

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

Before Commissioners: Susan K. Duffy, Chair
Shari Feist Albrecht
Dwight D. Keen

In the Matter of the Application of Southwestern)
Bell Telephone Company for Approval of)
Interconnection Agreement Under the) Docket No. 05-SWBT-1125-IAT
Telecommunications Act of 1996 With)
Metropolitan Telecommunications, Inc.)

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

1. On January 17, 2020, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application requesting Commission approval of an Amended Interconnection Agreement between Southwestern Bell Telephone Company and Metropolitan Telecommunications, Inc. d/b/a MetTel (MetTel). This Agreement makes name changes, replaces Resale & UNE-Data Connection Security Requirements, replaces End User Fraud and Prohibited Traffic requirements and updates Notice provisions.

2. AT&T is the largest telecommunication carrier operating in Kansas and maintains the status of an “electing carrier,” with major service areas in Kansas City, Topeka and Wichita. It is headquartered in Topeka, Kansas. MetTel has its principal office in New York, New York, and is registered to do business with the Kansas Secretary of State. MetTel was granted authority as a competitive local exchange service provider in Docket No. 01-MTKT-689-COC and an Interexchange Telecommunications Service provider in Docket No. 01-MTKC-688-COC.

3. AT&T Kansas states that the Amendment to Interconnection Agreement entered into between AT&T Kansas and MetTel modifies the Interconnection Agreement by making name changes, replaces Section 9.1 in Appendix OSS regarding Resale & UNE Data Connection Security Requirements, replaces Section 6 End User Fraud and Prohibited Traffic in the General Terms and Conditions and updates Notice provisions in the existing contract. The subject Interconnection Agreement and Amendments to the Interconnection Agreement are collectively referred to herein as “amended Agreement”. AT&T Kansas indicates the amended Agreement fully complies 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.¹

4. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2018 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.

5. 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 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 authority.

¹ Application at 2.

6. On April 8, 2020, the Commission Staff (Staff) submitted its Report and Recommendation, advising the Commission to approve the amended Agreement between AT&T Kansas and MetTel. Citing Section 252(e) of the Federal Act, Staff acknowledges the amended Agreement fully complies with Section 252(e) of the Federal Act and supports approval of the Agreement as being consistent with the public interest and convenience and necessity. Staff accordingly recommends the Commission grant AT&T Kansas' Application and approve the amended Agreement.

7. The Commission adopts Staff's recommendation of April 8, 2020, as stated in its Report and Recommendation, which is attached and made a part of this Order, and finds that AT&T Kansas' Application should be granted, and the amended Agreement between AT&T Kansas and MetTel be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Southwestern Bell Telephone Company d/b/a AT&T Kansas' Application filed January 17, 2020, is hereby granted and the amended Interconnection Agreement between AT&T Kansas and Metropolitan Telecommunications, Inc. d/b/a MetTel approved.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).²

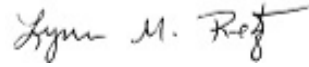
C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order, or orders, as it may deem necessary.

² K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 04/16/2020

A handwritten signature in cursive script, reading "Lynn M. Retz", positioned above a horizontal line.

Lynn M. Retz
Executive Director

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**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chair Susan K. Duffy
Commissioner Shari Feist Albrecht
Commissioner Dwight D. Keen

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

DATE: April 8, 2020

SUBJECT: Docket No. 05-SWBT-1125-IAT
In the Matter of the Application of Southwestern Bell Telephone Company for
Approval of Interconnection Agreement Under the Telecommunications Act of
1996 With Metropolitan Telecommunications, Inc.

EXECUTIVE SUMMARY:

On January 17, 2020, Southwestern Bell Telephone Company (SWBT) filed a Modification to an Interconnection Agreement (Agreement) between SWBT and Metropolitan Telecommunications, Inc., d/b/a MetTel (MetTel). Staff recommends approval of the filing.

The Commission action date is **Monday, April 20, 2020.**

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 includes Metropolitan's d/b/a – MetTel. In Section 9 Data Connection Security Requirements, MetTel will agree that the interconnection of its data facilities with SWBT data facilities for access to the Operation Support System will be in compliance with SWBT's "Competitive Local Exchange Carrier (CLEC) Operations Support System Interconnection Procedures" document, which is revised from time to time and posted to the SWBT CLEC Online website. It replaces the End User Fraud and Prohibited Traffic in the General Terms and Conditions Section, stating SWBT shall not be liable to MetTel for any fraud associated with MetTel's End User account, including 1+ IntraLATA toll calls, and ported numbers. It also updates Notice provisions in the current Agreement to include email and facsimile as acceptable means of providing notice of changes to SWBT.

The Applicant is seeking review and approval of a Modification 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 Modification 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 Modification to the Agreement between SWBT and MetTel.

CERTIFICATE OF SERVICE

05-SWBT-1125-IAT

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 04/16/2020.

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/S/ DeeAnn Shupe

DeeAnn Shupe