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January 6, 2010

STATE CORPORATION COMMISSION

JAN 06 2010

Ms. Susan K. Duffy, Executive Director  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Kansas 66604-4027

RE: Interconnection Agreement between AT&T Kansas and Qwest Communications Company, LLC

Dear Ms. Duffy:

Enclosed for filing with the Commission are an original and three (3) copies of an Application for Approval of an Interconnection Agreement (the MFN Agreement) between Southwestern Bell Telephone Company d/b/a AT&T Kansas and Qwest Communications Company, LLC ("Qwest") executed on January 4, 2010, and the supporting affidavit of Janet Arnold, Manager-Regulatory Relations.

Qwest has chosen in the attached MFN Agreement to adopt an interconnection agreement previously approved by the Commission in KS Dkt. No. 06-SWBT-236-IAT in arbitrated proceedings designed to develop successor agreements for the Kansas 271 Interconnection Agreement. This new agreement replaces the agreement that was approved on October 24, 2005, in Docket 06-SWBT-421-IAT. There are no outstanding issues between the parties that need the assistance of mediation or arbitration. AT&T Kansas files this MFN Agreement seeking Commission approval of its terms and conditions consistent with the Federal Act of 1996. Qwest is registered as active and in good standing with the Kansas Secretary of State's office.

AT&T Kansas represents and believes in good faith that the implementation of this MFN Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. AT&T Kansas specifically requests that the Commission refrain from taking any action to change, suspend or otherwise delay implementation of this agreement, in keeping with the support for competition previously demonstrated by the Commission.

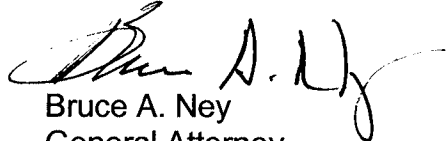
Contact information for Qwest is listed below.

CLEC Officer Name:	CLEC Attorney Name:
Charles Lahey c/o Joyce Gray	
4650 Lakehurst Court, Rm. 2N176	

Dublin, OH 43016	
Phone: 703-363-4452	
Fax:	
E-mail: charles.lahey@qwest.com	

The Commission's prompt attention to this matter would be appreciated.

Sincerely,

  
Bruce A. Ney  
General Attorney

Enclosures

cc: Ms. Colleen Harrell (transmittal letter only)  
Mr. Charles Lahey

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

JAN 06 2010

Application of Southwestern Bell )  
Telephone Company for Approval of )  
Interconnection Agreement Under the )  
Telecommunications Act of 1996 With )  
Qwest Communications Company, LLC )

Docket No. 10-SWBT-453-IAT

**APPLICATION OF SOUTHWESTERN BELL TELEPHONE COMPANY FOR  
APPROVAL OF INTERCONNECTION AGREEMENT UNDER THE  
TELECOMMUNICATIONS ACT OF 1996**

Southwestern Bell Telephone Company d/b/a AT&T Kansas hereby files this Application for Approval of an Interconnection Agreement ("the MFN Agreement") with Qwest Communications Company, LLC ("Qwest"), pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, Public Law No. 104-104 ("Federal Act") and would respectfully show the Kansas Corporation Commission ("Commission") the following:

**I. AGREEMENT REACHED**

As noted in the attached MFN Agreement, Qwest has chosen to adopt an interconnection agreement previously approved by the Commission on September 14, 2005 in KS Dkt. No. 06-SWBT-236-IAT in arbitrated proceedings designed to develop successor agreements for the Kansas 271 Interconnection Agreement. This new agreement replaces the agreement that was approved on October 24, 2005 in Docket 06-SWBT-421-IAT. There are no outstanding issues between AT&T Kansas and Wildflower that need the assistance of mediation or arbitration. This MFN Agreement was executed on January 4, 2010.

## **II. REQUEST FOR APPROVAL**

AT&T Kansas seeks the Commission's approval of the MFN Agreement, consistent with the provisions of the Federal Act.

AT&T Kansas believes that the implementation of this MFN Agreement complies fully with Section 252(e) of the Federal Act because it is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The MFN Agreement promotes diversity in providers, provides interconnectivity, and will increase customer choices for telecommunications services.

AT&T Kansas respectfully requests that the Commission grant expeditious approval of this MFN Agreement, without change, suspension or other delay in its implementation. This is a bilateral agreement, reached as a result of negotiation and compromise and the parties do not believe a docket or intervention by other parties is necessary or appropriate.

## **III. STANDARD FOR REVIEW**

The statutory standards of review are set forth in Section 252(e) of the Federal Act which provides as follows:

### **(e) APPROVAL BY STATE COMMISSION**

- (1) APPROVAL REQUIRED.**--Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted to shall approve or reject the agreement, with written findings as to any deficiencies.
- (2) GROUNDS FOR REJECTION.**--The State Commission may only reject --(A) an agreement (or

any portion thereof) adopted by negotiation under subsection (a) if it finds that --

- (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; or

The affidavit of Janet Arnold, Manager-Regulatory Relations, establishes that the MFN Agreement submitted herein satisfies these standards. (Affidavit, Attachment II).

#### **IV. KANSAS LAW**

The negotiated and executed MFN Agreement is consistent with the Kansas regulatory statutes.

#### **VI. CONCLUSION**

For the reasons set forth above, AT&T Kansas respectfully requests that the Commission approve the MFN Agreement expeditiously.

Respectfully submitted,



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220 E. Sixth Street, Room 515  
Topeka, Kansas 66603-3596  
(785) 276-8413  
(785) 276-1948 (Facsimile)  
Attorney for Southwestern Bell Telephone  
Company d/b/a AT&T Kansas

**INTERCONNECTION AGREEMENT UNDER  
SECTIONS 251 AND 252 OF THE  
TELECOMMUNICATIONS ACT OF 1996**

**by and between**

**SOUTHWESTERN BELL TELEPHONE COMPANY  
d/b/a**

**AT&T KANSAS**

**and**

**QWEST COMMUNICATIONS COMPANY, LLC**

**ADOPTION OF INTERCONNECTION AGREEMENT  
UNDER SECTION 252(i)  
OF THE  
TELECOMMUNICATIONS ACT OF 1996**

This Agreement (this "MFN Agreement"), is being entered into by and between Southwestern Bell Telephone Company<sup>1</sup> d/b/a AT&T Kansas ("AT&T Kansas"), and Qwest Communications Company, LLC ("CLEC"), (each a "Party" and, collectively, the "Parties"), pursuant to Sections 251 and 252 of the Telecommunications Act of 1996 ("the Act").

**RECITALS**

**WHEREAS**, pursuant to Section 252(i) of the Act, CLEC has requested to adopt the Interconnection Agreement by and between AT&T Kansas and Cox Kansas Telcom, L.L.C. for the State of Kansas, which was approved by the Kansas Corporation Commission ("the Commission") under Section 252(e) of the Act on September 14, 2005 in docket number 06-SWBT-236-IAT, including any amendments to such Agreement (the "Separate Agreement"), which is incorporated herein by reference; and

**NOW, THEREFORE**, in consideration of the mutual provisions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, CLEC and AT&T Kansas hereby agree as follows:

**1.0 Incorporation of Recitals and Separate Agreement by Reference**

- 1.1 The foregoing Recitals are hereby incorporated into and made a part of this MFN Agreement.
- 1.2 Except as expressly stated herein, the Separate Agreement (including any and all applicable Appendices, Schedules, Exhibits, Attachments and Amendments thereto) is incorporated herein by this reference and forms an integral part of the MFN Agreement.

**2.0 Modifications to Separate Agreement**

- 2.1 References in the Separate Agreement to "CLEC" or to "Other" shall for purposes of the MFN Agreement be deemed to refer to CLEC.
- 2.2 References in the Separate Agreement to the "Effective Date," the date of effectiveness thereof and like provisions shall for purposes of this MFN Agreement be deemed to refer to the date upon which the MFN Agreement is approved by the Commission. In addition, this MFN Agreement shall expire on December 13, 2011.
- 2.3 The Notices Section in the Separate Agreement is hereby revised to reflect that Notices should be sent to CLEC under this MFN Agreement at the following address:

NOTICE CONTACT	CLEC CONTACT
NAME/TITLE	Charles Lahey c/o Joyce Gray
STREET ADDRESS	4650 Lakehurst Court, Rm 2N176
CITY, STATE, ZIP CODE	Dublin, OH 43016
PHONE NUMBER	703-363-4452
FACSIMILE NUMBER	
E-MAIL ADDRESS	charles.lahey@qwest.com

<sup>1</sup> On December 30, 2001, Southwestern Bell Telephone Company (a Missouri corporation) was merged with and into Southwestern Bell Texas, Inc. (a Texas corporation) and, pursuant to Texas law, was converted to Southwestern Bell Telephone, L.P., a Texas limited partnership. On June 29, 2007, Southwestern Bell Telephone, L.P., a Texas limited partnership, was merged with and into SWBT Inc., a Missouri corporation, with SWBT Inc. as the survivor entity. Simultaneous with the merger, SWBT Inc. changed its name to Southwestern Bell Telephone Company. Southwestern Bell Telephone Company is doing business in Kansas as "AT&T Kansas".

- 2.4 The Notices Section in the Separate Agreement is hereby revised to reflect that Notices should be sent to AT&T Kansas under this MFN Agreement at the following address:

NOTICE CONTACT	AT&T-13STATE CONTACT
NAME/TITLE	Contract Management ATTN: Notices Manager
STREET ADDRESS	311 S. Akard, 9 <sup>th</sup> Floor Four AT&T Plaza
CITY, STATE, ZIP CODE	Dallas, TX 75202
FACSIMILE NUMBER	214-464-2006

### 3.0 Clarifications

- 3.1 In entering into this MFN Agreement, the Parties acknowledge and agree that neither Party waives, and each Party expressly reserves, any of its rights, remedies or arguments it may have at law or under the intervening law or regulatory change provisions in this MFN Agreement (including intervening law rights asserted by either Party via written notice as to the Separate Agreement), with respect to any orders, decisions, legislation or proceedings and any remands by the FCC, state utility commission, court, legislature or other governmental body including, without limitation, any such orders, decisions, legislation, proceedings, and remands which were issued, released or became effective prior to the Effective Date of this MFN Agreement, or which the Parties have not yet fully incorporated into this Agreement or which may be the subject of further government review.
- 3.2 It is AT&T Kansas' position that this MFN Agreement (including all attachments thereto) and every interconnection, service and network element provided hereunder, is subject to all rates, terms and conditions contained in the MFN Agreement (including all attachments/appendices thereto), and that all of such provisions are integrally related and non-severable.



**Qwest Communications Company, LLC**

By: Diane Wright

Printed: Diane Wright

Title: Contract Manager  
(Print or Type)

Date: 12/23/2009

**Southwestern Bell Telephone Company d/b/a AT&T  
Kansas by AT&T Operations, Inc., its authorized agent**

By: Eddie A. Reed, Jr.

Printed: Eddie A. Reed, Jr.

Title: Director-Interconnection Agreements

Date: 1-4-10

**Resale OCN # 7560**

**CLEC OCN # 7577**

**ACNA: LGT**

BEFORE THE KANSAS CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Application of Southwestern Bell )  
Telephone Company for Approval of )  
Interconnection Agreement Under the ) Docket No. \_\_\_\_\_  
Telecommunications Act of 1996 With )  
Qwest Communications Company, LLC )

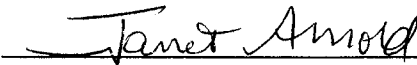
AFFIDAVIT OF JANET ARNOLD

STATE OF KANSAS )  
 ) ss  
COUNTY OF SHAWNEE )

Before me, the Undersigned Authority, on the 6<sup>th</sup> day of January, 2010, personally appeared Janet Arnold of Southwestern Bell Telephone Company d/b/a AT&T Kansas who, upon being by me duly sworn on oath depose and said the following:

1. My name is Janet Arnold. I am over the age of 21, of sound mind and competent to testify to the matters stated herein. I am the Manager-Regulatory Relations for AT&T Kansas, and I have knowledge concerning the Interconnection Agreement ("the MFN Agreement") between AT&T Kansas and Qwest Communications Company, LLC ("Qwest") on behalf of AT&T Kansas. I have personal knowledge of the provisions of the MFN Agreement which was executed on January 4, 2010.
2. Qwest has chosen in the MFN Agreement to adopt an interconnection agreement previously approved by the Commission on September 14, 2005 in KS Dkt. No. 06-SWBT-236-IAT in arbitrated proceedings designed to develop successor agreements for the Kansas 271 Interconnection Agreement. This new agreement replaces the agreement that was approved on October 24, 2005 in Docket 06-SWBT-421-IAT.
3. There are no outstanding issues between the parties that need the assistance of mediation and arbitration.

4. The implementation of this MFN Agreement is consistent with the public interest, convenience and necessity. The MFN Agreement will further the transition of telecommunications competition in the State of Kansas, a policy of this State and the United States. The MFN Agreement allows diversity in providers, provides interconnectivity, and will increase customer choices for telecommunications Solutions.
5. This MFN Agreement does not discriminate against any telecommunications carrier. It is available to any similarly situated provider in negotiating a similar agreement.
6. The MFN Agreement is consistent with Kansas law.

  
Janet Arnold

Subscribed and sworn to before me this 6<sup>th</sup> day of January, 2010.



  
Notary Public

My Commission Expires: January 26, 2011