

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Thomas E. Wright, Chairman
Michael C. Moffet
Joseph F. Harkins

In the Matter of 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 MODIFICATION TO INTERCONNECTION AGREEMENT

NOW, 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 February 13, 2009, Southwestern Bell Telephone Company, L.P., d/b/a AT&T Kansas (AT&T) filed an Application modifying its previously approved interconnection agreement (Agreement) between AT&T and Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Kansas City, LLC d/b/a Xspedius Communications (Xspedius). The modification extends the expiration date of the Agreement to December 13, 2011. Additionally, the modification reflects Xspedius' name change to tw telecom of kansas city llc.

2. AT&T is a certificated Local Exchange Carrier in rural and urban areas of Kansas. AT&T and Xspedius are both registered with the Kansas Secretary of State's office and are "active and in good standing" with that office, and are current with the Kansas Universal Service Fund assessments and Commission fees.

3. AT&T and Xspedius present this modification as an integrated package, the result of negotiations and compromise. Furthermore, AT&T and Xspedius state that there are no outstanding issues in need of mediation or arbitration.

4. Section 252(e) of the Telecommunications Act of 1996 states that state commissions 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 the implementation of such an agreement (or portions thereof) is not consistent with the public interest, convenience and necessity. Staff has reviewed the proposed Agreement and finds no such cause for concern with this filing.

5. The Commission finds and concludes that the modification to the Agreement between AT&T and Xspedius should be approved. The Agreement, as amended, is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Southwestern Bell Telephone Company, L.P., d/b/a AT&T Kansas for approval of a modification to the interconnection agreement with Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Kansas City, LLC d/b/a Xspedius Communications is hereby approved. The expiration date of the agreement is extended to December 13, 2011. Xspedius Communications' name is also changed to tw telecom of kansas city llc.

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. 66-118b; K.S.A. 2008 Supp. 77-529.

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.

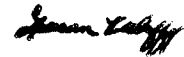
BY THE COMMISSION IT IS SO ORDERED.

Wright, Chmn.; Moffet, Com.; Harkins, Com.

Dated: MAR 03 2009

ORDERED MAILED

MAR 03 2009



**EXECUTIVE
DIRECTOR**

Susan K. Duffy
Executive Director

CRH:cik