

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

Before Commissioners: Dwight D. Keen, Chair
 Susan K. Duffy
 Andrew J. French

In the Matter of the Application of)
Southwestern Bell Telephone Company for)
Approval of Interconnection Agreement Under) Docket No. 11-SWBT-076-IAT
the Telecommunications Act of 1996 With Big)
River Telephone Company, LLC)

ORDER APPROVING INTERCONNECTION AGREEMENT AMENDMENT

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

1. On October 19, 2022, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT)¹ filed an application for approval of an amendment to the negotiated interconnection agreement between itself and Big River Telephone Company, LLC (Big River), originally approved in this docket on September 8, 2010. SWBT states that the amendment modifies DS1 and DS3 transport rates in the current agreement.

2. The Commission has jurisdiction to review negotiated interconnection agreements entered into by SWBT pursuant to K.S.A. 66-2005(z)(2)(A) and 47 U.S.C. §252(e).

3. 47 U.S.C. §252(e)(2) provides that the Commission may reject a negotiated interconnection 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

¹Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) is an “electing carrier” referenced under K.S.A. 66-2005(x). See Docket No. 12-SWBT-797-MIS.

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 amendment on November 18, 2022, attached hereto as Exhibit A and made a part hereof by reference. Staff explained that the amendment adds Pricing Sheets to modify the DS1 and DS3 transport rates that supersede the rates for the corresponding elements in the interconnection agreement. The amendment also provides that if Big River no longer purchases commercial local transport pursuant to a separate agreement set forth on the Pricing Sheet in Exhibit A, Big River must provide notice to AT&T to implement the rates set forth in Exhibit B. With the exception of this modification, all other terms and conditions of the underlying interconnection agreement remain unchanged and in full force. Staff found no evidence to conclude the interconnection agreement amendment discriminated against any telecommunications carrier, nor that it was inconsistent with the public interest, convenience, or necessity. Staff recommended approval.

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 interconnection agreement amendment filed October 19, 2022, between SWBT and Big River is 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

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

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 11/29/2022



Lynn M. Retz
Executive Director

MRN

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Dwight D. Keen, Chair
Susan K. Duffy, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Dwight D. Keen, Chair
Susan K. Duffy, Commissioner
Andrew J. French, Commissioner

FROM: Hemant Bhagat, Senior Telecommunications Analyst
Sandy Reams, Assistant Chief of Telecommunications
Bryan Seamans, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: November 18, 2022

SUBJECT: Docket No. 11-SWBT-076-IAT

In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With Big River Telephone Company, LLC.

EXECUTIVE SUMMARY:

On October 19, 2022, AT&T Kansas filed an Application for Approval of an Interconnection Agreement Amendment (Amendment) that modifies the DS1 and DS3 transport rates between Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) and Big River Telephone Company, LLC (Big River). The Amendment states it was effective July 12, 2022. Staff recommends approval of this Amendment.

The Commission action date is January 18, 2023.

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:

On September 8, 2010, the Commission issued its order approving an Interconnection Agreement between AT&T Kansas and Big River. On October 19, 2022, AT&T Kansas filed an application proposing amendment to modify DS1 and DS3 transport rates. This Modification to the Agreement is consistent with the provisions of Section 252(e) of the Federal Act. The Modification adds Pricing Sheets to modify DS1 and DS3 transport rates that supersede the rates for the corresponding elements in the Agreement.

The Modification also provides that if Big River no longer purchases commercial local transport pursuant to a separate agreement set forth on the Pricing Sheet in Exhibit A, Big River must provide notice to AT&T Kansas to implement the rates set forth in Exhibit B.

With the exception of this modification, all other terms and conditions of the underlying Agreement remains unchanged and in full force.

AT&T contends that implementation of this Agreement complies fully with Section 252(e) of the Federal Act and believes approval is consistent with the public interest, convenience, and necessity and does not discriminate against any telecommunications carrier.

Having reviewed the modification to the Agreement between AT&T Kansas and Big River, Staff finds no evidence to conclude this Agreement discriminates against any telecommunications carrier, nor is it inconsistent with public interest, convenience, or necessity

The Companies are registered with the Kansas Secretary of State and are active and in good standing with that office.¹

RECOMMENDATION:

Staff recommends the Commission grant approval of Amended Agreement between AT&T and Big River.

¹ Kansas Secretary of State Web Site:

<https://www.kansas.gov/bess/flow/main.jsessionid=201EBC55867CB69843FF6555C8927D1C.aptc03-inst1?execution=e1s2>

CERTIFICATE OF SERVICE

11-SWBT-076-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 11/29/2022.

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/S/ KCC Docket Room

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