

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of the Application of Southwestern)
Bell Telephone Company, LLC, for Approval of)
Interconnection Agreement Under the) Docket No. 24-SWBT-710-IAT
Telecommunications Act of 1996 With First)
Communications, 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 records, the Commission finds and concludes:

1. On January 10, 2025, Southwestern Bell Telephone Company d/b/a AT&T Kansas (“AT&T Kansas”) filed an application requesting Commission approval of an Amended Interconnection Agreement between AT&T Kansas and First Communications, LLC (“First Communications”).¹

2. AT&T Kansas is the largest telecommunication carrier operating in Kansas and maintains the status of an “electing carrier,” with major service areas in Kansas City, Topeka and Wichita.² It is headquartered in Topeka, Kansas. First Communications, headquartered in Akron, Ohio, is an Incumbent Local Exchange Carrier (“IXC”) and a Competitive Local Exchange Carrier (“CLEC”) in Kansas. Those authorities were granted in Docket No. 07-FCMC-152-COC and in Docket No. 07-FCMC-622-COC, respectively.³

¹ Staff’s Report and Recommendation (Feb. 5, 2025), p. 1.

² *Id.*, p. 2.

³ *Id.*

3. AT&T Kansas states that the Amendment to Interconnection Agreement between AT&T Kansas and First Communications modifies the Interconnection Agreement by implementing adjustments to the DS1 and DS3 transport rates and extends the rates through October 31, 2027, in the current agreement. The subject Interconnection Agreement and Amendments to the Interconnection Agreement are collectively referred to herein as “amended Agreement”. 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.⁴

4. 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.

5. Section 252(e)(2) of the Federal Act 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

⁴ Application, pp. 1–2.

⁵ 47 U.S.C. §252(e)(2)

6. On February 5, 2025, the Commission Staff (“Staff”) submitted its Report and Recommendation, advising the Commission to approve the amended Agreement between AT&T Kansas and First Communications. Citing Section 252(e) of the Federal Act. Staff acknowledges the amended Agreement is in compliance 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. Both AT&T Kansas and First Communications 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.⁶

7. The Commission adopts Staff’s recommendation of February 5, 2024, as stated in its Report and Recommendation as findings, which is attached and made a part hereto, and that AT&T Kansas’ Application should be granted, and the amended Agreement between AT&T Kansas and First Communications be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Southwestern Bell Telephone Company d/b/a AT&T Kansas’ Application filed January 10, 2025, is hereby granted and the amended Interconnection Agreement between AT&T Kansas and First Communications, 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).⁷

⁶ Report, pp. 2–3.

⁷ K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

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.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 02/11/2025



Abigail D. Emery
Acting Secretary to the Commission

BWB

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

FROM: Hemant Bhagat, Senior Telecommunications Analyst
Steve Garrett, Deputy Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: February 5, 2025

RE: Docket No 24-SWBT-710-IAT

In the Matter of the Application of Southwestern Bell Telephone Company, LLC, for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With First Communications, LLC

EXECUTIVE SUMMARY:

On January 10, 2025, Southwestern Bell Telephone Company d/b/a (AT&T Kansas) filed an Application with the Kansas Corporation Commission (Commission) for Approval of an Interconnection Agreement Amendment (Amendment) that modifies DS1 and DS 3 transport rates in the Agreement between AT&T Kansas and First Communications, LLC (First Communications) under the Telecommunications Act of 1996. Staff recommends approval of the filing.

The Commission action date is April 8, 2025.

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 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.

ANALYSIS:

On July 30, 2024, the Commission issued its Order approving an Interconnection Agreement between AT&T Kansas and First Communications. On January 10, 2025, AT&T Kansas filed an application proposing an Amendment to modify the DS1 and DS3 transport rates in the Agreement and extend the rates through October 31, 2027.

The Amendment adds Pricing Sheets to modify DS1 and DS3 transport rates to supersede the rates for the corresponding elements in the Agreement. The Amendment also provides that, if First Communications no longer purchases commercial local transport pursuant to a separate agreement set forth on the Pricing Sheet in Exhibit A, First Communications must provide notice to AT&T Kansas to implement the rates set forth in Exhibit B. With the exception of this Amendment, all other terms and conditions of the underlying Agreement remain unchanged and in full force.

AT&T Kansas 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.

AT&T Kansas, headquartered in Topeka, Kansas, is the largest Incumbent Local Exchange Carrier operating in Kansas. The Company's largest service areas are Kansas City, Topeka, and Wichita. First Communications received Certificates of Convenience and Authority by Commission Order to provide Interexchange Carrier (IXC) and Competitive Local Exchange Carrier services in the State of Kansas on November 7, 2006, in Docket No. 07-FCMC-152-COC and January 10, 2007 in Docket No. 07-FCMC-622-COC respectively.

The initial interconnection agreement between AT&T Kansas and First Communications was approved in docket 16-SWBT-566-IAT on August 16, 2016. Due to numerous changes and amendments to the initial agreement, AT&T Kansas executed a new interconnection agreement on April 17, 2024, that superseded and replaced the original agreement and the related amendments. The purpose of the current Amendment is to modify the DS1 and DS3 rates that supersede the rates for the corresponding elements in the agreement.

AT&T Kansas and First Communications are "Active and in Good Standing" with the Kansas Secretary of State's Office.¹ Both Companies are current with the Kansas Universal Service Fund (KUSF), Commission Assessments, and the Annual Interrogatory.

¹ <https://www.sos.ks.gov/eforms/BusinessEntity/Search.aspx>, Kansas Secretary of State's Office, last viewed February 3, 2025.

Staff reviewed the Amendment and did not find any language that discriminates against other telecommunications carriers not a party to the Agreement. Implementation of this Amendment is in the public interest. Staff further finds that the AT&T Kansas proposed Amendment was the result of negotiation and compromise and that there are no outstanding issues between the parties that need the assistance of mediation or arbitration pursuant to 47 U.S.C. § 252 - Procedures for negotiation, arbitration, and approval of agreements.

RECOMMENDATION:

Staff recommends the Commission grant approval of this Interconnection Agreement Amendment between AT&T Kansas and First Communications, LLC.

CERTIFICATE OF SERVICE

24-SWBT-710-IAT

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on _____.

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/S/ KCC Docket Room

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