

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

Before Commissioners: Andrew J. French, Chairman
 Dwight D. Keen
 Susan K. Duffy

In the Matter of the Application of Southwestern Bell)
Telephone Company for Approval of Interconnection) Docket No. 21-SWBT-270-IAT
Agreement Under the Telecommunications Act of 1996)
With McLeodUSA Telecommunications Services, LLC.)

ORDER APPROVING 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 January 26, 2021, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application requesting Commission approval of an Interconnection Agreement between Southwestern Bell Telephone Company and McLeodUSA Telecommunications Services, LLC (McLeodUSA). As part of the Application, AT&T Kansas included as an Attachment, a copy of the subject Interconnection Agreement, and the Affidavit of Richard T. Howell, Area Manager-Regulatory Relations for AT&T Kansas.

2. AT&T Kansas states that the Interconnection Agreement entered into between AT&T Kansas and McLeodUSA was executed on December 15, 2021. The purpose of the Application is to seek approval of the Interconnection Agreement. The proposed Agreement is a complex, comprehensive agreement and is referred to as the “Agreement” between the parties, all as set forth in Attachment 1 to the Application. AT&T Kansas further states that the entire 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.¹

3. 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.

4. 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 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 authority.

5. On February 25, 2021, the Commission Staff (Staff) submitted its Report and Recommendation, advising the Commission to approve the Agreement between AT&T Kansas and McLeodUSA. Citing Section 252(e) of the Federal Act, Staff acknowledges the Agreement fully complies with Section 252(e) of the Federal Act and supports approval of the Agreement as being consistent with the public interest and convenience and necessity. Staff further avers the Agreement does not discriminate against other telecommunication carriers and is consistent with the public interest of having additional telecommunication options and providers. Both AT&T Kansas and McLeodUSA are properly registered with the Kansas Secretary of State's office and

¹ Application at 2.

their status with that office is active and in good standing. Staff notes that the Agreement supersedes an Interconnection Agreement approved by the Commission in Docket No. 06-SWBT-379-IAT. Staff accordingly recommends the Commission grant AT&T Kansas' Application and approve the Agreement.

6. The Commission adopts Staff's recommendation of February 25, 2021, as stated in its Report and Recommendation, which is attached and made a part of this Order, and finds that AT&T Kansas' Application should be granted, and the Agreement between AT&T Kansas and McLeodUSA be approved, superseding the Commission's previously approved Interconnection Agreement in Docket No. 06-SWBT-379-IAT.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Southwestern Bell Telephone Company d/b/a AT&T Kansas' Application filed January 26, 2021, is hereby granted and the Interconnection Agreement between AT&T Kansas and McLeodUSA Telecommunications Services, LLC 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).²

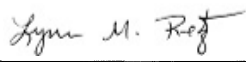
C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order, or orders, as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairman; Keen, Commissioner; Duffy, Commissioner

Dated: 03/04/2021

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Lynn M. Retz
Executive Director

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: Chairperson Andrew J. French
Commissioner Dwight D. Keen
Commissioner Susan K. Duffy

FROM: Kelly Mabon, Senior Telecommunications Analyst
Sandy Reams, Assistant Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: February 25, 2021

SUBJECT: Docket No. 21-SWBT-270-IAT
In the Matter of the Application of Southwestern Bell Telephone Company for
Approval of Interconnection Agreement Under the Telecommunications Act of
1996 With McLeodUSA Telecommunications Services, LLC.

EXECUTIVE SUMMARY:

On January 26, 2021, Southwestern Bell Telephone Company (SWBT) filed an Application for approval of an Interconnection Agreement under the Telecommunications Act of 1996 with McLeodUSA Telecommunications Services, LLC (McLeodUSA). Staff recommends approval of the filing.

The Commission action date is **Thursday, April 29, 2021.**

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:

The Applicant is seeking review and approval of 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.

SWBT responded to Staff's inquiry indicating this Agreement supersedes the Agreement between the parties in Docket No. 06-SWBT-379-IAT.

Staff does not have any concerns regarding this Application. Staff reviewed the Agreement and did not find any language that discriminates against other telecommunications carriers not a party to the Agreement. Implementation of this Agreement is in the public interest because it provides additional telecommunications carrier options for the consumer.

RECOMMENDATION:

Staff recommends the Commission grant approval of this Interconnection Agreement between SWBT and McLeodUSA and requests the Order in this Docket also be filed in Docket No. 06-SWBT-379-IAT. Staff finds no evidence of discrimination against other parties and finds that it is in the public interest, convenience and necessity of the citizens of Kansas to have additional options in their choice for telecommunications providers.

CERTIFICATE OF SERVICE

21-SWBT-270-IAT

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 03/04/2021.

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/S/ DeeAnn Shupe
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