

**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 of Southwestern)
Bell Telephone, L.P. for Approval of Interconnection) Docket No. 06-SWBT-376-IAT
Agreement Under the Telecommunications Act of)
1996 with Matrix Telecom, 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 February 6, 2015, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed an Application requesting Commission approval of a modification to the Interconnection Agreement approved by the Commission on October 26, 2005, between SWBT and Matrix Telecom, Inc., as successor in interest to Trinsic Communications, Inc. Supplementing its Application, SWBT included a copy of the Amendment to Interconnection Agreement (Amendment) executed by the parties on January 7, 2015 and the Affidavit of Janet Arnold, Manager-Regulatory Relations. SWBT's requested modifications to the Interconnection Agreement include changing Matrix's name under the Interconnection Agreement to Matrix Telecom, Inc., Matrix Telecom, Inc. d/b/a Excel Telecommunications, Matrix Telecom, Inc. d/b/a VarTec Telecom (collectively referred to herein as "Matrix") and replacing the Notices section in the current Agreement.¹ The Interconnection Agreement and proposed Amendment are collectively referred to herein as "amended Agreement".

¹ Application, page 1.

2. On March 12, 2015, the Commission Staff (Staff) submitted its Report and Recommendation dated March 10, 2015, recommending the Commission grant SWBT's Application and approve the amended Agreement between SWBT and Matrix.

3. 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.

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

4. SWBT 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 confirms that the requested modification changes Matrix Telecom, Inc.'s name under the amended Agreement to Matrix Telecom, Inc.; Matrix Telecom, Inc. d/b/a Excel Telecommunications; and Matrix Telecom, Inc. d/b/a VarTec Telecom, which is inclusive of all the "doing business as" names associated with the company and also replaces the Notices provision in the current Agreement. Staff states that it has reviewed the requested

amendment and finds no cause for concern regarding this filing. Staff recommends the Commission grant SWBT'S Application and approve the amended Agreement.²

5. The Commission adopts Staff's analysis and recommendation of March 10, 2015, 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 the amended Agreement between SWBT and Matrix should be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The February 6, 2015 Application of Southwestern Bell Telephone, d/b/a AT&T Kansas is hereby granted and the amended Interconnection Agreement between SWBT and Matrix Telecom, Inc., Matrix Telecom, Inc. d/b/a Excel Telecommunications and Matrix Telecom, Inc. d/b/a VarTec Telecom 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: MAR 17 2015


ORDER MAILED MAR 18 2015
Neysa Thomas
Acting Secretary

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² Report and Recommendation, page 2.

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Shari Feist Albrecht, Chair
Jay Scott Emler, Commissioner
Pat Apple, Commissioner

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

DATE: March 10, 2015

SUBJECT: Docket No. 06-SWBT-376-IAT
In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With Matrix Telecom, Inc.

EXECUTIVE SUMMARY:

On February 6, 2015, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed a Modification to an Interconnection Agreement (Agreement) between SWBT and Matrix Telecom, Inc. (Matrix). Staff recommends approval of the filing.

The Commission action date is **Thursday, May 7, 2015.**

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:

This modification changes Matrix's name to Matrix Telecom, Inc.; Matrix Telecom Inc. d/b/a Excel Telecommunications; and Matrix Telecom, Inc. d/b/a VarTec Telecom, which is inclusive of all the "doing business as" names associated with the Company. It also replaces the Notices provision 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 recommends the Commission grant approval of the Amendment to the Agreement between SWBT and Matrix Telecom, Inc.

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

| NAME AND ADDRESS | NO. CERT. COPIES | NO. PLAIN COPIES |
|---|------------------------|------------------------|
| ALEX VALENCIA, SR. DIRECTOR GOVERNMENTAL AFFAIRS & COMPLIANCE MATRIX TELECOM, INC. 433 E LAS COLINAS BLVD SUITE 500 IRVING, TX 75039 | | |
| 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 505 TOPEKA, KS 66603-3596 | | |

ORDER MAILED MAR 18 2015

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.