

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

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

In the Matter of the Application for Approval)
of an Interconnection, Collocation and Resale)
Agreement Between United Telephone) Docket No. 17-UTDT-077-IAT
Company of Eastern Kansas d/b/a)
CenturyLink; United Telephone Company of)
Kansas d/b/a CenturyLink; United Telephone)
Company of Southcentral Kansas d/b/a)
CenturyLink; Embarq Missouri, Inc. d/b/a)
CenturyLink and Comcast Phone of Kansas,)
LLC d/b/a Comcast Digital Phone Pursuant to)
the Telecommunications Act of 1996)

ORDER APPROVING INTERCONNECTION AGREEMENT MODIFICATIONS

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 records and being duly advised in the premises, the Commission makes the following findings:

1. On September 1, 2016, United Telephone Company of Eastern Kansas, United Telephone Company of Kansas, United Telephone Company of Southcentral Kansas, and Embarq Missouri, Inc., all d/b/a CenturyLink (CenturyLink), filed an application for approval of an Interconnection Agreement (Agreement) between CenturyLink and Comcast Phone of Kansas, LLC (Comcast), entered into on August 16, 2016. The agreement states it replaces all other Section 251 existing agreements in Kansas between the companies.

2. Section 252(e)(2) of the Federal Telecommunications Act of 1996¹ 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.

3. Commission Staff submitted a Report and Recommendation in regards to the Interconnection Agreement on October 19, 2016, attached hereto and made a part hereof by reference. Staff has no concerns regarding the Application, affirming that this Agreement does not discriminate against a carrier not a party to the Agreement and stating that approval of this Agreement is in the public interest. Staff recommended approval of the Interconnection Agreement.

4. The Commission finds Staff's findings and recommendation to be reasonable and hereby adopts the same.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Interconnection Agreement between United Telephone Company of Eastern Kansas, United Telephone Company of Kansas, United Telephone Company of Southcentral Kansas, and Embarras Missouri, Inc., all d/b/a CenturyLink and Comcast Phone of Kansas, LLC, filed September 1, 2016, is 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. 77-529(a)(1).

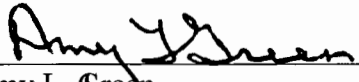
C. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further order, or orders, as it may deem necessary.

¹47 U.S.C. §252(e)(2).

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: NOV 01 2016



Amy L. Green
Secretary to the Commission

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**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

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

FROM: Paula Artzer, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: October 19, 2016

SUBJECT: 17-UTDT-077-IAT
In the Matter of the Application for Approval of an Interconnection, Collocation and Resale Agreement Between United Telephone Company of Eastern Kansas d/b/a CenturyLink; United Telephone Company of Kansas d/b/a CenturyLink; United Telephone Company of Southcentral Kansas d/b/a CenturyLink; Embarq Missouri, Inc. d/b/a CenturyLink and Comcast Phone of Kansas, LLC d/b/a Comcast Digital Phone Pursuant to the Telecommunications Act of 1996

EXECUTIVE SUMMARY:

On September 1, 2016, United Telephone Company of Eastern Kansas, United Telephone Company of Kansas, United Telephone Company of Southcentral Kansas, and Embarq Missouri, Inc., all d/b/a CenturyLink (CenturyLink), filed an Application for approval of an Interconnection Agreement (Agreement) between CenturyLink and Comcast Phone of Kansas, LLC (Comcast). The Agreement states this replaces all other Section 251 existing agreements in Kansas between the companies. Staff recommends approval of the filing.

BACKGROUND:

On August 16, 2016, CenturyLink and Comcast entered into an Agreement for Interconnection and Resale of CenturyLink services. CenturyLink filed for approval of this Agreement between CenturyLink and Comcast. The Agreement expires August of 2019.

CenturyLink is a Certificated Incumbent Local Exchange Carrier in the state of Kansas, is headquartered in Monroe, Louisiana, and the CEO is Glenn Post.

Comcast is headquartered in Philadelphia, Pennsylvania, and the Chairman and CEO is Brian Roberts. Comcast received their Certificates, 05-CPKT-1036-COC and 05-CPKT-1037-COC, from the Kansas Corporation Commission. The Orders were issued June 13, 2005.

Both CenturyLink and Comcast are properly registered with the Kansas Secretary of State's office and are "active and in good standing" with the Secretary's office.

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 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.

CenturyLink affirms that implementation of this Agreement complies fully with Section 252(e) of the Federal 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, provides interconnectivity, and will increase customer choices for telecommunications services.

Staff does not have any concerns regarding this Application. Staff reviewed the Agreement and did not find any language that discriminates against other telecommunications carriers not a party to the Agreement. Implementation of this Agreement is in the public interest because it provides additional telecommunications carrier options for the consumer.

RECOMMENDATION:

Staff recommends the Commission grant approval of this Interconnection Agreement between CenturyLink and Comcast Phone of Kansas, LLC. Staff finds no evidence of discrimination against other parties and finds that it is in the public interest, convenience and necessity of the citizens of Kansas to have additional options in their choice for telecommunications providers.

CERTIFICATE OF SERVICE

17-UTDT-077-IAT

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

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first class mail/hand delivered on _____.

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/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

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