

public interest, convenience and necessity and does not discriminate against any telecommunications carrier.¹

3. 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.

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 11, 2024, the Commission Staff (Staff) submitted its Report and Recommendation, advising the Commission to approve the Agreement between AT&T Kansas and Wisper. Citing Section 252(e) of the Federal Act, Staff acknowledges the 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. Staff further avers the Agreement does not discriminate against other telecommunication carriers and is consistent with the public interest of having additional telecommunication options and providers. Both AT&T Kansas and Wisper are properly registered with the Kansas Secretary of State's office and their

¹ Application at 1.

status with that office is active and in good standing. Staff accordingly recommends the Commission grant AT&T Kansas' Application and approve the Agreement.

6. The Commission adopts Staff's recommendation of April 11, 2024, 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 Agreement between AT&T Kansas and Wisper be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Southwestern Bell Telephone Company d/b/a AT&T Kansas filed March 14, 2024, is hereby granted and the Interconnection Agreement between AT&T Kansas and Wisper ISP, LLC, 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).²

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.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 05/14/2024



Lynn M. Retz
Executive Director

BWB

² K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

REPORT AND RECOMMENDATION
UTILITIES DIVISION

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

FROM: Jorge Soto-Gomez, Telecommunications Analyst
Steve Garrett, Deputy Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: April 11, 2024

RE: Docket No 24-SWBT-625-IAT

In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With Wisper ISP, LLC.

EXECUTIVE SUMMARY:

On March 14, 2024, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an application for approval of Interconnection Agreement (Agreement) with Wisper ISP, LLC (Wisper) under the Telecommunications Act of 1996. Staff recommends approval of the filing.

The Kansas Corporation Commission (Commission) action date is **June 12, 2024**.

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:

AT&T Kansas 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.

AT&T Kansas is an Incumbent Local Exchange Carrier (ILEC) certified to provide services in the state of Kansas. Wisper, formerly known as Wisper ISP, Inc.¹, was granted a Certificate of Convenience and Authority (COC) in the state of Kansas on October 8, 2019 in Docket No. 19-WIIZ-280-COC as a Competitive Local Exchange Carrier (CLEC). The Commission also designated Wisper as an Eligible Telecommunications Carrier (ETC) in Docket No. 19-WIIZ-225-ETC.

AT&T Kansas and Wisper are “active and in good standing” with the Kansas Secretary of State’s Office.² Both companies are current with the Kansas Universal Service Fund (KUSF) and Commission assessments. AT&T Kansas is current with their Annual Report. Wisper is current with their Annual Interrogatory.

Staff does not have any concerns regarding this application. Staff reviewed the Agreement and did not find any language that discriminates against other telecommunications carriers not a party to the Agreement. Implementation of this Agreement is in the public interest, because it provides additional telecommunications carrier options for the consumer.

RECOMMENDATION:

Staff recommends the Commission grant approval of this Interconnection Agreement between AT&T Kansas and Wisper.

¹ Order Approving Name Change (CLEC & ETC), Docket 21-WIIZ-019-CCN (August 11, 2020).

² Kansas Secretary of State, <https://www.sos.ks.gov/eforms/BusinessEntity/Search.aspx>, last viewed April 9, 2024.

CERTIFICATE OF SERVICE

24-SWBT-625-IAT

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 05/14/2024.

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/S/ KCC Docket Room
KCC Docket Room