

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

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

In the Matter of the Application of)
Southwestern Bell Telephone Company, LLC,)
for Approval of Interconnection Agreement) Docket No. 24-SWBT-710-IAT
Under the Telecommunications Act of 1996)
With First Communications, 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 May 7, 2024, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application requesting Commission approval of an Interconnection Agreement between AT&T Kansas and First Communications, LLC (First Communications). As part of the Application, AT&T Kansas included as an Attachment, a copy of the subject Interconnection Agreement, and the Affidavit of Sally A. Briar, Area Manager-Regulatory Relations for AT&T Kansas.

2. AT&T Kansas states that the Interconnection Agreement entered into between AT&T Kansas and First Communications was executed on April 17, 2024. The purpose of the Application is to seek approval of the Interconnection Agreement. The proposed Interconnection 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 Interconnection 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 July 20, 2024, the Commission Staff (Staff) submitted its Report and Recommendation, advising the Commission to approve the Interconnection Agreement between AT&T Kansas and First Communications. Citing Section 252(e) of the Federal Act, Staff acknowledges the Interconnection Agreement fully complies with Section 252(e) of the Federal Act and supports approval of the Interconnection Agreement as being consistent with the public interest and convenience and necessity. Staff further avers the Interconnection 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 First

¹ Application at 2.

Communications are properly registered with the Kansas Secretary of State's office and their status with that office is active and in good standing. Staff notes that the Interconnection Agreement supersedes an Interconnection Agreement approved by the Commission in Docket No. 16-SWBT-566-IAT. Staff accordingly recommends the Commission grant AT&T Kansas' Application and approve the Interconnection Agreement.

6. The Commission adopts Staff's recommendation of July 20, 2024, 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 Interconnection Agreement between AT&T Kansas and First Communications be approved, superseding the Commission's previously approved Interconnection Agreement in Docket No. 16-SWBT-566-IAT.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Southwestern Bell Telephone Company d/b/a AT&T Kansas' Application filed May 7, 2024, is hereby granted and the Interconnection Agreement between AT&T Kansas and First Communications, LLC is hereby approved. This Order shall also be filed in Docket No. 16-SWBT-566-IAT to document the previous Interconnection Agreement of the parties has been superseded.

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.

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

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 07/30/2024



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Executive Director

BWB



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

Laura Kelly, Governor

REPORT AND RECOMMENDATION UTILITIES DIVISION

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

FROM: Hemant Bhagat, Senior Telecommunications Analyst
Steve Garrett, Deputy Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: July 20, 2024

RE: Docket No 24-SWBT-710-IAT

In the Matter of the Application of Southwestern Bell Telephone Company, LLC, for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With First Communications, LLC

EXECUTIVE SUMMARY:

On May 7, 2024, Southwestern Bell Telephone Company d/b/a (AT&T Kansas) filed an Application with the Kansas Corporation Commission (Commission) for Approval of Interconnection Agreement (Agreement) with First Communications, LLC (First Communications) under the Telecommunications Act of 1996. Staff recommends approval of the filing.

The Commission action date is August 5, 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 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:

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.

AT&T Kansas, headquartered in Topeka, Kansas, is the largest Incumbent Local Exchange Carrier operating in Kansas. The Company's largest service areas are Kansas City, Topeka, and Wichita. First Communications received Certificates of Convenience and Authority by Commission Order to provide Interexchange Carrier (IXC) and Competitive Local Exchange Carrier services in the State of Kansas on November 7, 2006, in Docket No. 07-FCMC-152-COC and January 10, 2007 in Docket No. 07-FCMC-622-COC respectively.

The current Agreement executed between AT&T Kansas and First Communications on April 17, 2024 consists of 295 pages including 17 attachments and pricing schedules. The initial interconnection agreement between AT&T Kansas and First Communications was approved in docket 16-SWBT-566-IAT on August 16, 2016. Due to numerous changes and amendments to the initial Agreement, AT&T Kansas executed a new interconnection agreement that supersedes and replaces the original agreement and the related amendments. The purpose of the new interconnection agreement is to provide the most current terms and conditions for First Communications and AT&T Kansas to interconnect their networks for the mutual exchange of local traffic on AT&T's network. The new interconnection agreement includes the necessary rates, terms, and conditions for all current products and/or services to align with current Operations Support System methods and procedures and technical references, and alignment to the requirements of the Telecommunications Act of 1996 as encompassed in current FCC rules.

AT&T Kansas and First Communications are "Active and in Good Standing" with the Kansas Secretary of State's Office.¹ Both Companies are current with the Kansas Universal Service Fund (KUSF), Commission Assessments, and the Annual Interrogatory.

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.

¹ <https://www.sos.ks.gov/eforms/BusinessEntity/Search.aspx>, Kansas Secretary of State's Office, last viewed July 20, 2024.

RECOMMENDATION:

Staff recommends the Commission grant approval of this Interconnection Agreement between AT&T Kansas and First Communications, LLC.

CERTIFICATE OF SERVICE

24-SWBT-710-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 07/30/2024.

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