

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners:                    Thomas E. Wright, Chairman  
   Michael C. Moffet  
   Joseph F. Harkins

In the Matter of the Application of                    )  
Southwestern Bell Telephone, L.P. for                    )  
Approval of Interconnection Agreement                    )                    Docket No. 07-SWBT-574-IAT  
Under the Telecommunications Act of 1996                    )                    Telecom  
With DIECA Communications, Inc. d/b/a                    )  
Covad Communications Company.                    )

**ORDER**

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (“Commission”). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1.        On January 24, 2008, Southwestern Bell Telephone Company, L.P., d/b/a AT&T Kansas (“AT&T”) filed an application for approval of a Modification to an Interconnection Agreement (“Agreement”) between AT&T and DIECA Communications, Inc. d/b/a Covad Communications Company (“Covad”). The original Agreement was approved by the Commission under the same docket number.

2.        On January 31, 2008, the Commission Staff (“Staff”) submitted a memorandum recommending Commission approval of this Modification to the Agreement.

3.        Staff stated that AT&T and Covad are certificated Local Exchange Carriers in Kansas. Staff further stated that both AT&T and Covad are properly registered with the Kansas Secretary of State’s office and are “active and in good standing” with that office. AT&T and Covad are both current with Kansas Universal Service Fund assessments and Commission fees.

4. The Agreement addresses Interconnection matters between AT&T and Covad. This Modification seeks to extend the Agreement's expiration date from December 12, 2008, to December 12, 2011.

5. There are no outstanding issues involving the Agreement that require the assistance of mediation or arbitration.

6. Section 252(e) of the Telecommunications Act of 1996 states that state commissions may reject a negotiated 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. Staff has reviewed this proposed Agreement and finds no such cause for concern with this filing.

7. The Commission finds and concludes that the Agreement between AT&T and Covad should be approved. The implementation of the Agreement is consistent with the public interest, convenience and necessity and does not, on its face, discriminate against any telecommunications provider not a party to the agreement.

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

A. The Application of Southwestern Bell Telephone Company, L.P., d/b/a AT&T Kansas for approval of a Modification to an Interconnection Agreement with DIECA Communications, Inc. d/b/a Covad Communications Company is hereby approved.

B. The parties have fifteen days, plus three 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. 2006 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.

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

Wright, Chmn.; Moffet, Com.; Harkins, Com.

Dated: **FEB 08 2008** \_\_\_\_\_

**ORDER MAILED**

**FEB 08 2008**

 Executive  
Director

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Susan K. Duffy  
Executive Director

CRH:cik