

MEMORANDUM

To: Chair Moline
Commissioner Krehbiel
Commissioner Moffet

From: Colleen R. Harrell, Assistant General Counsel

Date: June 5, 2007

Re: Docket No. 06-SWBT-1100-IAT

In the Matter of the Application of Southwestern Bell Telephone, L.P. for Approval of Interconnection Agreement Under the Telecommunications Act of 1996, with Logix Communications, LP d/b/a Logix Communications.

On May 6, 2006, in this docket the Commission issued an order approving an interconnection agreement between Southwestern Bell Telephone, L.P. (SWBT) and Logix Communications, LP d/b/a Logix Communications (Logix). On March 9, 2007, SWBT filed an application requesting the Commission approve a modification to the previously-approved agreement. The modification to the previously-approved agreement would extend the expiration date to December 12, 2011.

As part of its routine procedure in recommending Commission action on the application, Commission staff (Staff) reviewed records maintained by the Kansas Secretary of State's office on business entities registered to do business in the state of Kansas. A review of the Secretary of State's records with respect to Logix indicates that Logix was required, and failed, to file its annual report with the Secretary of State's office on or before April 15, 2007, and Logix' current status is listed as "delinquent."

As noted by SWBT in its March 9, 2007 application, pursuant to Section 252(e)(2)(A)(ii) of the Federal Telecommunications Act of 1996, a state commission may only reject an interconnection agreement between two parties if the state commission finds that the "implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity . . ."

It is Staff's opinion that it is not consistent with the public interest, convenience, and necessity for the Commission to approve the modification to the interconnection agreement while Logix remains delinquent with the Kansas Secretary of State's office for its failure to file its annual report as required by that office. Staff recommends the Commission dismiss SWBT's application without prejudice until Logix brings itself into compliance with the Kansas Secretary of State's office and reaches a status of "active and in good standing" with that office.

**MEMORANDUM
UTILITIES DIVISION**

TO: Chair Moline
Commissioner Krehbiel
Commissioner Moffet

FROM: Hal Baumhardt

DATE: May 31, 2007

DATE SUBMITTED TO LEGAL: 5/31/07

DATE SUBMITTED TO COMMISSONERS: 6/5/2007

RE: Docket No. 06-SWBT-1100-IAT

In the Matter of the Application of Southwestern Bell Telephone, L.P. for Approval of Interconnection Agreement Under the Telecommunications Act of 1996, with Logix Communications, LP d/b/a Logix Communications.

BACKGROUND:

Southwestern Bell Telephone, L.P. d/b/a AT&T Kansas ("AT&T") on March 9, 2007 filed this application for approval of a Modification to the Interconnection Agreement previously approved between Logix Communications, LP d/b/a Logix Communications ("Logix").

ANALYSIS:

As of May 31, 2007 Logix has not corrected its delinquency with the Kansas Secretary of State's office to be in "good standing", and it is uncertain that Logix will be able to rectify this delinquency by the "action required date" of June 7, 2007; therefore, the parties will be obligated to re-file this application.

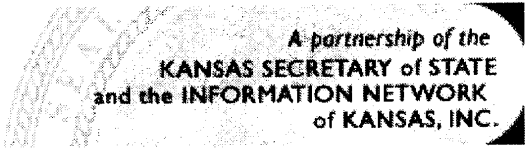
RECOMMENDATION:

As a result of the above aforementioned cause, Staff recommends the Commission deny approval of this Interconnection Agreement between Southwestern Bell Telephone Company and Logix Communications, LP d/b/a Logix Communications without prejudice due to being deficient in meeting registration requirements with the Kansas Secretary of State.

cc: Don Low Susan Duffy Eva Powers
Colleen Harrell Janet Buchanan

Kansas.gov: The Official Web site of the State of Kansas

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Date: 05/31/2007

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Business Information

[Online Demo](#)**Current Entity Name**

LOGIX COMMUNICATIONS, LP

Business Entity ID Number

3892635

[< KSOS Web site](#)
[< Kansas Web site](#)

Current Mailing Address: 2950 N. LOOP WEST #1200, HOUSTON, TX 77092

[Update](#)

Business Entity Type: FOREIGN LIMITED PARTNERSHIP

Current Status: CORPORATION IS DELINQUENT

Date of Formation in Kansas: 01/31/2006

State of Organization: TX

[Certificate of Good Standing](#)[Letter of Good Standing](#)

Resident Agent and Registered Office

Resident Agent: CT CORPORATION SYSTEM**Registered Office:** 515 SOUTH KANSAS AVENUE , TOPEKA, KS 66603[Update Resident Agent/Office](#)

Annual Reports

The following annual report information is valid for active and delinquent status entities only.

Tax Closing Month: 12

The Last Annual Report on File: 00/0000

Next Annual Report Due: 04/15/2007[File Online](#)**Forfeiture Date:** 07/15/2007