

**MEMORANDUM
UTILITIES DIVISION**

TO: Chair Moline
Commissioner Krehbiel
Commissioner Moffet

FROM: Hal Baumhardt

DATE: May 23, 2006

DATE SUBMITTED TO LEGAL: 5/24/06

DATE SUBMITTED TO COMMISSONERS: 5/30/06

RE: Docket No. 06-SWBT-234-IAT

In the Matter of Application of Southwestern Bell Telephone, L.P.
for Approval of Interconnection Agreement Under the
Telecommunications Act of 1996, with Xspedius Communications,
LLC.

BACKGROUND:

Southwestern Bell Telephone, L.P. d/b/a AT&T Kansas ("AT&T") filed an application for approval of a modification to the Interconnection Agreement between Xspedius Communications, LLC. ("Xspedius") to delete its Attachment 12 "Intercarrier Compensation" entirely, originally approved on September 14, 2005 in Docket No. 06-SWBT-234-IAT, and substitute a new "Intercarrier Compensation" Attachment 12.

ANALYSIS:

AT&T affirms that implementation of this Agreement complies fully with Section 252(e) of the Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. Southwestern Bell Telephony, L.P. d/b/a AT&T Kansas and Xspedius Communications LLC., deems this agreement promotes diversity, and increases telecommunications services.

The modification amends the Agreement to add specific language in Sections 4.2 and 4.2.1 which was newly negotiated between the parties. The particular section addresses tandem interconnection rate applications that were derived due to the specific architecture of the Xspedius network and the parties agree that Xspedius' switch meets the criteria set forth within Section 4.1, and will be compensated for Section 251(b)(5) Traffic.

Xspedius was granted a Certificate of Convenience and Authority in Docket No. 02 XMCT-981-COC and is registered with the Kansas Secretary of State's office and is currently "active and in good standing."

Staff has reviewed this interconnection agreement between Southwestern Bell Telephone, L.P. d/b/a AT&T Kansas and Xspedius Communications, LLC., and 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 AT&T and Xspedius.

cc:	Don Low	Susan Duffy	Eva Powers
	Tom Behner	Janet Buchanan	