

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

Before Commissioners: Pat Apple, Chairman
Shari Feist Albrecht
Jay Scott Emler

In the Matter of the Application of Southwestern)
Bell Telephone Company for Approval of)
Interconnection Agreement Under the) Docket No. 12-SWBT-182-IAT
Telecommunications Act of 1996 With Sonic)
Telecom, LLC.)

ORDER APPROVING AMENDED INTERCONNECTION AGREEMENT

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its files and record and being duly advised in the premises, the Commission makes the following findings:

1. On September 12, 2017, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed an Application requesting Commission approval of a modification to the Interconnection Agreement between SWBT and Sonic Telecom, LLC (Sonic). Supplementing its Application, SWBT included as Attachments I and II, a copy of the fully executed Amendment to the Interconnection Agreement and the Affidavit of Richard T. Howell, SWBT's Manager-Regulatory Relations.

2. SWBT states that the Amendment to Agreement entered into between SWBT and Sonic on June 29, 2017, amends the Interconnection Agreement between the two parties, which was approved by the Commission on November 10, 2011. The subject Interconnection Agreement and Amendment to Agreement are collectively referred to herein as "amended Agreement". SWBT further states that the amended Agreement is for the purpose of implementing Intercarrier compensation rates at Bill & Keep, for termination of all Section

251(b)(5) Traffic exchanged between the parties in the current Agreement.¹ SWBT maintains that the amended Agreement fully complies with Section 252(e) of the Telecommunications Act of 1996 (Federal Act) and is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.²

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2016 Supp. 66-1,188. K.S.A. 66-1,190 requires all telecommunications public utilities doing business in Kansas to:

...publish and file with the commission copies of all schedules of rates, joint rates, tolls, charges, classifications and divisions of rates affecting Kansas traffic, either state or interstate, and shall furnish the commission copies of all rules and regulations and contracts between such telecommunications public utilities pertaining to any and all jurisdictional services to be rendered by such telecommunications public utilities.

Section 252(e)(2) of the Federal Act [47 U.S.C. §252(e)(2)] requires the Commission to presume that interconnection agreements entered into through negotiation and submitted for Commission approval are valid unless:

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

4. On November 27, 2017, the Commission Staff (Staff) submitted its Report and Recommendation dated November 16, 2017, confirming that SWBT's requested modification implements intercarrier compensation rates at Bill & Keep, for all Section 251(b)(5) traffic exchanged between the parties in the current Agreement. Citing Section 252(e) of the Federal Act, Staff states that it has reviewed the amended Agreement and finds no evidence to conclude that the amended Agreement discriminates against any telecommunications carrier, nor is it

¹ Application, page 1.

² Id., pages 1 and 2.

inconsistent with the public interest, convenience and necessity. Concluding, Staff recommends the Commission grant SWBT's Application and approve the amended Agreement.³

5. The Commission adopts Staff's analysis and recommendation of November 16, 2017, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that SWBT's Application should be granted and that the amended Agreement between SWBT and Sonic should be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Southwestern Bell Telephone Company d/b/a AT&T Kansas' Application is hereby granted and the amended Interconnection Agreement between SWBT and Sonic Telecom, LLC is hereby approved.

B. The parties have fifteen (15) days, plus three (3) 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. K.S.A. 66-118b; K.S.A. 2016 Supp. 77-529(a)(1).

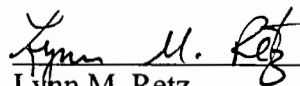
C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order, or orders, as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: NOV 30 2017

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Lynn M. Retz
Secretary to the Commission

³ Ibid., page 2.

EMAILED

NOV 30 2017

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chairman Pat Apple
Commissioner Shari Feist Albrecht
Commissioner Jay Scott Emler

FROM: Kelly Mabon, Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: November 16, 2017

SUBJECT: Docket No. 12-SWBT-182-IAT
In the Matter of the Application of Southwestern Bell Telephone Company for
Approval of Interconnection Agreement Under the Telecommunications Act of
1996 With Sonic Telecom, LLC

EXECUTIVE SUMMARY:

On September 12, 2017, Southwestern Bell Telephone Company (SWBT) filed a Modification to an Interconnection Agreement (Agreement) between SWBT and Sonic Telecom, LLC (Sonic). Staff recommends approval of the filing.

The Commission action date is **Monday, December 11, 2017.**

BACKGROUND:

The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 66-1,188. K.S.A. 66-1,190 requires all telecommunications public utilities doing business in Kansas over which the Commission has control to "publish and file with the commission copies of all schedules of rates, joint rates, tolls, charges, classifications and divisions of rates affecting Kansas traffic, either state or interstate, and shall furnish the commission copies of all rules and regulations and contracts between such telecommunications public utilities pertaining to any and all jurisdictional services to be rendered by such telecommunications public utilities."

The U.S. Congress and the Federal Communications Commission (FCC) have pre-empted certain aspects of state regulation of interconnection between telecommunications carriers. Section 252(e)(2) of the Federal Telecommunications Act of 1996 (47 U.S.C. §252(e)(2)) requires the

Commission to presume that interconnection agreements entered into through negotiation and submitted for Commission approval are valid unless:

- 1) the agreement (or portions thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- 2) the implementation of such an agreement (or portions thereof) is not consistent with the public interest, convenience, and necessity.

ANALYSIS:

This modification implements intercarrier compensation rates at bill & keep, for termination of all Section 251 (b)(5) traffic exchanged between the parties in the current Agreement.

The Applicant is seeking review and approval of a Modification to this Agreement under Section 252(e) of the Federal Telecommunications Act. Section 252(e) of the Federal Act states that state commissions may reject a negotiated agreement only if it finds that the agreement (or portions thereof) discriminates against a telecommunications carrier not a party to the agreement; or the implementation of such an agreement (or portions thereof) is not consistent with the public interest, convenience and necessity. Staff has reviewed the proposed Modification to the Agreement and finds no such cause for concern with this filing.

RECOMMENDATION:

Staff believes it is in the public interest to grant approval of the Modification to the Agreement between SWBT and Sonic.

CERTIFICATE OF SERVICE

12-SWBT-182-IAT

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

Electronic Service on NOV 30 2017.

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/S/ DeeAnn Shupe

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EMAILED

NOV 30 2017