

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners:                Brian J. Moline, Chair  
   Robert E. Krehbiel  
   Michael C. Moffet

In the Matter of the Application of )	
Southwestern Bell Telephone Company for )	
Approval of Interconnection Agreement Under )	Docket No. 03-SWBT-330-IAT
the Telecommunications Act of 1996 With )	Telecom - LEC
American Fiber Systems, Inc. )	

**ORDER**

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1.        On October 23, 2002, Southwestern Bell Telephone d/b/a SBC Kansas (SWBT) filed for approval of an interconnection agreement between it and American Fiber Systems, Inc. (American). The Agreement received Commission approval on January 17, 2003.

2.        On April 18, 2005, SWBT filed an application seeking approval of a modification to the Agreement between SWBT and American. The proposed modification amends the Agreement to change certain rates for xDSL loops and cross connects that were previously approved by the Commission in Docket No. 02-SWBT-357-IAT.

3.        Both companies hold forth that there are no outstanding issues between them that need the assistance of mediation or arbitration. The parties seek Commission authority as required by the Federal Telecommunications Act of 1996.

4.        SWBT believes approval of the modification is consistent with the public interest, convenience and necessity. SWBT indicates the Agreement, with the proposed modifications,

and the attachments incorporated therein are an integrated package and are the result of negotiation and compromise.

5. The Commission finds and concludes that the modification of the Interconnection Agreement between American Fiber Systems, Inc. and Southwestern Bell Telephone, L.P. d/b/a SBC Kansas should be granted. The implementation of the modification is consistent with the public interest, convenience and necessity and does not, on its face, discriminate against any telecommunications provider not a party to the agreement.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The April 18, 2005 application of Southwestern Bell Telephone, L.P. d/b/a SBC Kansas to modify the interconnection agreement with American Fiber Systems, Inc. is hereby approved.

B. The parties have fifteen days, plus three 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. 66-118; K.S.A. 2004 Supp. 77-529(a)(1).

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

**BY THE COMMISSION IT IS SO ORDERED.**

Moline, Chr.; Krehbiel, Com.; Moffet, Com.

Dated: APR 25 2005

ORDER MAILED

APR 25 2005

 Executive  
Director

Susan K. Duffy  
Executive Director

BL: ks