

**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) Docket No. 16-SWBT-538-IAT
Under the Telecommunications Act of)
1996 With Teleport Communications)
America, LLC.)

ORDER APPROVING AMENDED 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 July 27, 2017, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) filed an Application requesting Commission approval of a modification to the Interconnection Agreement approved by the Commission on July 21, 2016, between AT&T and Teleport Communications America, LLC (Teleport), a subsidiary of AT&T. Supplementing its Application, AT&T included a copy of the Amendment to the Interconnection Agreement (Amendment) executed by the parties on May 10, 2017, and the Affidavit of Richard T. Howell, AT&T's Area Manager-Regulatory Relations. AT&T's requested amendment to the Interconnection Agreement modifies the existing procedures for Percent Local Usage (PLU) Factors between the parties in the current Agreement.¹ The Interconnection Agreement and proposed Amendment are collectively referred to herein as "amended Agreement".

2. On August 14, 2017, the Commission Staff (Staff) submitted its Report and Recommendation dated August 10, 2017, recommending the Commission grant AT&T's

¹ Application, page 1.

Application and approve the amended Agreement between AT&T and Teleport. Staff confirms that the requested modification amends the existing procedures for PLU Factors between the parties in the existing Agreement. The Amendment expires concurrent with the existing Agreement.² Staff further states that Teleport was issued a Certificate of Convenience and Authority (Certificate) to provide Competitive Local Exchange (CLEC) services pursuant to the Commission's Order of January 2, 2013, in Docket No. 13-TCAT-374-COC. A second Certificate was issued to Teleport on January 2, 2013, in Docket No. 13-TCAT-375-COC authorizing the company to provide Interexchange (IXC) services in the State of Kansas. Teleport is properly registered with the Kansas Secretary of State's office as a foreign limited liability company where its status is shown to be "active and in good standing".³

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2016 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 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 portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (2) the implementation of such an agreement or portion is not consistent with the public interest, convenience, and necessity.

² Report and Recommendation, page 1.

³ Id., pages 1 and 2.

4. AT&T contends that implementation of the amended Agreement complies fully 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. Staff states that it has reviewed the requested modification and finds no 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. Staff has no concerns regarding this filing and recommends the Commission grant AT&T's Application and approve the amended Agreement.⁴

5. The Commission adopts Staff's analysis and recommendation of August 10, 2017, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that AT&T's Application should be granted and the amended Agreement between AT&T and Teleport should be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The July 27, 2017 Application of Southwestern Bell Telephone d/b/a AT&T Kansas is hereby granted and the amended Interconnection Agreement between AT&T Kansas and Teleport Communications America, LLC 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 reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2016 Supp. 77-529(a)(1).

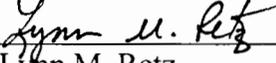
C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order, or orders, as it may deem necessary.

⁴ Id., page 2.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: AUG 17 2017



Lynn M. Retz
Secretary to the Commission

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Order Mailed Date

AUG 18 2017

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: August 10, 2017

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 July 27, 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 Teleport Communications America, LLC (Teleport) a subsidiary of AT&T. Staff recommends approval of the filing.

BACKGROUND:

On May 10, 2017, AT&T and Teleport entered into an Amended Agreement to modify existing procedures for determining the Percent Local Usage (PLU) factors. AT&T filed for approval of this Amendment between AT&T and Teleport. The Amendment expires concurrent with the existing Agreement.

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 registered as a Limited Liability Company in Delaware. Teleport received a Certificate of Convenience and Authority in Docket No. 13-TCAT-374-COC, approved January 2, 2013, to provide Competitive Local Exchange (CLEC)

service and 13-TCAT-375-COC, approved January 2, 2013, to provide Interexchange (IXC) services 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 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.

RECOMMENDATION:

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

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 AUG 17 2017.

OTTO NEWTON, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604
Fax: 785-271-3167
o.newton@kcc.ks.gov
Hand Delivered

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

KAREN SCHLAGETER, US CARRIER RELATION
FINANCIALS & ACCESS BID SUPPORT
TELEPORT COMMUNICATIONS AMERICA, LLC
4467 SAINT MICHAELS DR
LIBURN, GA 30047
Fax: 281-664-4381
ks1673@att.com

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date
AUG 18 2017