

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

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

In the Matter of the Application for Approval)
of an Interconnection Agreement Between)
Embarq Missouri, Inc. d/b/a CenturyLink;)
United Telephone Company of Kansas d/b/a)
CenturyLink; United Telephone Company of) Docket No. 16-USET-143-IAT
Southcentral Kansas dba CenturyLink ; United)
Telephone Company of Eastern Kansas d/b/a)
CenturyLink and QuantumShift Communications,)
Inc. Pursuant to The Telecommunications Act)
of 1996.)

ORDER APPROVING INTERCONNECTION AGREEMENT

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and record, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On September 14, 2015, Embarq Missouri, Inc. d/b/a CenturyLink; United Telephone Company of Kansas d/b/a CenturyLink; United Telephone Company of Southcentral Kansas d/b/a CenturyLink; and United Telephone Company of Eastern Kansas d/b/a CenturyLink (collectively referred to herein as "CenturyLink") filed an Application seeking Commission approval of an Interconnection Agreement between CenturyLink and QuantumShift Communications, Inc. (QuantumShift). Supplementing its Application, CenturyLink included a copy of the Interconnection Agreement executed by the parties on August 18, 2015.

2. On November 24, 2015, the Commission Staff (Staff) submitted its Report and Recommendation dated November 20, 2015, recommending the Commission grant CenturyLink's Application and approve the Interconnection Agreement between CenturyLink

and QuantumShift. CenturyLink contends that the Interconnection Agreement fully complies with Section 252(e) of the Federal Telecommunications Act of 1996 (Federal Act), and that approval of the Agreement is consistent with the public interest, convenience, and necessity, and does not discriminate against any telecommunications carrier. CenturyLink further maintains that the Agreement promotes diversity in providers, and increases customer choice for telecommunications services and that its negotiation and execution is consistent with Kansas' regulatory statutes¹.

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2014 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:

- (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.

4. According to Staff, QuantumShift operates as a competitive local exchange carrier (CLEC) and as an interexchange carrier (IXC) in the State of Kansas. QuantumShift was acquired by VCOM Solutions on May 28, 2004, and in addition to telecommunications services,

¹ Application at pages 1 and 2.

the company provides telecom products, IT outsourcing, and system integration services. Staff states that QuantumShift was granted Certificates of Convenience and Authority on June 25, 2001, in Docket No. 01-QTST-962-CCN, as a CLEC, and in Docket No. 01-QTSC-954-COC as an IXC. QuantumShift is registered with the Kansas Secretary of State's Office as a foreign for profit corporation, whose status with that office is *active and in good standing*. Staff determines that the company is current with Kansas Universal Service Fund (KUSF) and Commission assessments, and its 2014 Annual Interrogatory. The Interconnection Agreement between CenturyLink and QuantumShift made the subject of this Application will remain in effect for a term of three (3) years from the date of execution, until August 18, 2018, unless terminated earlier in accordance with the terms of the Agreement. Staff states that it has reviewed the Interconnection Agreement between CenturyLink and QuantumShift and has no concerns regarding CenturyLink's Application and affirms that the Agreement does not discriminate against a carrier not a party to the Agreement. Concluding, Staff recommends the Commission grant CenturyLink's Application and approve the Interconnection Agreement between CenturyLink and QuantumShift.²

5. The Commission adopts Staff's analysis and recommendation of November 20, 2015, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that CenturyLink's Application should be granted and the Interconnection Agreement between CenturyLink and QuantumShift should be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Embarq Missouri, Inc. d/b/a CenturyLink; United Telephone Company of Kansas d/b/a CenturyLink; United Telephone Company of Southcentral Kansas d/b/a CenturyLink; and United Telephone Company of Eastern Kansas d/b/a CenturyLink is

²Report and Recommendation, pages 2 and 3.

hereby granted and the Interconnection Agreement between CenturyLink and QuantumShift Communications, Inc. executed by the parties on August 18, 2015, is hereby approved.

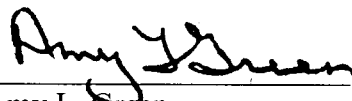
B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529(a)(1).

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.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: DEC 01 2015



Amy L. Green
Secretary to the Commission

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ORDER MAILED DEC 02 2015

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

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

FROM: Hal Baumhardt, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: November 20, 2015

SUBJECT: 16-USET-143-IAT
In the Matter of the Application for Approval of an Interconnection Agreement Between Embarq Missouri, Inc. d/b/a CenturyLink; United Telephone Company of Kansas d/b/a CenturyLink; United Telephone Company of Southcentral Kansas d/b/a CenturyLink; United Telephone Company of Eastern Kansas d/b/a CenturyLink and QuantumShift Communications, Inc. Pursuant to The Telecommunications Act of 1996

EXECUTIVE SUMMARY:

On September 14, 2015, Embarq Missouri, Inc. d/b/a CenturyLink; United Telephone Company of Kansas d/b/a CenturyLink; United Telephone Company of Southcentral Kansas d/b/a CenturyLink; United Telephone Company of Eastern Kansas d/b/a CenturyLink (CenturyLink) filed an Application for approval of an Interconnection Agreement (Agreement) between CenturyLink and QuantumShift Communications, Inc. (QuantumShift).

Staff recommends approval of the filing.

BACKGROUND:

On September 14, 2015, CenturyLink filed an Application for approval of an Agreement between CenturyLink and QuantumShift.

QuantumShift operates as a competitive local exchange carrier (CLEC) and as an interexchange carrier (IXC) in the State of Kansas. QuantumShift was acquired by VCOM Solutions on May 28, 2004, and in addition telecommunications services, the Company provides telecom products, IT outsourcing, and system integration services.

QuantumShift was granted Certificates of Convenience and Authority on June 25, 2001, in Docket No. 01-QTST-962-CCN¹ as a CLEC and in Docket No. 01-QTSC-954-COC as an IXC.

QuantumShift is registered with the Kansas Secretary of State's Office and is "*active and in good standing*" with that office. Moreover, the Company is current with Kansas Universal Service Fund (KUSF), Commission Assessments, and its 2014 Annual Interrogatory.

CenturyLink operates as a rural telephone company and is the second largest local exchange carrier (LEC) in Kansas. CenturyLink operates three separate service areas in Kansas: Eastern; Southeast; and United. CenturyLink is headquartered in Monroe, Louisiana, and its President is Kenny Wyatt.

ANALYSIS:

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 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.

CenturyLink 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. CenturyLink deems this Agreement promotes diversity in providers and increases customer choice for telecommunications services.

CenturyLink and QuantumShift acknowledged that the Agreement herein shall consist of the Interconnection, Collocation and Resale Agreement in the State of Kansas which was

¹ Docket 00-MVXT-255-COC granted MVX.Com Communications authority to provide CLEC service. Docket 01-QTST-962-CCN granted a name change from MVX.Com Communications to QuantumShift Communications.

entered into on August 18, 2015. The term of this Agreement is for three years or until August 18, 2018, which corresponds with the expiration date of the adopted Agreement.

Staff has reviewed this Agreement between CenturyLink and QuantumShift, and Staff does not have any concerns regarding the Application. Furthermore, Staff affirms that this Agreement does not discriminate against a carrier not a party to the Agreement and approval of this Agreement is in the public interest.

RECOMMENDATION:

Staff recommends the Commission grant approval of this Agreement between CenturyLink and QuantumShift Communications.

CERTIFICATE OF SERVICE

16-USET-143-IAT

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on DEC 01 2015.

JENNA BROWN
QUANTUMSHIFT COMMUNICATIONS, INC.
C/O VCOM SOLUTIONS
12657 ALCOSTA BLVD STE 418
SAN RAMON, CA 94583-4433
jbrown@vcomsolutions.com

OTTO NEWTON, LITIGATION COUNSEL
OTTO NEWTON
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604
Fax: 785-271-3167
o.newton@kcc.ks.gov
Hand Delivered

LINDA K. GARDNER, ATTORNEY
UNITED TELEPHONE CO. OF KANSAS
D/B/A CENTURYLINK
KSOPKJ0702
600 NEW CENTURY PKWY
NEW CENTURY, KS 66031
Fax: 913-345-6756
linda.gardner@centurylink.com

/S/ DeeAnn Shupe
DeeAnn Shupe

ORDER MAILED DEC 02 2015