

**MEMORANDUM
UTILITIES DIVISION**

TO: Chairman Wright
Commissioner Moffett
Commissioner Harkins

FROM: Hal Baumhardt

DATE: August 22, 2008

DATE SUBMITTED TO LEGAL: 8/22/08

DATE SUBMITTED TO COMMISSONERS: 8/27/08

RE: Docket No. 03-SWBT-305-IAT

In the Matter of the Application of Southwestern Bell
Telephone Company for Approval of Interconnection
Agreement Under the Telecommunications Act of 1996 with
Bullseye Telecom, Inc.

BACKGROUND:

Southwestern Bell Telephone d/b/a AT&T Kansas ("AT&T") filed this application for approval of a modification to the Interconnection Agreement previously approved on January 6, 2003 between AT&T and Bullseye Telecom, Inc. ("Bullseye").

ANALYSIS:

AT&T affirms that implementation of this Agreement complies fully with Section 252(e) of the Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. AT&T Kansas and Bullseye deem this agreement promotes diversity, and increases telecommunications services.

The modification amends the Agreement adding language under Sections 1.0 and 2.0 to conform to the requirements of the FCC's interim terminating compensation plan for ISP-bound traffic¹.

¹ See FCC CC Docket No. 99-68, Intercarrier Compensation for ISP-Bound Traffic, Ref. ¶ 79. "In order to limit disputes and avoid costly efforts to identify this traffic...delivered to carrier...that exceeds a 3:1 ratio of terminating to originating traffic is ISP-bound traffic."

This amended Agreement also extends the original expiration date to January 9, 2011. The previous expiration data was set for January 9, 2008. Except as modified herein, all other terms and conditions of the underlying agreement remains unchanged and in full force.

Bullseye was granted a Certificate of Convenience and Authority on August 7, 2002 in Docket No. 03-BLEC-065-COC as an IXC service provider and was granted a Certificate of Convenience and Authority on September 18, 2002 in Docket No. 03-BLET-066-COC as a competitive local exchange carrier (CLEC).

Bullseye is registered with the Kansas Secretary of State's office and is currently "*active and in good standing.*"

Staff has reviewed these modifications to the interconnection agreement between AT&T Kansas and Bullseye, and Staff does not have any concerns with approving this application.

RECOMMENDATION:

Staff recommends the Commission grant approval for the modifications to the Interconnection Agreement between AT&T and Bullseye.

cc: Don Low Susan Duffy Colleen Harrell Janet Buchanan