

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 Company for )  
Approval of Interconnection Agreement Under ) Docket No. 00-SWBT-892-IAT  
the Telecommunications Act of 1996 with )  
High Plains/Midwest LLC d/b/a WestLink )  
Communications. )

**ORDER APPROVING INTERCONNECTION AGREEMENT MODIFICATION**

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 21, 2017, Southwestern Bell Telephone (SWBT) filed a modification to an Interconnection Agreement (Agreement) between SWBT and High Plains/Midwest LLC d/b/a WestLink Communications (WestLink). The modification implements the FCC USF/ICC Order establishing bill-and-keep as the compensation arrangement for IntraMTA Traffic exchanged between the parties in the current Agreement.

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 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.”

3. Section 252(e)(2) of the Federal Telecommunications Act of 1996<sup>1</sup> 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.

4. Commission Staff submitted a Report and Recommendation in regards to the Interconnection Agreement on May 19, 2017, 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.

5. 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 proposed modification to the Interconnection Agreement between Southwestern Bell Telephone and High Plains/Midwest LLC d/b/a WestLink Communications, filed March 21, 2017, 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).

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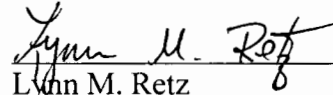
<sup>1</sup>47 U.S.C. §252(e)(2).

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.

**BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: MAY 25 2017

  
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Lynn M. Retz  
Secretary to the Commission

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Order Mailed Date

MAY 26 2017

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

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

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

**DATE:** May 19, 2017

**SUBJECT:** Docket No. 00-SWBT-892-IAT  
In the Matter of the Application of Southwestern Bell Telephone Company for  
Approval of Interconnection and Reciprocal Compensation Agreement Under the  
Telecommunications Act of 1996 With High Plains/Midwest LLC d/b/a WestLink  
Communications.

**EXECUTIVE SUMMARY:**

On March 21, 2017, Southwestern Bell Telephone (SWBT) filed a Modification to an Interconnection Agreement (Agreement) between SWBT and High Plains/Midwest LLC d/b/a WestLink Communications (WestLink). Staff recommends approval of the filing.

The Commission action date is **Monday, June 19, 2017.**

**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 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.

### **ANALYSIS:**

This modification implements the FCC USF/ICC Order establishing bill-and-keep as the compensation arrangement for IntraMTA Traffic exchanged between the parties in the current Agreement.

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 believes it is in the public interest to grant approval of the Amendment to the Agreement between SWBT and WestLink.

## CERTIFICATE OF SERVICE

00-SWBT-892-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 **MAY 25 2017**.

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/S/ DeeAnn Shupe  
DeeAnn Shupe

Order Mailed Date  
**MAY 26 2017**