

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

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

In the Matter of the Application of )  
Southwestern Bell Telephone Company for )  
Approval of Interconnection Agreement Under ) Docket No. 11-SWBT-076-IAT  
the Telecommunications Act of 1996 With Big )  
River Telephone Company, LLC. )

**ORDER APPROVING AMENDMENT TO 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 records and being duly advised in the premises, the Commission makes the following findings:

1. On May 31, 2017, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT)<sup>1</sup> filed an application for approval of an amendment to the interconnection agreement between itself and Big River Telephone Company, LLC (Big River), approved by the Commission in this docket on February 11, 2016. The amendment modifies provisions of the interconnection agreement to comply with several Federal Communications Commission (FCC) orders, adds rates and provisions related to Transit Traffic Services, modifies provisions related to Termination of Agreement After Initial Term Expiration, and modifies provisions related to Customer Information Services.

2. The Commission has jurisdiction to review negotiated interconnection agreements entered into by SWBT pursuant to K.S.A. 66-2005(z)(2)(A) and 47 U.S.C. §252(e).

---

<sup>1</sup>Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) is an "electing carrier" referenced under K.S.A. 66-2005(x). See Docket No. 12-SWBT-797-MIS.

3. 47 U.S.C. §252(e)(2) provides that the Commission may reject a negotiated interconnection agreement only if it finds that the agreement (or portions thereof) discriminates against a telecommunications carrier not a party to the agreement; or the implementation of such an agreement (or portions thereof) is not consistent with the public interest, convenience, and necessity.

4. Commission Staff submitted a Report and Recommendation in regards to the interconnection agreement amendment on June 7, 2017, attached hereto and made a part hereof by reference. Staff found no evidence to conclude the amendment or the interconnection agreement discriminated against any telecommunications carrier, nor were they inconsistent with the public interest, convenience, or necessity. Staff recommended approval of the interconnection agreement amendment.

5. The Commission finds Staff's findings and recommendation to be reasonable and hereby adopts the same.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The interconnection agreement amendment filed May 31, 2017, between SWBT and Big River is approved.

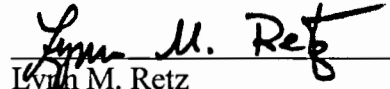
B. The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 77-529(a)(1).

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

**BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated:     **JUN 15 2017**    

  
\_\_\_\_\_  
Lynn M. Retz  
Secretary to the Commission

MRN

**Order Mailed Date**

**JUN 16 2017**

Utilities Division  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027



Phone: 785-271-3220  
Fax: 785-271-3357  
<http://kcc.ks.gov/>

Pat Apple, Chairman  
Shari Feist Albrecht, Commissioner  
Jay Scott Emler, Commissioner

Sam Brownback, Governor

## REPORT AND RECOMMENDATION

### UTILITIES DIVISION

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

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

**DATE:** June 07, 2017

**SUBJECT:** 11-SWBT-076-IAT  
In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With Big River Telephone Company, LLC.

#### **EXECUTIVE SUMMARY:**

On May 31, 2017, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) filed an Application for approval of an Interconnection Agreement Amendment (Amendment) between AT&T and Big River Telephone Company, LLC (Big River). Staff recommends approval of the filing.

#### **BACKGROUND:**

On April 20, 2017, AT&T and Big River entered into an Amendment for the removal of Lifeline and Link Up resale offerings from the original Agreement per the Federal Communications Commission (FCC) June 22, 2015, Lifeline and Link Up Reform and Modernization Order<sup>1</sup>. Modifications were also made to the Agreement due to the US Telecom Forbearance Order<sup>2</sup>.

<sup>1</sup> *Lifeline and Link Up Reform and Modernization* WC Docket 11-42 et al., Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order FCC 15-71, rel. June 22, 2015, ¶244.

<sup>2</sup> *Petition of US Telecom for Forbearance Pursuant to 47 U.S.C. § 160(c) from Enforcement of Obsolete ILEC Legacy Regulations That Inhibit Deployment of Next Generation Networks*, WC Docket No. 14-192, Released December 28, 2015.

Additional changes include adding rates and provisions for Transit Traffic Services; modifying certain provisions related to Termination of Agreement after Initial Term Expiration; and modifying certain provisions related to Customer Information Services. AT&T filed for approval of this Amended Agreement between AT&T and Big River. The Amendment expires concurrent with the existing Agreement, with the exception of the Customer Information Services portion, which may also be cancelled with 180 days' written notice.

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.

Big River is headquartered in Cape Girardeau, Missouri, and is registered as a foreign limited liability company. The Chief Executive Officer is Jerry Howe. Big River received Certificates of Convenience and Authority on July 13, 2006, in Docket 06-BGRT-1222-COC to provide Interexchange (IXC) service and July 20, 2006, in Docket 06-BGRT-1221-COC to provide Competitive Local Exchange (CLEC) service in the state of Kansas. Big River 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 Amendment to the Agreement complies fully with Section 252(e) of the Federal Act because the Amendment to the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.

Staff does not have any concerns regarding this Application. Staff reviewed the Amendment to the Agreement and did not find any language that discriminates against other telecommunications carriers not a party to the Agreement or language that is inconsistent with

the public interest, convenience, and necessity. Partial changes made to the Agreement are in compliance with FCC Orders.

**RECOMMENDATION:**

Staff recommends the Commission grant approval of this Amendment to the Interconnection Agreement between AT&T Kansas and Big River. Staff finds no evidence of discrimination against other parties and finds that approval is in the public interest.

**CERTIFICATE OF SERVICE**

11-SWBT-076-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 **JUN 15 2017**.

MICHAEL NEELEY, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3167  
m.neeley@kcc.ks.gov

ZACK O'DELL, CEO  
S&T COMMUNICATIONS LLC  
320 KANSAS AVE  
PO BOX 99  
BREWSTER, KS 67732  
Fax: 785-694-2750  
zack.odell@sttelcom.com

BRUCE A. NEY, ATTORNEY  
SOUTHWESTERN BELL TELEPHONE CO.  
D/B/A AT&T KANSAS  
816 CONGRESS AVE  
SUITE 1100  
AUSTIN, TX 78701-2471  
Fax: 512-870-3420  
bn7429@att.com

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe

**Order Mailed Date**

**JUN 16 2017**