

**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 United)
Telephone Company of Kansas d/b/a CenturyLink;)
United Telephone Company of Southcentral)
Kansas d/b/a CenturyLink; United Telephone) Docket No. 16-UTDT-159-IAT
Company of Eastern Kansas d/b/a CenturyLink;)
Embarq Missouri, Inc. d/b/a CenturyLink, and)
Big River Telephone Company, LLC 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 25, 2015, 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 Embarq Missouri, Inc. d/b/a CenturyLink (collectively, "CenturyLink") filed an Application requesting Commission approval of an Interconnection Agreement between CenturyLink and Big River Telephone Company, LLC (Big River). Supplementing its Application, CenturyLink included a copy of the Interconnection Agreement executed by the parties on September 14, 2015.

2. On November 23, 2015, the Commission Staff (Staff) submitted its Report and Recommendation dated November 18, 2015, recommending the Commission grant CenturyLink's Application and approve the Interconnection Agreement between CenturyLink and Big River.

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 Telecommunications Act of 1996 (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. CenturyLink contends that implementation of the amended Agreement complies fully with Section 252(e) of the Federal Act and is consistent with the public interest, convenience, and necessity and does not discriminate against any telecommunications carrier. Staff states that it has reviewed the Interconnection Agreement and finds no evidence to conclude that the Agreement discriminates against any telecommunications carrier, nor is it inconsistent with the public interest, convenience, or necessity. Staff believes the public will generally benefit from the Commission's granting of CenturyLink's Application. Concluding, Staff recommends the Commission grant CenturyLink's Application and approve the Interconnection Agreement.¹

¹ Report and Recommendation, page 2.

5. The Commission adopts Staff's analysis and recommendation of November 18, 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 Big River should be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The September 25, 2015 Application of 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 Embarq Missouri, Inc. d/b/a CenturyLink is hereby granted and the Interconnection Agreement between CenturyLink and Big River Telephone Company, LLC is hereby approved.

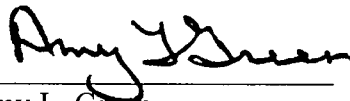
B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529(a)(1).

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

DATE: November 18, 2015

SUBJECT: Docket No. 16-UTDT-159-IAT
In the Matter of the Application for Approval of an Interconnection Agreement Between United Telephone Company of Kansas d/b/a CenturyLink; United Telephone Company of Southcentral Kansas d/b/a CenturyLink; United Telephone Company Eastern Kansas d/b/a CenturyLink; Embarq Missouri, Inc. d/b/a CenturyLink, and Big River Telephone Company, LLC Pursuant to The Telecommunications Act of 1996

EXECUTIVE SUMMARY:

On September 25, 2015, United Telephone Company of Kansas, United Telephone Company of Southcentral Kansas, United Telephone Company of Eastern Kansas, and Embarq Missouri, Inc. d/b/a CenturyLink (CenturyLink) filed an Application for approval of an Interconnection Agreement with Big River Telephone Company (Big River). Staff recommends approval of this Application.

The Commission action date is **Saturday, January 23, 2016.**

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 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:

CenturyLink contends that implementation of this Agreement complies fully with Section 252(e) of the Federal Act and believes approval is consistent with the public interest, convenience, and necessity and does not discriminate against any telecommunications carrier.

Having reviewed the Agreement between CenturyLink and Big River, Staff finds no evidence to conclude this Agreement discriminates against any telecommunications carrier, nor is it inconsistent with public interest, convenience, or necessity. Staff believes the public will generally benefit from KCC approval of this Application.

The companies are registered with the Kansas Secretary of State and are active and in good standing with that office.

RECOMMENDATION:

Staff recommends the Commission grant approval of this Application for an Interconnection Agreement between CenturyLink and Big River.

CERTIFICATE OF SERVICE

16-UTDT-159-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.

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/S/ DeeAnn Shupe
DeeAnn Shupe

ORDER MAILED DEC 02 2015