

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

Before Commissioners: Brian J. Moline, Chair
 Robert E. Krehbiel
 Michael C. Moffet

In the Matter of the Application of)
Southwestern Bell Telephone L.P. for)
Approval of Interconnection Agreement) Docket No. 06-SWBT-234-IAT
under the Telecommunications Act of 1996)
with Xspedius Communications, LLC.)

ORDER APPROVING INTERCONNECTION AGREEMENT

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On September 7, 2005, Southwestern Bell Telephone, L.P. d/b/a SBC Kansas (SBC) filed an application seeking approval of an Interconnection Agreement (Agreement) with Xspedius Communications, LLC (Xspedius) under the Telecommunications Act of 1996, Public Law No. 104-104 (Federal Act).

2. The Agreement was arbitrated, negotiated and executed pursuant to the terms of the Federal Act. The Agreement incorporates provisions negotiated by the parties as well as Commission rulings on issues arbitrated in Docket No. 05-BTKT-365-ARB. When this Agreement is approved, it will supersede and replace the Interconnection Agreement between SBC and Xspedius approved in Docket No. 03-SWBT-369-IAT.

3. Xspedius is registered as “active and in good standing” with the Kansas Secretary of State’s Office.

4. On September 7, 2005, counsel for Xspedius submitted a letter regarding the Interconnection Agreements resulting from the arbitrations in Docket No. 05-BTKT-365-ARB. That letter stated the Xspedius signature page submitted with SBC's filing is subject to a reservation of rights to review the filed documents for mistakes. The letter states the time frame for approval of the Agreement did not give Xspedius an opportunity to review the documents that were filed by SBC. Xspedius assumes there will be no errors but reserves the right to review the Agreement, and if errors are found, to work with SBC to correct such errors and if necessary re-file to ensure that the Commission has an accurate and complete Agreement on file.

5. SBC seeks approval of the Agreement consistent with the Federal Act. SBC believes approval of the Agreement is consistent with the public interest, convenience and necessity, and does not discriminate against any telecommunications carrier.

6. SBC specifically requests that the Commission refrain from taking any action to change, suspend, or otherwise delay implementation of this Agreement, in keeping with the support of competition previously demonstrated by the Commission.

7. The Commission finds and concludes that the Interconnection Agreement between SBC and Xspedius should be approved. Approval of this Agreement is consistent with the public interest, convenience and necessity and does not, on its face, discriminate against any telecommunications provider not a party to the agreement.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The September 7, 2005 application of Southwestern Bell Telephone, L.P. d/b/a SBC Kansas for approval of the Interconnection Agreement with Xspedius Communications, LLC is hereby granted.

B. The parties have fifteen days, plus three 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. 66-118; K.S.A. 2004 Supp. 77-529(a)(1).

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

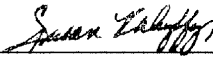
BY THE COMMISSION IT IS SO ORDERED.

Moline, Chr.; Krehbiel, Com.; Moffet, Com.

Dated: SEP 14 2005

ORDER MAILED

SEP 14 2005

 Executive
Director

Susan K. Duffy
Executive Director

EP