

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

Before Commissioners: Jay Scott Emler, Chairman
Shari Feist Albrecht
Pat Apple

In the Matter of the Application of Southwestern)
Bell Telephone Company for Approval of)
Interconnection Agreement Under the) Docket No. 16-SWBT-538-IAT
Telecommunications Act of 1996 With AT&T)
Corp. and Teleport Communications America, 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 May 27, 2016, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application seeking Commission approval of an Interconnection Agreement between AT&T Kansas, AT&T Corp., and Teleport Communications America, LLC (Teleport). Supplementing its Application, AT&T Kansas included a copy of the Interconnection Agreement executed by the parties on April 29, 2016.

2. On July 18, 2016, the Commission Staff (Staff) submitted its Report and Recommendation dated July 13, 2016, recommending the Commission grant AT&T Kansas' Application and approve the Interconnection Agreement between AT&T Kansas, AT&T Corp. and GBT.

3. According to Staff, Teleport 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*. Teleport was issued a Certificate of Convenience and Authority to provide Competitive Local Exchange (CLEC) and Exchange Access Service in Kansas pursuant to the

Commission's Order of January 2, 2013, issued in Docket No. 13-TCAT-374-COC. Teleport was issued a second Certificate of Convenience and Authority to provide Interexchange (IXC) service in Kansas pursuant to the Commission's Order, also issued on January 2, 2013, in Docket No. 13-TCAT-375-COC.

4. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2015 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 Telecommunications Act of 1996 (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 Kansas affirms that implementation of this 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 Kansas 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.¹

5. Concluding its review and analysis of AT&T Kansas' Application and the Interconnection Agreement, Staff states that it does not have any concerns regarding this filing. 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 Kansas' Application and approve the Interconnection Agreement between AT&T Kansas, AT&T Corp., and Teleport.²

6. The Commission adopts Staff's analysis and recommendation of July 13, 2016, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that AT&T Kansas' Application should be granted and the Interconnection Agreement between AT&T Kansas, AT&T Corp., and Teleport 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 is hereby granted and the Interconnection Agreement between AT&T Kansas, AT&T Corp., and Teleport Communications America, LLC, executed by the parties on April 29, 2016, 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

¹ Application, pages 1 and 2.

² Report and Recommendation, page 2.

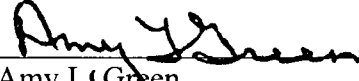
reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2015 Supp. 77-529(a)(1).

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.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: JUL 21 2016


Amy L. Green
Secretary to the Commission

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Order Mailed Date

JUL 22 2016

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Jay Scott Emler, Chairman
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Pat Apple, Commissioner

Sam Brownback, Governor

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chairman Jay Scott Emler
Commissioner Shari Feist Albrecht
Commissioner Pat Apple

FROM: Paula Artzer, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: July 13, 2016

SUBJECT: 16-SWBT-538-IAT
In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With AT&T Corp. and Teleport Communications America, LLC.

EXECUTIVE SUMMARY:

On May 27, 2016, 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, AT&T Corp. and Teleport Communications America, LLC (Teleport). Staff recommends approval of the filing.

BACKGROUND:

On April 29, 2016, AT&T and Teleport entered into an Agreement for Interconnection and Resale of AT&T services. AT&T filed for approval of this Agreement between AT&T and Teleport. The Agreement expires July 19, 2018.

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.

Teleport is headquartered in Dallas, Texas, and is a Limited Liability Corporation. Teleport received a Certificate of Convenience and Authority in January of 2013 in Docket No. 13-TCAT-374-COC to provide Competitive Local Exchange (CLEC) and

Exchange Access Service and in a second Docket 13-TCAT-375-COC, also in January of 2013, to provide Interexchange Access Service in the State of Kansas. Teleport 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, AT&T Corp. and Teleport Communications America, LLC. 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

16-SWBT-538-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 JUL 21 2016.

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/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

JUL 22 2016