

**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. 17-SWBT-328-IAT  
Under the Telecommunications Act of )  
1996 With Midcontinent Communications, )  
a South Dakota General Partnership. )

**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 September 12, 2017, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application requesting Commission approval of a modification to the Interconnection Agreement approved by the Commission on February 28, 2017, between AT&T Kansas and Midcontinent Communications, a South Dakota General Partnership (Midcontinent). Supplementing its Application, AT&T Kansas included a copy of the Amendment to Interconnection Agreement (Amendment) executed by the parties on July 20, 2017, and the Affidavit of Richard T. Howell, AT&T Kansas' Area Manager-Regulatory Relations. AT&T Kansas' requested modification to the Interconnection Agreement adds Midcontinent's CLEC Operating Company Number (OCN) 5247 to the current Agreement.<sup>1</sup> The Interconnection Agreement and proposed Amendment are collectively referred to herein as "amended Agreement".

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<sup>1</sup> Application, page 1.

2. On November 6, 2017, the Commission Staff (Staff) submitted its Report and Recommendation dated November 2, 2017, recommending the Commission grant AT&T Kansas' Application and approve the amended Agreement between AT&T Kansas and Midcontinent.

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.

4. AT&T Kansas 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 cause for concern regarding this filing. Staff recommends the Commission grant AT&T

Kansas' Application and approve the amended Agreement, adding the CLEC OCN 5247 to the current Agreement.<sup>2</sup>

5. The Commission adopts Staff's analysis and recommendation of November 2, 2017, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that AT&T Kansas' Application should be granted and the amended Agreement between AT&T Kansas and Midcontinent should be approved.

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

A. The September 12, 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 Midcontinent Communications, a South Dakota General Partnership, adding the CLEC Operating Company Number (OCN) 5247 to the current Agreement is hereby approved.

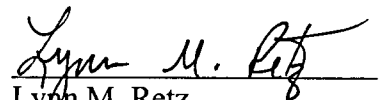
B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2016 Supp. 77-529(a)(1).

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.

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

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: NOV 09 2017

  
Lynn M. Retz  
Secretary to the Commission

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Order Mailed Date

<sup>2</sup> Report and Recommendation, page 2.

NOV 09 2017

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

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

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

**DATE:** November 2, 2017

**SUBJECT:** Docket No. 17-SWBT-328-IAT  
In the Matter of the Application of Southwestern Bell Telephone Company for  
Approval of Interconnection Agreement Under the Telecommunications Act of  
1996 With Midcontinent Communications, a South Dakota General Partnership.

**EXECUTIVE SUMMARY:**

On September 12, 2017, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T) filed a Modification to an Interconnection Agreement (Agreement) between SWBT and Midcontinent Communications, a South Dakota General Partnership (Midcontinent). Staff recommends approval of this Application.

The Commission action date is **Monday, December 11, 2017.**

**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:**

This Modification adds the Operating Company Number, 5247, for Midcontinent to the Agreement. Midcontinent will use this number when submitting service orders.

The Applicant is seeking review and approval of a Modification to this Agreement under Section 252(e) of the Federal Telecommunications Act. Section 252(e) of the Federal Act 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 the proposed Modification to the Agreement and finds no such cause for concern with this filing.

#### **RECOMMENDATION:**

Staff recommends the Commission grant approval of this Application for a Modification to the Interconnection Agreement between AT&T and Midcontinent.

**CERTIFICATE OF SERVICE**

17-SWBT-328-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 **NOV 09 2017**.

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

Order Mailed Date  
**NOV 09 2017**