

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: John Wine, Chair
Cynthia L. Claus
Brian J. Moline

In the Matter of the Application of Southwestern)
Bell Telephone Company for Approval of)
Interconnection Agreement Under the) Docket No. 02-SWBT-928-IAT
Telecommunications Act of 1996 with Pinpoint)
Wireless, Inc.)

ORDER

COMES NOW, the above captioned matter for consideration and determination by the State Corporation Commission of the State of Kansas ("Commission"). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1. On August 14, 2002, Southwestern Bell Telephone Company ("SWBT") filed an application for approval of an interconnection agreement ("Agreement") with Pinpoint Wireless, Inc. ("Pinpoint"). The Agreement is a Sectional MFN Wireless Interconnection Agreement into the High Plains/Midwest LLC d/b/a Westlink Communications agreement.

2. On June 26, 2002, Commission staff ("Staff") submitted a memorandum recommending that the Commission approve the interconnection agreement between SWBT and Pinpoint. Staff reviewed the Agreement and noted SWBT's belief that approval of the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. After reviewing the Agreement, Staff finds no evidence to conclude that the Agreement discriminates against any telecommunications carrier, nor is it inconsistent with the public interest, convenience, or necessity. Staff believes the public will generally benefit from Commission approval of this application.

3. The Federal Telecommunications Act of 1996, Section 252(e) states the Commission may only reject:

- (A) an agreement (or any portion thereof) adopted by negotiation . . . if it finds that:
 - (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 . . .

4. Pinpoint has not registered with the Office of the Kansas Secretary of State to conduct business in Kansas. As a wireless company, Pinpoint is not required to obtain certification from the Commission.

5. The Commission finds that the application for approval of the interconnection agreement between SWBT and Pinpoint should be granted. The Agreement does not, on its face, discriminate against any telecommunications provider not a party to the Agreement, and implementation of the Agreement is consistent with the public interest, convenience and necessity. However, Pinpoint should be reminded that before it can provide service in Kansas it must register with the Office of the Kansas Secretary of State.

IT IS THEREFORE, BY THE COMMISSION ORDERED:

A. The interconnection agreement between Southwestern Bell Telephone Company and Pinpoint Wireless, Inc. is hereby approved.

B. Pinpoint Wireless, Inc. is reminded of the need to register with the Kansas Secretary of State's office before it may offer service in Kansas.

C. A party may file a petition for reconsideration of this Order within fifteen (15) days of the service of this Order. If this Order is mailed, service is complete upon mailing, and three (3) days may be added to the above time frame.

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

BY THE COMMISSION IT IS SO ORDERED.

Wine, Chr.; Claus, Com.; Moline, Com.
Dated: AUG 28 2002

ORDER MAILED

AUG 28 2002

 Executive
Director

Jeffrey S. Wagaman
Executive Director

RLL:cg