

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of the Application of)
Southwestern Bell Telephone Company for)
Approval of Interconnection Agreement Under) Docket No. 10-SWBT-653-IAT
the Telecommunications Act of 1996 with)
MCC Telephony of the Midwest, LLC.)

ORDER APPROVING MODIFICATIONS TO 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 records and being duly advised in the premises, the Commission makes the following findings:

1. On May 4, 2010, the Commission approved an Interconnection Agreement between Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) and MCC Telephony of the Midwest, LLC (MCC). The Commission approved modifications to the Interconnection Agreement on June 1, 2011, and August 21, 2012.

2. On January 9, 2015, AT&T Kansas filed an Application for approval of further modifications to the Interconnection Agreement between AT&T Kansas and MCC. The modifications add a transit traffic service attachment and replace Section 19 (Notices).

3. Section 252(e)(2) of the Federal Telecommunications Act of 1996 states that State commissions may only reject a negotiated agreement only if it finds that the agreement (or portions thereof) discriminate 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.

4. Commission Staff submitted a Report and Recommendation in regards to the Interconnection Agreement modifications on March 2, 2015, attached hereto and made a part hereof by reference. Staff found no evidence to conclude the Interconnection Agreement with the modifications discriminated against any telecommunications carrier, nor that it was inconsistent with the public interest, convenience, or necessity. Staff recommended approval of the Interconnection Agreement with the modifications.

5. The Commission finds Staff's findings and recommendation to be reasonable and hereby adopts the same.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The modifications to the Interconnection Agreement between AT&T Kansas and MCC are approved.

B. The parties have fifteen (15) days, plus three (3) 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. 77-529(a)(1).

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

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: MAR 10 2015


ORDER MAILED MAR 11 2015

Neysa Thomas
Acting Secretary

MRN

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chair Shari Feist Albrecht
Commissioner Jay Scott Emler
Commissioner Pat Apple

FROM: Hal Baumhardt, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: March 2, 2015

SUBJECT: Docket No. 10-SWBT-653-IAT

In the Matter of the Application of SWBT of a Modification to
Interconnection Agreement with MCC Telephony of Midwest, LLC

EXECUTIVE SUMMARY:

On January 9, 2015, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application for approval of Modification to the Interconnection Agreement (Agreement) between AT&T Kansas and MCC Telephony of Midwest (MCC). Staff recommends approval of the filing.

BACKGROUND:

On January 9, 2015, AT&T Kansas filed this Application for approval of Modification to the Agreement between AT&T Kansas and MCC.

MCC is a competitive local exchange carrier (CLEC) that provides telecommunications services to residential and small business customers relying upon facilities leased from its cable affiliates, as well as transport and switch facilities procured from other network providers. MCC also provides long distance services throughout the State of Kansas. MCC is an affiliate of Mediacom Communications Corporation, which is headquartered in Middletown, New York, and its President is Rocco B. Commisso.

AT&T Kansas is the largest local exchange carrier (LEC) operating in Kansas. The Company's largest service areas are Kansas City, Topeka, and Wichita. AT&T Kansas is headquartered in Topeka, Kansas, and its President is Mike Scott.

ANALYSIS:

AT&T Kansas affirms that implementation of this Agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. AT&T Kansas deems this Agreement promotes diversity in providers, provides interconnectivity, and will increase customer choices for telecommunications services.

MCC was granted a Certificate of Convenience and Authority in the state of Kansas on June 28, 2010, in Docket No. 10-MTMT-432-COC as a CLEC, and as a reseller of interexchange services (IXC) in Docket No. 10-MTMT-433-COC.

The Company is registered with the Kansas Secretary of State's office and is "*active and in good standing*" with that office. Moreover, the Company is current with Kansas Universal Service Fund (KUSF), Commission Assessment, and its 2013 Annual Interrogatory. The original Agreement was approved by the Commission on May 4, 2010.

This modification to the Agreement adds a transit traffic service attachment and replaces Section 19 (Notices) in the current Agreement. The parties acknowledged that the Agreement herein shall consist of the Interconnection Agreement for the State of Kansas, which the parties executed on April 7, 2010. This Amendment shall not modify or extend the Effective Date or Term of the underlying Agreement and, except as modified herein, all other terms and conditions of the underlying Agreement shall remain unchanged and in full force and effect.

Section 252(e) of the Federal Act 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 this Agreement between AT&T Kansas and MCC and Staff does not have any concerns regarding this Application.

RECOMMENDATION:

Staff recommends the Commission grant approval of this Modification to the Interconnection Agreement between AT&T Kansas and MCC Telephony of Midwest.

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
MICHAEL NEELEY, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		
ANNA SOKOLIN-MAIMON, VP REGULATORY AFFAIRS MCC TELEPHONY OF MIDWEST, LLC 1 MEDIACOM WAY CHESTER, NY 10918-4810		
BRUCE A. NEY, GENERAL ATTORNEY SOUTHWESTERN BELL TELEPHONE CO. D/B/A AT&T KANSAS 220 SE 6TH AVE RM 505 TOPEKA, KS 66603-3596		

ORDER ~~MAILED~~ MAR 11 2015

The Docket Room hereby certified that on this _____ day of _____, 20____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.