

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Application of Southwestern)
Bell Telephone Company for Approval of)
Interconnection Agreement Under the) Docket No. 10-SWBT-721-IAT
Telecommunications Act of 1996 with Cincinnati)
Bell Any Distance, Inc.)

ORDER APPROVING AMENDED INTERCONNECTION AGREEMENT

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

1. On July 25, 2018, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application requesting Commission approval of an amendment to the Interconnection Agreement between Southwestern Bell Telephone Company and Cincinnati Bell Any Distance, Inc. [now, CBTS Technology Solutions, LLC (CBTS)]. Added to its Application, AT&T Kansas included as Attachments I and II, a copy of the subject Amendment to the Interconnection Agreement and the Affidavit of Richard T. Howell, Area Manager-Regulatory Relations for AT&T Kansas.

2. AT&T Kansas states that the Amendment to Interconnection Agreement entered into between AT&T Kansas and CBTS, and executed by the parties on June 5, 2018, amends the Interconnection Agreement between the two parties, which was approved on July 28, 2010, in the above-captioned docket. The subject Interconnection Agreement and Amendment to Interconnection Agreement are collectively referred to herein as “amended Agreement”. AT&T Kansas further states that the amended Agreement implements the FCC ICC Reform Order, and

changes the name of Cincinnati Bell Any Distance, Inc. to CBTS Technology Solutions, LLC. AT&T Kansas indicates the amended Agreement fully complies with Section 252(e) of the Telecommunications Act of 1996 (Federal Act) and is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.¹

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2017 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.

4. Section 252(e)(2) of the 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:

- (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 authority.

5. On September 12, 2018, the Commission Staff (Staff) submitted its Report and Recommendation, recommending the Commission approve the amended Agreement between AT&T Kansas and CBTS. Citing Section 252(e) of the Federal Act, Staff acknowledges the amended Agreement fully complies with Section 252(e) of the Federal Act and supports approval of the Agreement as being consistent with the public interest and convenience and necessity. Staff further avers the Amended Agreement implements reforms initiated by the FCC and does not

¹ Application at 2.

discriminate against other telecommunication carriers. Both AT&T Kansas and CBTS are properly registered with the Kansas Secretary of State's office and their status with that office is active and in good standing. Staff accordingly recommends the Commission grant AT&T Kansas' Application and approve the amended Agreement. The Staff notes Cincinnati Bell Any Distance, Inc. had its name change approved to CBTS Technology Solutions, LLC on December 12, 2017 in Docket No. 18-BWTC-194-CCN and CBTS Technology Solutions, LLC was formed as a Foreign Limited Liability Company on September 26, 2017, as reflected in the records of the Kansas Secretary of State's Office.

6. The Commission adopts Staff's recommendation of September 12, 2018, as stated in its Report and Recommendation, which is attached and made a part of this Order, and finds that AT&T Kansas' Application should be granted, and the amended Agreement between AT&T Kansas and CBTS be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Southwestern Bell Telephone Company d/b/a AT&T Kansas' Application filed July 25, 2018 is hereby granted and the amended Interconnection Agreement between AT&T Kansas and CBTS Technology Solutions, LLC is hereby 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

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.

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

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 09/18/2018

A handwritten signature in cursive script, reading "Lynn M. Retz".

Lynn M. Retz
Secretary to the Commission

wah

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SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chair Shari Feist Albrecht
Commissioner Jay Scott Emler
Commissioner Dwight D. Keen

FROM: Kelly Mabon, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: September 12, 2018

SUBJECT: Docket No. 10-SWBT-721-IAT

In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With Cincinnati Bell Any Distance Inc.

EXECUTIVE SUMMARY:

On July 25, 2018, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed a request for approval of a modification to an Interconnection Agreement with Cincinnati Bell Any Distance Inc. Staff recommends approval of this Application.

The Commission action date is **Tuesday, October 23, 2018.**

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:

This Modification reflects the changes resulting from the FCC's ICC Reform Order and changes the name on the Agreement from Cincinnati Bell Any Distance, Inc. to CBTS Technology Solutions, LLC.

Cincinnati Bell Any Distance, Inc. was granted a Certificate of Convenience and Authority to provide competitive local exchange services in Kansas on December 17, 2009, in Docket No. 10-BWTC-220-COC. The Commission approved a name change for the Company to CBTS Technology Solutions, LLC on December 12, 2017, in Docket No. 18-BWTC-194-CCN.

Staff has reviewed the records at the Kansas Secretary of State's Office and those records reflect that Cincinnati Bell Any Distance, Inc. withdrew on September 13, 2017, and CBTS Technology Solutions, LLC was formed as a Foreign Limited Liability Company on September 26, 2017. The status for this Company is "Active and In Good Standing."

SWBT 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 Agreement between SWBT and Cincinnati Bell, Staff finds no evidence to conclude this Agreement discriminates against any telecommunications carrier, nor is it inconsistent with public interest, convenience, or necessity. Staff believes the public will generally benefit from KCC approval of this Application.

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

RECOMMENDATION:

Staff recommends the Commission grant approval of this Application for a modification to the Interconnection Agreement between SWBT and CBTS Technology Solutions, LLC f/k/a Cincinnati Bell Any Distance, Inc.

CERTIFICATE OF SERVICE

10-SWBT-721-IAT

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of
09/19/2018
first class mail/hand delivered on _____.

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/S/ DeeAnn Shupe

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