

**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 the) Docket No. 18-SWBT-152-IAT
Telecommunications Act of 1996 with Onvoy)
Spectrum, LLC.)

ORDER APPROVING 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 September 29, 2017, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) filed an Application seeking Commission approval of an Interconnection Agreement between AT&T and Onvoy Spectrum, LLC (Onvoy). Supplementing its Application, AT&T included a copy of the Interconnection Agreement executed by the parties on June 22, 2017 and the Affidavit of Richard T. Howell, AT&T's Area Manager-Regulatory Relations.

2. On October 17, 2017, the Commission Staff (Staff) submitted its Report and Recommendation dated October 12, 2017, recommending the Commission grant AT&T's Application and approve the Interconnection Agreement between AT&T and Onvoy.

3 According to Staff, Onvoy is a foreign limited liability company properly registered with the Kansas Secretary of State's office where its status is shown to be *active and in good standing*. Onvoy is a Commercial Mobile Radio Service (CMRS) provider and

therefore, is not required to be issued a Certificate of Convenience and Authority in the State of Kansas.¹

4. 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:

- (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (ii) the implementation of such agreement (or portion) is not consistent with the public interest, convenience, and necessity.

AT&T affirms that implementation of the Interconnection Agreement fully complies with Section 252(e) of the Federal Act, and that approval of the Agreement is consistent with the public interest, convenience, and necessity, and does not discriminate against any telecommunications carrier. AT&T further maintains that the Agreement promotes diversity in providers, provides interconnectivity, and increases customer choices for telecommunications services and that its negotiation and execution is consistent with the Federal Act.²

5. Concluding its review and analysis of AT&T's Application and the Interconnection Agreement, Staff states that it does not have any concerns regarding this filing.

¹ Report and Recommendation, page 2.

² Application, page 2.

Staff states that in the review process it found no language that discriminates against other telecommunications carriers not a party to the Agreement. Staff determines that implementation of the Agreement is in the public interest because it provides additional telecommunications carrier options for the consumer. Staff recommends the Commission grant AT&T's Application and approve the Interconnection Agreement between AT&T and Onvoy.³

6. The Commission adopts Staff's analysis and recommendation of October 12, 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 Interconnection Agreement between AT&T and Onvoy should be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Southwestern Bell Telephone Company d/b/a AT&T Kansas filed September 29, 2017 is hereby granted and the Interconnection Agreement between AT&T and Onvoy Spectrum, LLC, executed by the parties on June 22, 2017, 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).

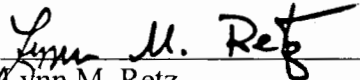
C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order, or orders, as it may deem necessary.

³ Report and Recommendation, page 2.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: OCT 24 2017


Lynn M. Retz
Secretary to the Commission

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Order Mailed Date

OCT 25 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: October 12, 2017

SUBJECT: 18-SWBT-152-IAT
In the Matter of the Application of Southwestern Bell Telephone Company for
Approval of Interconnection Agreement Under the Telecommunications Act of
1996 With Onvoy Spectrum, LLC

EXECUTIVE SUMMARY:

On September 29, 2017, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) filed an Application for approval of an Interconnection Agreement (Agreement) between AT&T and Onvoy Spectrum, LLC (Onvoy). Staff recommends approval of the filing.

BACKGROUND:

On June 22, 2017, AT&T and Onvoy entered into an Agreement for Interconnection with AT&T. AT&T filed for approval of this Agreement between AT&T and Onvoy. The Agreement expires June 27, 2019.

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.

Onvoy is headquartered in Boulder, Colorado, and is a Limited Liability Corporation. Onvoy is a Commercial Mobile Radio Service (CMRS) provider and, therefore, is not required to receive a Certificate of Convenience and Authority in the state of Kansas. Onvoy 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 Agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. AT&T deems this Agreement promotes diversity in providers, provides interconnectivity, and will increase customer choices for telecommunications services.

Staff does not have any concerns regarding this Application. Staff reviewed the Agreement and did not find any language that discriminates against other telecommunications carriers not a party to the Agreement. Implementation of this Agreement is in the public interest because it provides additional telecommunications carrier options for the consumer.

RECOMMENDATION:

Staff recommends the Commission grant approval of this Interconnection Agreement between AT&T and Onvoy. Staff finds no evidence of discrimination against other parties and finds that it is in the public interest, convenience and necessity of the citizens of Kansas to have additional options in their choice for telecommunications providers.

CERTIFICATE OF SERVICE

18-SWBT-152-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 OCT 24 2017.

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/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

OCT 25 2017