

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

Before Commissioners:                      Dwight D. Keen, Chair  
                                                         Shari Feist Albrecht  
                                                         Jay Scott Emler

In the Matter of the Application of Southwestern                      )  
Bell Telephone Company, L.P. for Approval of                      )  
Interconnection Agreement Under the                      ) Docket No. 06-SWBT-373-IAT  
Telecommunications Act of 1996 With IDT                      )  
America Corp.                      )

**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 April 5, 2019, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application requesting Commission approval of an amendment to the Interconnection Agreement between Southwestern Bell Telephone Company and IDT America, Corporation (IDT). As part of the Application, AT&T Kansas included as Attachments I and II, a copy of the subject Amendment to the Interconnection Agreement and the Affidavit of Richard T. Howell, Area Manager-Regulatory Relations for AT&T Kansas.

2.        AT&T Kansas states that the Amendment to Interconnection Agreement entered into between AT&T Kansas and IDT modifies the Interconnection Agreement between the two parties, which was approved on October 24, 2005, in the above-captioned docket. The subject Interconnection Agreement and Amendment to Interconnection Agreement are collectively referred to herein as “amended Agreement”. AT&T Kansas further states that the amended

Agreement implements the FCC USF/ICC Transformation Order<sup>1</sup>, modifies certain provisions related to Customer Service Information Services and replaces Notices Provisions. 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.<sup>2</sup>

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2017 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.

4. 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 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. On April 16, 2019, the Commission Staff (Staff) submitted its Report and Recommendation dated April 12, 2019, advising the Commission to approve the amended Agreement between AT&T Kansas and IDT. Citing Section 252(e) of the Federal Act, Staff

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<sup>1</sup> See *Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking*, 26 FCC Rcd 17663 (2011) (USF/ICC Transformation Order and/or FNPRM), *aff'd sub nom. In re: FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014).

<sup>2</sup> Application at 2.

acknowledges the amended Agreement fully complies 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 IDT 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. The Commission adopts Staff's recommendation of April 12, 2019, as stated in its Report and Recommendation, which is attached and made a part of this Order, and finds that AT&T Kansas' Application should be granted, and the amended Agreement between AT&T Kansas and IDT be approved.

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

A. Southwestern Bell Telephone Company d/b/a AT&T Kansas' Application filed April 5, 2019 is hereby granted and the amended Interconnection Agreement between AT&T Kansas and IDT America Corporation 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).<sup>3</sup>

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.

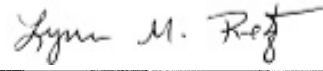
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<sup>3</sup> K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

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

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 04/25/2019

A handwritten signature in cursive script, appearing to read "Lynn M. Retz", written over a horizontal line.

Lynn M. Retz  
Secretary to the Commission

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**REPORT AND RECOMMENDATION**  
**UTILITIES DIVISION**

**TO:** Chair Dwight D. Keen  
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:** April 12, 2019

**SUBJECT:** 06-SWBT-373-IAT  
In the Matter of the Application of Southwestern Bell Telephone, L.P. for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With IDT America Corp.

**EXECUTIVE SUMMARY:**

On April 5, 2019, 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 IDT America Corporation (IDT). Staff recommends approval of the filing.

**BACKGROUND:**

On February 14, 2019, AT&T and IDT entered into an Amendment for the modification of the original Interconnection Agreement to make changes to the Operation Support Systems (OSS) and notice procedures. The Amendment expires coterminous with the current 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.

IDT company headquarters are in Newark, New Jersey, and is registered as a Corporation. IDT received Certificates of Convenience and Authority in Docket No. 04-IACC-144-COC, approved September 24, 2003, to provide Competitive Local Exchange (CLEC) service and 95-IACC-280-COC to provide Interexchange (IXC) service approved April 12, 1995, in the state of Kansas. IDT 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 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 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 IDT. Staff finds no evidence of discrimination against other parties and finds that approval is in the public interest.

## CERTIFICATE OF SERVICE

06-SWBT-373-IAT

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 04/25/2019.

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/S/ DeeAnn Shupe  
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