

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

Before Commissioners: Brian J. Moline, Chair
Robert E. Krehbiel
Michael C. Moffet

In the Matter of the Application of)
Southwestern Bell Telephone L.P. for)
Approval of Interconnection Agreement under) Docket No. 06-SWBT-234-IAT
the Telecommunications Act of 1996 with)
Xspedius Communications, L.L.C.)

ORDER APPROVING INTERCONNECTION AGREEMENT

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On March 9, 2006, Southwestern Bell Telephone, L.P. d/b/a AT&T Kansas (AT&T) filed an application seeking approval of a modification to the Interconnection Agreement (Agreement) between Xspedius Communications, L.L.C. (Xspedius) and AT&T under the Telecommunications Act of 1996.
2. The modification deletes Attachment 12, “Intercarrier Compensation,” to the Agreement approved in this docket by an Order issued September 14, 2005, and substitutes a new Attachment 12 to address intercarrier compensation. AT&T affirms implementation of this modification complies fully with 47 U.S.C. § 252(e) because the modification is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.
3. The new Attachment 12 contains newly negotiated language in sections 4.2 and 4.2.1. These sections address application of the tandem interconnection rate based on the

specific architecture of Xspedius' network. The parties agree that Xspedius' switch meets the criteria of section 4.1 and that 47 U.S.C. 251(b)(5) traffic will be compensated as set out in section 4.2.1.

4. Xspedius was granted a certificate of convenience in Docket No. 02-XMCT-981-COC and is registered as "active and in good standing" with the Kansas Secretary of State's Office.

5. On May 30, 2006, Staff submitted a Memorandum recommending the Commission grant AT&T's application for approval of the modification to its interconnection agreement with Xspedius by substituting a new Attachment 12 for the current one.

6. The Commission finds and concludes that AT&T's application for approval of the modification to its interconnection agreement with Xspedius substituting a new Attachment 12, "Intercarrier Compensation" for the current one should be approved. Approval of this Agreement is consistent with the public interest, convenience and necessity and does not, on its face, discriminate against any telecommunications provider not a party to the agreement.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The March 9, 2006 application of Southwestern Bell Telephone, L.P. d/b/a AT&T Kansas for approval of a modification to the Interconnection Agreement with Xspedius Communications, L.L.C. substituting a new Attachment 12, "Intercarrier Compensation" for the current one, is hereby granted.

B. The parties have fifteen days, plus three 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. 66-118; K.S.A. 2005 Supp. 77-529(a)(1).

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

BY THE COMMISSION IT IS SO ORDERED.

Moline, Chr.; Krehbiel, Com.; Moffet, Com.

Dated: MAY 31 2006

ORDER MAILED

MAY 31 2006

 Executive
Director

Susan K. Duffy
Executive Director

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