

because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. Application at pages 1 and 2.

2. 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:

... 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 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.

3. On March 11, 2014, the Commission Staff (Staff) submitted its Report and Recommendation dated March 10, 2014, providing its review and analysis of SWBT's request. According to Staff, SWBT, on December 12, 2006, filed in this docket an application requesting approval of an Interconnection Agreement between SWBT and DIECA Communications, Inc. d/b/a Covad Communications Company. The Commission issued an Order approving the Interconnection Agreement on December 13, 2006. Staff further states that DIECA was granted a Certificate of Convenience and Authority to provide Competitive Local Exchange services within the State of Kansas pursuant to the Commission's August 31, 1999 Order issued in Docket No. 99-DCIT-945-COC. On March 19, 2012, DIECA filed a letter in Docket No. 12-DCIT-705-CCN requesting a name change to MegaPath Corporation (MegaPath) and on April

11, 2012, the Commission approved the request. The modification sought by SWBT in this proceeding amends the Interconnection Agreement to reflect the name change from DIECA to MegaPath and replaces the Notice provisions under Section 15.0 of the current Agreement. The Notice provisions were revised to allow for Notice to be delivered by electronic mail (email) and also update the contact information. Report and Recommendation at pages 1 and 2.

4. Citing Section 252(e) of the Federal Act, Staff adds 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 such an agreement (or portions thereof) is not consistent with the public interest, convenience and necessity. Staff further states that it has reviewed the Amendment finding no cause for concern regarding SWBT's Application. Concluding, Staff further determines that no other parties will be disadvantaged or negatively impacted by the proposed Amendment and recommends Commission approval of SWBT's requests. Report and Recommendation at page 3.

5. The Commission adopts Staff's analysis and recommendation of March 10, 2014, 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 proposed Amendment reflecting the name change from DIECA to MegaPath and replacing the Notice provisions under Section 15.0 of the Interconnection Agreement should be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Southwestern Bell Telephone Company d/b/a AT&T Kansas' Application filed December 5, 2013 is hereby granted and the proposed Amendment to the Interconnection Agreement reflecting the name change from DIECA Communications, Inc. d/b/a Covad

Communications Company to MegaPath Corporation, and replacing the Notice provisions under Section 15.0 of the Agreement 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.

Albrecht, Chair; Wright, Com.; Emler, Com.

Dated: MAR 18 2014


ORDER MAILED MAR 19 2014

Kim Christiansen
Executive Director

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**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chair Shari Feist Albrecht
Commissioner Thomas E. Wright
Commissioner Jay Scott Emler

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

DATE: March 10, 2014

DATE SUBMITTED TO LEGAL: MAR 10 2014

DATE SUBMITTED TO COMMISSIONERS: 3/11/14

SUBJECT: Docket No. 07-SWBT-574-IAT

In the Matter of the Application of Southwestern Bell Telephone, L.P. for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 with DIECA Communications, Inc. d/b/a Covad Communications Company.

EXECUTIVE SUMMARY:

On December 5, 2013, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed a request for approval of a Modification to the Interconnection Agreement between SWBT and DIECA Communications, Inc. d/b/a Covad Communications Company (DIECA). This modification changes DIECA's name to MegaPath Corporation as the party to the Agreement and replaces the Notice provisions in Section 15.0 of the current Agreement. Staff recommends approval of the filing.

BACKGROUND:

On December 12, 2006, SWBT filed for approval of an Interconnection Agreement with DIECA Communications, Inc. d/b/a Covad Communications Company under the Telecommunications Act of 1996. On December 13, 2006, the Commission issued an Order granting approval of the Interconnection Agreement.

DIECA was granted a Certificate of Convenience and Authority to provide Competitive Local Exchange services within the state of Kansas in Docket No. 99-DCIT-945-COC on

August 31, 1999. On March 19, 2012, DIECA filed a letter requesting to change its name to MegaPath Corporation (MegaPath). On April 11, 2012, the Commission issued an Order approving the name change.

ANALYSIS:

The modification amends the Agreement to reflect that DIECA has changed its name to MegaPath and replaces the Notice provisions in Section 15.0 of the current Agreement. The Notice provisions were revised to allow for Notice to be delivered by electronic mail (email). MegaPath's contact information was also updated. No other changes have been made.

SWBT asserts that implementation of this Agreement complies fully with Section 252(e) of the Telecommunications Act of 1996 because the Agreement is consistent with the public interest, convenience, and necessity and does not discriminate against any telecommunications carrier.

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 Modification and finds no such cause for concern from this filing.

RECOMMENDATION:

Staff has reviewed the Modification and finds no indications that other parties may be disadvantaged or negatively impacted by its approval. Staff recommends Commission approval of the Modification to the Interconnection Agreement.

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
KATHERINE MUDGE, DIRECTOR STATE AFFAIRS AND LITIGATION MEGAPATH CORPORATON 1835-B KRAMER LANE AUSTIN, TX 95131		
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
BRUCE A. NEY, GENERAL ATTORNEY SOUTHWESTERN BELL TELEPHONE CO. D/B/A AT&T KANSAS 220 SE 6TH AVE RM 515 TOPEKA, KS 66603-3596		

ORDER MAILED **MAR 19 2014**

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.