

**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 Agreement Under the) Docket No. 09-SWBT-754-IAT
Telecommunications Act of 1996 With)
Trans National Communications International, 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 June 24, 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 Trans National Communications International, Inc. (TNCII), which was approved by the Commission on May 13, 2009. Supplementing its Application, AT&T Kansas included as Attachments I and II, copies of the subject Amendment to Interconnection Agreement and the Affidavit of Janet Arnold, AT&T Kansas' Manager-Regulatory Relations. The Interconnection Agreement and Amendment to Interconnection Agreement are collectively referred to herein as "amended Agreement". AT&T Kansas states that the requested modification recognizes the change in name from TNCII to TNCI Operating Company LLC (TNCI) as a party to the Interconnection Agreement, adds a transit traffic service attachment and replaces 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.

Application at page 2.

2. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2013 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 agreement (or portion thereof) is not consistent with the public interest, convenience, and necessity.

3. On August 26, 2014, the Commission Staff (Staff) submitted its Report and Recommendation dated August 25, 2014, recommending the Commission approve the amended Agreement between AT&T Kansas and TNCI. According to Staff, TNCI, a signatory party with AT&T Kansas to the proposed Amendment to Interconnection Agreement, is the successor in interest to TNCII and the underlying Interconnection Agreement between AT&T Kansas and TNCII, which was filed in this docket on March 27, 2009 and approved by the Commission on May 13, 2009. Staff states that TNCI is a competitive local exchange carrier (CLEC) that provides Local Exchange and Exchange Access services throughout Kansas. The company provides business VoIP, local phone service in 48 states, long distance, and Dedicated Internet

Access. TNCI is properly registered with the Secretary of State's office and its status with that office is *active and in good standing*. Staff confirms that the amended Agreement recognizes TNCI as the successor to TNCII under the amended Agreement, adds a transit traffic service attachment, and updates the notice provisions in the current Agreement. TNCI is current with Kansas Universal Service Fund (KUSF) assessments, Commission assessments, and its 2013 Annual Interrogatory. 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. Concluding, Staff states that it has reviewed the Amendment between AT&T Kansas and TNCI and has no concerns regarding AT&T Kansas Application and the amended Agreement. Staff recommends the Commission grant AT&T Kansas' Application and approve the amended Agreement. Report and Recommendation at pages 1 and 2.

4. The Commission adopts Staff's analysis and recommendation of August 25, 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 TNCI 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 TNCI Operating Company LLC is hereby approved.

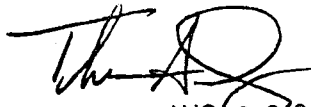
B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2013 Supp. 77-529(a)(1).

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: AUG 28 2014


ORDER MAILED AUG 28 2014
Thomas A. Day
Acting Executive Director

oan

**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: August 25, 2014

SUBJECT: Docket No. 09-SWBT-754-IAT

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

EXECUTIVE SUMMARY:

On June 24, 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 Trans National Communications International, Inc. (Trans National). Staff recommends approval of the filing.

BACKGROUND:

On October 9, 2013, Trans National filed for Chapter 11 Bankruptcy protection. TNCI Operating Company, LLC (TNCI) acquired the assets of Trans National, and on March 13, 2013, the purchase was approved by the Bankruptcy Court. TNCI closed the acquisition on April 30, 2013.

On June 24, 2014, AT&T Kansas filed this Application for approval of Modification to the Agreement between AT&T Kansas and Trans National.

TNCI is a competitive local exchange carrier (CLEC) that provides Local Exchange and Exchange Access services throughout Kansas. TNCI provides business VoIP, local phone service in 48 states, long distance, and Dedicated Internet Access. TNCI is headquartered in Santa Barbara, California, and its President and CEO is Jeff Compton.

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.

TNCI 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 its 2013 Annual Interrogatory. The original Agreement was approved by the Commission on May 13, 2009.

This modification to the Agreement changes Trans National's name to TNCI as a party to the Agreement. The Agreement also adds a transit traffic service attachment and updates 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 the parties executed on March 27, 2009. 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 TNCI 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 the newly acknowledged company, TNCI.

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		
BRIAN TWOMEY, PRESIDENT TRANS NATIONAL COMM., INC. D/B/A MEMBERS LONG DISTANCE 2 CHARLESGATE W BOSTON, MA 02215		

ORDER MAILED **AUG 29 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.