

**MEMORANDUM  
UTILITIES DIVISION**

**TO:** Chairman Wright  
Commissioner Moffet  
Commissioner Harkins

**FROM:** Hal Baumhardt

**DATE:** July 10, 2008

**DATE SUBMITTED TO LEGAL:** 7/11/08

**DATE SUBMITTED TO COMMISSONERS:** 7/16/08

**RE: Docket No. 03-SWBT-330-IAT**  
In the Matter of the Application of Southwestern Bell Telephone for  
Approval of Interconnection Agreement Under the Telecommunications  
Act of 1996 with American Fiber Systems, Inc.

**BACKGROUND:**

On April 30, 2008 Southwestern Bell Telephone Company filed an application for approval of a modification to the Interconnection Agreement previously approved between Southwestern Bell Telephone, L.P d/b/a AT&T Kansas ("AT&T Kansas") and American Fiber, Inc. ("American Fiber").

**ANALYSIS:**

This modification to the agreement is consistent with the provisions of Section 252(e) of the Federal Act and amends, modifies and supersedes the agreement previously negotiated, executed and filed with the Commission on October 23, 2002. This amends the Agreement to extend the original expiration date to January 13, 2011. The previous expiration data was set for January 17, 2003. Except as modified herein, all other terms and conditions of the underlying agreement remains unchanged and in full force.

On November 17, 2000, in Docket No. 01-AFSC-280-COC, the Commission granted American Fiber a certificate of convenience and authority to provide interexchange services (IXC) in the state of Kansas.

On November 29, 2000, in Docket No. 01-AFST-274-COC, the Commission granted American Fiber a certificate of convenience and authority to provide local exchange service (CLEC) in the state of Kansas.

American Fiber, Inc. is registered with the Kansas Secretary of State's office and is currently "*active and in good standing*".

Staff has reviewed the modification to this Interconnection Agreement between Southwestern Bell Telephone Company and American Fiber, and finds no evidence to conclude this agreement discriminates against any telecommunications carrier, nor is inconsistent with public interest, convenience and necessity. Staff does not have any concerns with approving this application.

**RECOMMENDATION:**

Staff recommends the Commission grant approval for a modification to the Interconnection Agreement between Southwestern Bell Telephone Company d/b/a AT&T Kansas and American Fiber, Inc.

cc: Don Low Susan Duffy Melissa Walburn Janet Buchanan