

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

Before Commissioners:                    Mark Sievers, Chairman  
   Thomas E. Wright  
   Shari Feist Albrecht

Joint Application of United Telephone Company    )  
of Kansas, United Telephone Company of            )  
Eastern Kansas, United Telephone Company of    )  
Southcentral Kansas and United Telephone        )  
Company of Southeastern Kansas (Sprint) and     )  
WWC License L.L.C. for Approval of Commercial    )  
Mobile Radio Services Interconnection Agreement )     Docket No. 01-UTDT-1034-IAT  
Under PURA 95 Federal Telecommunications        )  
Act of 1996.    )

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

1.       On March 25, 2013, United Telephone Company of Kansas d/b/a CenturyLink, United Telephone Company of Eastern Kansas d/b/a CenturyLink, United Telephone Company of Southcentral Kansas d/b/a CenturyLink, and United Telephone Company of Southeastern Kansas d/b/a CenturyLink, f/k/a "Sprint", now collectively referred to as CenturyLink, filed an Application requesting Commission approval of an amendment to the Commercial Mobile Radio Services Interconnection Agreement (CMRS Interconnection Agreement) between CenturyLink and USCOC Nebraska/Kansas, LLC, successor in interest to WWC License L.L.C. Supplementing its Application CenturyLink included a copy of the fully executed ICC Bill-and-Keep Amendment (Amendment) to the CMRS Interconnection Agreement between Sprint, n/k/a CenturyLink, and USCOC Nebraska/Kansas, LLC (USCOC), successor in interest to WWC

License L.L.C. The CMRS Interconnection Agreement was previously approved by the Commission on July 6, 2001. The Amendment entered into by CenturyLink and USCOC on February 20, 2013 is for the purpose of implementing the Federal Communications Commission's (FCC) November 18, 2011 Report and Order<sup>1</sup>, which provides that "bill-and-keep" shall be the default compensation arrangement between wireline and wireless telecommunications carriers for the exchange of all intra-MTA (Major Trading Area) traffic. Under such an arrangement, neither party pays the other party for transport or termination of the traffic. The CMRS Interconnection Agreement, as amended by the February 20, 2013 Amendment, recognizes that beginning July 1, 2012, all intra-MTA traffic between CenturyLink and USCOC will be exchanged pursuant to a "bill and keep" arrangement, meaning that neither party will be required to pay the other for transport and termination of the traffic subject to the amended Agreement.

2. On June 13, 2013, the Commission Staff (Staff) submitted its Report and Recommendation dated June 12, 2013, recommending the Commission approve the Amendment to the CMRS Interconnection Agreement between CenturyLink and USCOC. According to Staff, the CMRS Interconnection Agreement, as amended by the February 20, 2013 Amendment, provides that all Major Trading Area traffic exchanged between the parties will be exchanged pursuant to a "bill and keep" arrangement. Citing Section 252(e) of the Federal Telecommunications Act of 1996, Staff states that a state commission 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 if it finds that implementation of

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<sup>1</sup> FCC's November 18, 2011 Report and Order and Further Notice of Proposed Rulemaking, *In the Matter of the Connect America Fund, et al., Order on Reconsideration*, WC Docket 10-90. FCC 11-161, as modified by the FCC's Order on Reconsideration of December 23, 2011 (FCC 11-189), *In the Matter of the Connect America Fund, et al.*, at ¶¶ 7-8.

such an agreement (or portions thereof) is not consistent with the public interest, convenience, and necessity. Staff further states that it has reviewed the CMRS Interconnection Agreement, as amended by the February 20, 2013 Amendment, and finds no cause for concern regarding CenturyLink's Application. Concluding, Staff recommends Commission approval of the CMRS Interconnection Agreement, as amended by the February 20, 2013 Amendment. Report and Recommendation at page 2.

3. The Commission adopts Staff's recommendation of June 12, 2013, 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 that the CMRS Interconnection Agreement, as amended by the February 20, 2013 Amendment, should be approved.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. CenturyLink's Application is hereby granted and the CMRS Interconnection Agreement, as amended by the February 20, 2013 Amendment between CenturyLink and USCOC Nebraska/Kansas, 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. 2012 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.**

Sievers, Chmn.; Wright, Com.; Albrecht, Com.

Dated: JUN 20 2013

*Jackie Montfort Paige*

ORDER MAILED JUN 20 2013

ACTING  
Executive Director

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Mark Sievers, Chairman  
Thomas E. Wright, Commissioner  
Shari Feist Albrecht, Commissioner

Sam Brownback, Governor

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chairman Mark Sievers  
Commissioner Thomas E. Wright  
Commissioner Shari Feist Albrecht

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

STATE CORPORATION  
COMMISSION

JUN 13 2013

PATRICE PETERSEN-KLEIN  
EXECUTIVE DIRECTOR

**DATE:** June 12, 2013

**DATE SUBMITTED TO EXECUTIVE DIRECTOR:** 6/13/13

**DATE SUBMITTED TO LEGAL:** 6-13-13

**DATE SUBMITTED TO COMMISSIONERS:** 6-13-13

**SUBJECT: Docket No. 01-UTDT-1034-IAT**  
Joint Application of United Telephone Company of Kansas, United Telephone Company of Eastern Kansas, United Telephone Company of Southcentral Kansas and United Telephone Company of Southeastern Kansas (Sprint) and WWC License L.L.C. for Approval of Commercial Mobile Radio Services Interconnection Agreement Under PURA 95 Federal Telecommunications Act of 1996.

**EXECUTIVE SUMMARY:**

On March 25, 2013, CenturyLink filed Modification to an Interconnection Agreement (Agreement) with WWC License, LLC. Staff recommends approval of the filing.

The Commission action date is **Sunday, June 23, 2013.**

**ANALYSIS:**

The Federal Communications Commission issued an Order on November 18, 2011, providing that "bill and keep" shall be the default compensation arrangement between wireline and wireless telecommunications carriers for the exchange of all intra-MTA (major trading area) traffic and that this is to be a change of law under existing Agreements. The Amendment recognizes that beginning July 1, 2012, all intra-MTA

traffic between the parties shall be required to be exchanged pursuant to a “bill and keep” arrangement.

The Applicant is seeking review and approval of an Amendment 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 Amendment to the Agreement and finds no such cause for concern with this filing.

**RECOMMENDATION:**

Staff recommends the Commission grant approval of the Amendment to the Agreement between Centurylink and WWC License, LLC.

cc: \_\_\_\_\_ Executive Director

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
LINDA K. GARDNER, ATTORNEY UNITED TELEPHONE CO. OF KANSAS D/B/A CENTURYLINK KSOPKJ0702 5454 W 110TH ST OVERLAND PARK, KS 66211-1204		

ORDER MAILED JUN 20 2013

The Docket Room hereby certified that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.