

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

STATE CORPORATION COMMISSION

DEC 27 2002

In the Matter of the Application of Southwestern )  
Bell Telephone Company for Approval of )  
Interconnection Agreement Under The )  
Telecommunications Act of 1996 )  
with Sprint Communications Company LP )

*Jeffery S. Wassman* Docket  
Room

) Docket No. 03-SWBT-301-IAT

**APPLICATION OF SOUTHWESTERN BELL TELEPHONE COMPANY  
FOR APPROVAL OF A MODIFICATION TO INTERCONNECTION AGREEMENT**

Southwestern Bell Telephone, L.P. d/b/a SBC Kansas ("SBC") hereby files this Application for Approval of a Modification to the Interconnection Agreement ("the Agreement)" under the Telecommunications Act of 1996 ("Federal Act") between SBC and Sprint Communications Company LP ("Sprint") and would respectfully show the Kansas Corporation Commission ("Commission") the following:

**I. INTRODUCTION**

SBC presents to this Commission a modification to the Agreement previously negotiated, executed and filed with the Commission on October 9, 2002 pursuant to the terms of the Federal Act. The Commission issued an order approving the Agreement on November 12, 2002. This modification corrects a typographical error in Section 14.4.1.2.3 of the UNE Appendix by changing reference from SBC 2-state to SBC 12-state. A copy of the executed Amendment which reflects the parties' agreement to incorporate this modification to the Agreement, is attached hereto as Attachment I.

## **II. REQUEST FOR APPROVAL**

SBC seeks the Commission's approval of this modification to the Agreement, consistent with the provisions of the Federal Act. The implementation of this modification to the Agreement complies fully with Section 252(e) of the Federal Act because the modifications are consistent with the Commission's previous conclusion that the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.

SBC respectfully requests that the Commission grant expeditious approval of this modification to the Agreement, without change, suspension or other delay in its implementation. The Agreement, with this modification, is a bilateral agreement, reached as a result of negotiations and compromise between competitors, 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:

Section 252(e) of the Federal Act:

### **(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 shall approve or reject the agreement, with written findings as to any deficiencies.

(2) **GROUND 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 . . .

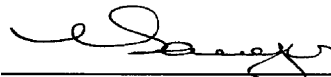
The affidavit of Michael Scott, Area Manager-Regulatory Issues, establishes that the modification to the Agreement submitted herein satisfies the standards for approval under the Federal Act. (Affidavit, Attachment II).

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

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

#### **V. CONCLUSION**

For the reasons set forth above, SBC respectfully requests that the Commission approve this modification to the Agreement previously approved.



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Attorneys for Southwestern Bell Telephone, L.P.,  
d/b/a SBC Kansas

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

**by and between**

**SOUTHWESTERN BELL TELEPHONE, L.P., d/b/a**

**SBC KANSAS**

**and**

**SPRINT COMMUNICATIONS COMPANY LP**

**(KANSAS)**

**AMENDMENT TO  
INTERCONNECTION AGREEMENT**

**by and between**

**SOUTHWESTERN BELL TELEPHONE, L.P. d/b/a  
SOUTHWESTERN BELL TELEPHONE COMPANY**

**AND**

**SPRINT COMMUNICATIONS COMPANY LP**

The Interconnection Agreement ("the Agreement") by and between Southwestern Bell Telephone, L.P. d/b/a Southwestern Bell Telephone Company ("SWBT") and Sprint Communications Company LP ("CLEC") is hereby amended as follows:

(1) Correct Typographical Error in Section 14.4.1.2.3 of the UNE Appendix, by changing reference from SBC 2- state to SBC 12-State.

(2) This Amendment shall not modify or extend the Effective Date or Term of the underlying Agreement, but rather, shall be coterminous with such Agreement.

(3) EXCEPT AS MODIFIED HEREIN, ALL OTHER TERMS AND CONDITIONS OF THE UNDERLYING AGREEMENT SHALL REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

(4) WHEREAS, In entering into this Amendment, the Parties acknowledge and agree that neither Party is waiving any of its rights, remedies or arguments with respect to any orders, decisions or proceedings and any remands thereof, including but not limited to its rights under the United States Supreme Court's opinion in *Verizon v. FCC*, 535 U.S. \_\_\_\_ (2002); the D.C. Circuit's decision in *United States Telecom Association, et. al v. FCC*, No. 00-101 (May 24, 2002); the FCC's Order *In the Matter of the Local Competition Provisions of the Telecommunications Act of 1996*, (FCC 99-370) (rel. November 24, 1999), including its Supplemental Order Clarification (FCC 00-183) (rel. June 2, 2000) in CC Docket 96-98; or the FCC's Order on Remand and Report and Order in CC Dockets No. 96-98 and 99-68 (the "ISP Intercarrier Compensation Order") (rel. April 27, 2001), which was remanded in *WorldCom, Inc. v. FCC*, No. 01-1218 (D.C. Cir. 2002). Rather, in entering into this Amendment, each Party fully reserves all of its rights, remedies and arguments with respect to any decisions, orders or proceedings, including but not limited to its right to dispute whether any UNEs and/or UNE combinations identified in the Agreement and this Amendment must be provided under Sections 251(c)(3) and 251(d) of the Act, and under this Agreement. Notwithstanding anything to the contrary in this Agreement and in addition to fully reserving its other rights, Southwestern Bell Telephone Company L.P. reserves its right to exercise its option at any time in the future to adopt on a date specified by Southwestern Bell Telephone Company L.P the FCC ISP terminating compensation plan, after which date ISP-bound traffic will be subject to the FCC's prescribed terminating compensation rates, and other terms and conditions. In the event that the FCC, a state regulatory agency or a court of competent jurisdiction, in any proceeding finds, rules and/or otherwise orders that any of the UNEs and/or UNE combinations provided for under this Agreement and this Amendment do not meet the necessary and impair standards set forth in Section 251(d)(2) of the Act, the affected provision will be immediately invalidated, modified or stayed as required to effectuate the subject order upon written request of either Party. In such event, the Parties shall have sixty (60) days from the effective date of the order to attempt to negotiate and arrive at an agreement on the appropriate conforming modifications required to the agreement. If the Parties

are unable to agree upon the conforming modifications required within sixty (60) days from the effective date of the order, any disputes between the Parties concerning the interpretations of the actions required or the provisions affected by such order shall be handled under the Dispute Resolution Procedures set forth in this Agreement.

(5) This Amendment shall be filed with and is subject to approval by the Kansas Corporation Commission, the Oklahoma Corporation Commission, and the Public Utility Commission of Texas.

14th IN WITNESS WHEREOF, this Amendment to the Agreement was exchanged in triplicate on this day of December, 2002, by Southwestern Bell Telephone, L.P. d/b/a Southwestern Bell Telephone Company, signing by and through its duly authorized representative, and CLEC, signing by and through its duly authorized representative.

**Sprint Communications Company LP****Southwestern Bell Telephone, L.P., d/b/a  
Southwestern Bell Telephone Company  
By SBC Telecommunications, Inc.,  
its authorized agent**By: W. Richard MorrisBy: Willena HendleyName: W. Richard Morris  
(Print or Type)Name: Willena Hendley  
(Print or Type)Title: V.P., State External AffairsTitle: For/ President - Industry Markets  
(Print or Type)Date: 12/11/02Date: DEC 16 2002

AECN/OCN # \_\_\_\_\_

BEFORE THE KANSAS CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of the Application of Southwestern )  
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AFFIDAVIT OF MICHAEL SCOTT

STATE OF KANSAS )  
 ) ss  
COUNTY OF SHAWNEE )

Before me, the Undersigned Authority, on the 27<sup>th</sup> day of December, 2002, personally appeared Michael Scott of Southwestern Bell Telephone, L.P. d/b/a SBC Kansas ("SBC") who, upon being by me duly sworn on oath depose and said the following:

1. My name is Michael Scott. I am over the age of 21, of sound mind and competent to testify to the matters stated herein. I am the Area Manager-Regulatory Issues for SBC, and I have personal knowledge concerning the Interconnection Agreement ("the Agreement") between SBC and Sprint Communications Company LP which was approved by the Commission on November 12, 2002 and the proposed modification to that Agreement.
2. This modification corrects a typographical error in Section 14.4.1.2.3 of the UNE Appendix by changing reference from SBC 2-state to SBC 12-state.
3. There are no outstanding issues between the parties that need the assistance of mediation and arbitration relating to the modification to the Agreement.
4. The implementation of this modification to the Agreement is consistent with the public interest, convenience and necessity.



5. This modification to the Agreement does not discriminate against any telecommunications carrier. The modification is available to any similarly situated local service provider in negotiating a similar agreement.
6. The negotiated and executed modification to the Agreement is consistent with Kansas law.

*Michael Scott*

Michael Scott

Subscribed and sworn to before me this 27<sup>th</sup> day of December, 2002.



*Belinda Joyce Wilson*  
Notary Public

My Commission Expires: *January 26, 2003*



Melanie N. Sawyer  
Attorney

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Telephone Company  
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melanie.sawyer@sbccom

December 27, 2002

Mr. Jeff Wagaman, Executive Director  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Kansas 66604-4027

STATE CORPORATION COMMISSION

DEC 27 2002

Re: Docket No. 03--SWBT-301-IAT

*Jeff Wagaman* Docket Room

Dear Mr. Wagaman:

Enclosed for filing with the Commission is an original and three (3) copies of an Application for Approval of a Modification to the Interconnection Agreement ("the Agreement") previously approved between Southwestern Bell Telephone, L.P. d/b/a SBC Kansas ("SBC") and Sprint Communications Company LP ("Sprint") on November 12, 2002 in the above-captioned docket. Also enclosed is the supporting Affidavit of Michael Scott, Area Manager-Regulatory Issues.

This modification corrects a typographical error in Section 14.4.1.2.3 of the UNE Appendix by changing reference from SBC 2-state to SBC 12-state. The Agreement, with this modification, and the attachments incorporated therein are an integrated package and are the result of negotiation and compromise. There are no outstanding issues between the parties that need the assistance of mediation or arbitration.

SBC files this modification to the Agreement seeking Commission approval of its terms and conditions consistent with the Federal Telecommunications Act of 1996. SBC represents and believes in good faith that the implementation of this modification to the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. SBC specifically requests that the Commission refrain from taking any action to change, suspend or otherwise delay implementation of this modification to the agreement, in keeping with the support for competition previously demonstrated by the Commission.

Contact information for Sprint is listed below.

CLEC Officer Name:	CLEC Attorney Name:
W. Richard Morris	
V.P. State External Affairs	
6450 Sprint Parkway	
Overland Park, KS 66251	
Phone: 913-315-9176	
Fax: 913-315-0752	

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Melanie Sawyer', with a stylized flourish at the end.

Melanie Sawyer  
Attorney

Enclosures

cc: Ms. Eva Powers (transmittal letter only)  
Mr. Joseph White (transmittal letter only)  
Mr. Larry Cooper  
Mr. W. Richard Morris