

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

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

In the Matter of the Application of Southwestern                      )  
Bell Telephone Company for Approval of                                      )  
Interconnection Agreement Under the                                      )                      Docket No. 08-SWBT-1136-IAT  
Telecommunications Act of 1996 With Neutral                                      )  
Tandem-Kansas, LLC.    )

**ORDER APPROVING AMENDED 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 record and being duly advised in the premises, the Commission makes the following findings:

1.        On June 30, 2014, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed an Application requesting Commission approval of a modification to the Interconnection Agreement between SWBT and Neutral Tandem-Kansas, LLC (Neutral Tandem-Kansas). Supplementing its Application, SWBT included as Attachments I and II, copies of the subject Amendment to the Interconnection Agreement and the Affidavit of Janet Arnold, SWBT's Manager-Regulatory Relations.

2.        SWBT states that the Amendment to Interconnection Agreement entered into between SWBT and Neutral Tandem-Kansas, dated June 18, 2014, amends the Interconnection Agreement between the two parties, which was approved by the Commission on September 15, 2008. The subject Interconnection Agreement and Amendment to Interconnection Agreement are collectively referred to herein as "amended Agreement". SWBT further states that the amended Agreement is for the purpose of adding a transit traffic service attachment and updating the notice section of the current Agreement. SWBT maintains that 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. Application at page 2.

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2013 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 agreement (or portion thereof) is not consistent with the public interest, convenience, and necessity.

4. On August 26, 2014, the Commission Staff (Staff) submitted its Report and Recommendation dated August 21, 2014, recommending the Commission approve the amended Agreement between SWBT and Neutral Tandem-Kansas. Citing Section 252(e)(2) of the Federal Act, Staff states that a state commission 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 if it finds that implementation of such an agreement (or portions thereof) is not consistent with the public interest, convenience and necessity. Staff, having reviewed the amended Agreement between SWBT and Neutral Tandem-Kansas, finds no

evidence to conclude that the amended Agreement discriminates against any telecommunications carrier, nor is it inconsistent with the public interest, convenience, and necessity. Staff believes the public will generally benefit from Commission approval of the Application. Staff notes that both companies are properly registered with the Kansas Secretary of State's office and their status with that office is *active and in good* standing. Concluding, Staff recommends the Commission grant SWBT's Application and approve the amended Agreement. Report and Recommendation at page 2.

5. The Commission adopts Staff's recommendation of August 21, 2014, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that SWBT's Application should be granted and that the amended Agreement between SWBT and Neutral Tandem-Kansas should be approved.

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

A. Southwestern Bell Telephone Company d/b/a AT&T Kansas' Application is hereby granted and the amended Interconnection Agreement between SWBT and Neutral Tandem-Kansas, 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. 2013 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.**

Albrecht, Chair; Emler, Com.; Apple, Com.

Dated: AUG 28 2014



ORDER MAILED AUG 29 2014

Thomas A. Day  
Acting Executive Director

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

Sam Brownback, Governor

## **REPORT AND RECOMMENDATION UTILITIES DIVISION**

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

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

**DATE:** August 21, 2014

**SUBJECT: Docket No. 08-SWBT-1136-IAT**

In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With Neutral Tandem-Kansas, LLC.

### **EXECUTIVE SUMMARY:**

On June 30, 2014, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed a request for approval of a modification to an Interconnection Agreement with Neutral Tandem-Kansas, LLC (Neutral Tandem-Kansas). Staff recommends approval of this Application.

The Commission action date is **Sunday, September 28, 2014.**

### **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 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 preempted 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 a transit traffic service attachment and replaces the notice section in the current Agreement.

SWBT 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.

Having reviewed the Agreement between SWBT and Neutral Tandem-Kansas, Staff finds no evidence to conclude this Agreement discriminates against any telecommunications carrier, nor is it inconsistent with public interest, convenience, or necessity. Staff believes the public will generally benefit from KCC approval of this Application.

The companies are registered with the Kansas Secretary of State and are active and in good standing with that office.

**RECOMMENDATION:**

Staff recommends the Commission grant approval of this Application for a modification to the Interconnection Agreement between SWBT and Neutral Tandem-Kansas.

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
JON CLOPTON, VP, NETWORK COST AND PLANNING NEUTRAL TANDEM-KANSAS LLC 550 W ADAMS ST STE 900 CHICAGO, IL 60661-3636		
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
BRUCE A. NEY, GENERAL ATTORNEY SOUTHWESTERN BELL TELEPHONE CO. D/B/A AT&T KANSAS 220 SE 6TH AVE RM 515 TOPEKA, KS 66603-3596		

ORDER MAILED **AUG 29 2014**

The Docket Room hereby certified that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.