

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Brian J. Moline, Chair
John Wine
Robert E. Krehbiel

In the Matter of the Application of)
Southwestern Bell Telephone Company for) Docket No. 03-SWBT-330-IAT
Approval of Interconnection Agreement Under)
the Telecommunications Act of 1996 with)
American Fiber Systems, Inc.)

ORDER

COMES NOW, the above captioned matter for consideration and determination by the State Corporation Commission of the State of Kansas ("Commission"). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1. On January 17, 2003, the Commission approved the Interconnection Agreement Between Southwestern Bell Telephone Company ("SWBT") and American Fiber Systems, Inc. ("AFS").

2. On September 8, 2003, SWBT filed this modification to amend the Interconnection Agreement to incorporate a new non-recurring rate for HFPL Line and Station Transfer-Maintenance Phase which replaces and supercedes the rate currently shown as "to be determined."

3. SWBT believes approval is consistent with the public interest, convenience and necessity. SWBT indicates the Agreement and this third amendment thereto do not discriminate against any telecommunications carrier.

4 On November 17, 2003, the Commission staff ("Staff") submitted a memorandum recommending the Commission approve the application for modification to the Agreement between SWBT and AFS.

5. The Commission finds that the application for approval of the modification to the Agreement between SWBT and AFS should be granted. The modification to the Agreement does not, on its face, discriminate against any telecommunications provider not a party to the Agreement, and implementation of the modification to the Agreement is consistent with the public interest, convenience and necessity.

IT IS THEREFORE, BY THE COMMISSION ORDERED:

A. The modification of the Interconnection Agreement between Southwestern Bell Telephone Company and American Fiber Systems, Inc. is hereby approved.

B. A party may file a petition for reconsideration of this Order within fifteen days of the service of this Order. If this Order is mailed, service is complete upon mailing, and three days may be added to the above time frame.

C. The Commission retains jurisdiction of the subject matter and the parties for the purpose of entering such further order, or orders, as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Moline, Chr.; Wine, Com.; Krehbiel, Com.

ORDER MAILED

Dated: DEC 05 2003

DEC 05 2003

 Executive
Director

Susan K. Duffy
Executive Director

AEB:ci