

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

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

In the Matter of the Application of                      )  
Southwestern Bell Telephone, LP for                      )  
Approval of Interconnection Agreement                      )                      Docket No. 06-SWBT-376-IAT  
Under the Telecommunications Act of                      )  
1996 with Trinsic Communications, Inc.                      )

**ORDER APPROVING AMENDED 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 November 28, 2017, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) filed an Application requesting Commission approval of an amendment to the Interconnection Agreement approved by the Commission on October 26, 2005, between AT&T and Trinsic Communications, Inc., now Matrix Telecom, LLC (Matrix). Supplementing its Application, AT&T included a copy of the Amendment to the Interconnection Agreement (Amendment) executed by the parties on September 26, 2017, and the Affidavit of Richard T. Howell, AT&T's Area Manager-Regulatory Relations. AT&T states that Matrix has acquired TNCI Operating Company, LLC (TNCI), and has assumed all of the liabilities and obligations of TNCI, including all charges previously assessed against TNCI's Access Customer Name Abbreviation (ACNA) and Operating Company Number (OCNs) prior to the effective date of the proposed Amendment. The Amendment adds the TNCI ACNA and OCN's to the Interconnection Agreement. The Interconnection Agreement and proposed Amendment are collectively referred to herein as "amended Agreement". AT&T further states that upon approval of the Amended

Agreement, AT&T will file to terminate the interconnection agreement between AT&T and TNCI previously approved in Docket No. 09-SWBT-754-IAT.<sup>1</sup>

2. On December 5, 2017, the Commission Staff (Staff) submitted its Report and Recommendation dated November 30, 2017, recommending the Commission grant AT&T's Application and approve the amended Agreement between AT&T and Matrix. Staff confirms that the requested Amendment to the current Agreement includes the modifications referenced in paragraph 1 above.<sup>2</sup> According to Staff, Matrix is a foreign limited liability company properly registered with the Kansas Secretary of State's office, whose status with that office is *active and in good standing*. Matrix received Certificates of Convenience and Authority from the Commission to provide Competitive Local Exchange (CLEC) service and Interexchange service in Docket Nos. 05-MXTC-867-COC and 91-MXTC-123-COC, respectively.<sup>3</sup>

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2016 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:

(1) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or

---

<sup>1</sup> Application, page 1.

<sup>2</sup> Report and Recommendation, page 2.

<sup>3</sup> Id.

(2) the implementation of such an agreement or portion is not consistent with the public interest, convenience, and necessity.

4. AT&T contends that implementation of the amended Agreement complies fully with Section 252(e) of the Telecommunications Act of 1996 (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 requested modification finding no language that discriminates against other telecommunications carriers not a party to the Agreement or language that is inconsistent with the public interest, convenience, and necessity. Concluding, Staff indicates that it finds no cause for concern regarding this filing and recommends the Commission grant AT&T's Application and approve the amended Agreement.<sup>4</sup>

5. The Commission adopts Staff's analysis and recommendation of November 30, 2017, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that AT&T's Application should be granted and the amended Agreement between AT&T and Matrix should be approved.

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

A. The November 28, 2017 Application of Southwestern Bell Telephone Company d/b/a AT&T Kansas is hereby granted and the amended Interconnection Agreement between AT&T and Matrix Telecom, 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. 2016 Supp. 77-529(a)(1).

---

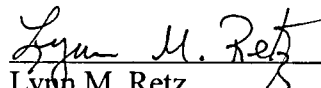
<sup>4</sup>Ibid.

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.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: DEC 12 2017

  
\_\_\_\_\_  
Lynn M. Retz  
Secretary to the Commission

oan

**Order Mailed Date**

**DEC 13 2017**

**REPORT AND RECOMMENDATION**  
**UTILITIES DIVISION**

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

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

**DATE:** November 30, 2017

**SUBJECT:** 06-SWBT-376-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 Trinsic Communications, Inc.

**EXECUTIVE SUMMARY:**

On November 28, 2017, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) filed an Application for approval of an Interconnection Agreement Amendment (Amendment) between AT&T and Matrix Telecom, LLC (Matrix). Staff recommends approval of the filing.

**BACKGROUND:**

On September 26, 2017, AT&T and Matrix entered into an Amendment for the addition of the Access Company Name Abbreviation (ACNA) and Operating Company Numbers (OCNs) of TNCI Operating Company, LLC (TNCI) to the current Interconnection Agreement. Matrix has purchased TNCI and the Amendment combines the current Interconnection Agreements between AT&T and Matrix and AT&T and TNCI. AT&T indicates once this modification is approved, they will submit a request to cancel the current Interconnection Agreement on file between AT&T and TNCI. The Amendment expires coterminous with the current Agreement.

AT&T issued an Amendment to the Interconnection Agreement approved March 3, 2009, to change the name from Trinsic Communications, Inc. to then Matrix Telecom, Inc. Matrix later changed their type of organization to a Limited Liability Company.

AT&T is the largest local exchange carrier (LEC) operating in Kansas. The Company's largest service areas are Kansas City, Topeka, and Wichita. AT&T is headquartered in Topeka, Kansas.

Matrix is headquartered in Irving, Texas, and is registered as a Limited Liability Company. Matrix received Certificates of Convenience and Authority in Dockets 05-MXTC-867-COC approved October 26, 2005, to provide Competitive Local Exchange (CLEC) service and 91-MXTC-123-COC to provide Interexchange (IXC) service in the state of Kansas. Matrix is registered with the Kansas Secretary of State's office and is "active and in good standing" with that 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.

AT&T affirms that implementation of this Amendment complies fully with Section 252(e) of the Federal Act because the Amendment to the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.

Staff does not have any concerns regarding this Application. Staff reviewed the Amendment and did not find any language that discriminates against other telecommunications carriers not a party to the Agreement or language that is inconsistent with the public interest, convenience, and necessity. Partial changes made to the Agreement by this Amendment are in compliance with FCC Orders.

### **RECOMMENDATION:**

Staff recommends the Commission grant approval of this Amendment to the Interconnection Agreement between AT&T Kansas and Matrix. Staff finds no evidence of discrimination against other parties and finds that approval is in the public interest.

## CERTIFICATE OF SERVICE

06-SWBT-376-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 12 2017.

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

BRUCE A. NEY, ATTORNEY  
SOUTHWESTERN BELL TELEPHONE CO.  
D/B/A AT&T KANSAS  
816 CONGRESS AVE  
SUITE 1100  
AUSTIN, TX 78701-2471  
Fax: 512-870-3420  
bn7429@att.com

ALEX VALENCIA, VICE PRESIDENT, GOVERNMENT  
AFFAIRS & COMPLIANCE  
MATRIX TELECOM, LLC  
433 E LAS COLINAS BLVD  
SUITE 500  
IRVING, TX 75039  
Fax: 866-418-9750  
avalencia@impacttelecom.com

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe

Order Mailed Date

DEC 13 2017