

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Jay Scott Emler, Chairman
Shari Feist Albrecht
Pat Apple

In the Matter of the Application of)
Southwestern Bell Telephone Company for) Docket No. 13-SWBT-321-IAT
Approval of Interconnection Agreement Under)
the Telecommunications Act of 1996 With)
Nex-Tech, Inc.)

ORDER APPROVING INTERCONNECTION AGREEMENT MODIFICATIONS

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

1. On November 5, 2015, Southwestern Bell Telephone Company (“SWBT”) filed an Application for Commission approval of modifications to the Interconnection Agreement between SWBT and Nex-Tech, Inc. (“Nex-Tech”). The Interconnection Agreement was first approved by the Commission in this docket on December 27, 2012, and modified on September 4, 2014. The current proposed modifications implement the FCC’s June 22, 2015, Lifeline and Link Up Reform and Modernization Order and change certain provisions related to Customer Information Services.

2. The Commission has jurisdiction to supervise and control telecommunications public utilities under K.S.A. 66-1,188 and jurisdiction over contracts between telecommunications public utilities under K.S.A. 66-1,190. However, the U.S. Congress and the Federal Communications Commission (“FCC”) have pre-empted certain aspects of state regulation of interconnection between telecommunications carriers.

3. Specifically, Section 252(e)(2) of the Federal Telecommunications Act of 1996 (47 U.S.C. §252(e)(2)) states that State commissions may only reject a negotiated interconnection agreement 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.

4. Commission Staff ("Staff") submitted a Report and Recommendation in regards to the Interconnection Agreement modifications on January 11, 2016, attached hereto and made a part hereof by reference. Staff found no evidence to conclude the Interconnection Agreement with the proposed modifications discriminated against any telecommunications carrier, nor that they were inconsistent with the public interest, convenience, or necessity. Staff recommended approval of the Interconnection Agreement modifications.

5. The Commission finds Staff's findings and recommendation to be reasonable and hereby adopts the same.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The above referenced modifications to the Interconnection Agreement between SWBT and Nex-Tech, are 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. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further order, or orders, as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: **JAN 21 2016**



Amy L. Green
Secretary to the Commission

MRN

Order Mailed Date

JAN 22 2016

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Shari Feist Albrecht, Chair
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Pat Apple, Commissioner

Sam Brownback, Governor

REPORT AND RECOMMENDATION UTILITIES DIVISION

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

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

DATE: January 11, 2016

SUBJECT: Docket No. 13-SWBT-321-IAT
In the Matter of the Application of Southwestern Bell Telephone for
Approval of Interconnection Agreement Under the Telecommunications
Act of 1996 with Nex-Tech, Inc.

EXECUTIVE SUMMARY:

On November 5, 2015, Southwestern Bell Telephone (SWBT) filed a Modification to an Interconnection Agreement (Agreement) between SWBT and Nex-Tech, Inc. Staff recommends approval of the filing.

The Commission action date is **Wednesday, February 3, 2016.**

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:

This modification implements the FCC's June 22, 2015, Lifeline and Link Up Reform and Modernization Order and modifies certain provisions related to Customer Information Services in the current Agreement.

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

RECOMMENDATION:

Staff recommends the Commission grant approval of the Amendment to the Agreement between SWBT and Nex-Tech, Inc.

CERTIFICATE OF SERVICE

13-SWBT-321-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 **JAN 21 2016**.

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/S/ DeeAnn Shupe
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Order Mailed Date

JAN 22 2016