Agreement between AT&T Kansas and Level 3, Staff does not oppose the Amendment. There is no evidence in the record that it discriminates against any telecommunications carrier, nor is it inconsistent with public interest, convenience, or necessity.

The Companies are registered with the Kansas Secretary of State and are active and in good standing with that office.¹

RECOMMENDATION:

Staff recommends the Commission grant approval of Amended Agreement between AT&T Kansas and Level 3.

¹ Kansas Secretary of State Web Site: Last viewed September 3, 2024.
<https://www.kansas.gov/bess/flow/main.js?sessionlevelid=201EBC55867CB69843FF6555C8927D1C.aptcs03-inst1?execution=e1s2>

CERTIFICATE OF SERVICE

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I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 10/01/2024.

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/S/ KCC Docket Room

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