

**MEMORANDUM
UTILITIES DIVISION**

TO: Brian J. Moline, Chair
Robert E. Krehbiel, Commissioner
Michael Moffet, Commissioner

FROM: Guy McDonald, Senior Telecommunications Analyst

DATE: January 9, 2007

DATE SUBMITTED TO LEGAL: JAN 9 2007

DATE SUBMITTED TO COMMISSIONERS: 1/18/07

SUBJECT: In the Matter of the Application of Southwestern Bell Telephone, L. P. for Approval of Interconnection Agreement under the Telecommunications Act of 1996 with DIECA Communications, Inc. d/b/a Covad Communications Company Docket No. 07-SWBT-574-IAT

BACKGROUND:

On January 3, 2007, Southwestern Bell Telephone, L.P., d/b/a AT&T Kansas (AT&T), filed an Application for approval of a Modification to an Interconnection Agreement between themselves and DIECA Communication, Inc. d/b/a Covad Communications Company (Covad) previously approved by this Commission on December 6, 2006.

Approval is being sought under Section 252(e) of the Federal Act.

AT&T and Covad are certificated Local Exchange Carriers in the State of Kansas. At the time of this filing, both are properly registered with the Kansas Secretary of State's office and are 'active and in good standing' with the Secretary's office. Both are current with their KUSF assessments and KCC fees.

Commission action in this matter is required not later than **April 3, 2007**.

ANALYSIS:

This Modification seeks to add an Appendix concerning Coordinated Hot Cut matters.

The parties state that this Appendix with the original Agreement are an integrated package, the result of negotiation and compromise and that there are no outstanding issues between themselves needing the assistance of mediation or arbitration.

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 proposed Agreement and finds no such cause for concern with this filing.

RECOMMENDATION:

Staff recommends commission approval.

cc: Don Low
Janet Buchanan

Eva Powers
Bret Lawson

Susan Duffy
Patricia Shurtz