

**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 the                      ) Docket No. 09-SWBT-419-IAT  
Telecommunications Act of 1996 With One Point                      )  
Technologies, Inc.                      )

**ORDER APPROVING AMENDED 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 record and being duly advised in the premises, the Commission makes the following findings:

1.        On August 8, 2014, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed an Application requesting Commission approval of a modification to the Interconnection Agreement between SWBT and One Point Technologies, Inc. (One Point). Supplementing its Application, SWBT included as Attachments I and II, copies of the subject Amendment to Interconnection Agreement and the Affidavit of Janet Arnold, SWBT's Manager-Regulatory Relations.

2.        SWBT states that the Amendment to Interconnection Agreement entered into between SWBT and One Point dated August 4, 2014, amends the Interconnection Agreement between the two parties, which was approved by the Commission on December 8, 2008. The subject Interconnection Agreement and Amendment to Interconnection Agreement are collectively referred to herein as "amended Agreement". SWBT further states that the amended Agreement adds a transit traffic service attachment and replaces the Notices section in the current Agreement. SWBT maintains that the amended Agreement fully complies with Section

252(e) of the Telecommunications Act of 1996 (Federal Act) and is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. Application at page 2.

3. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2013 Supp. 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.

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 portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (2) the implementation of such agreement (or portion thereof) is not consistent with the public interest, convenience, and necessity.

4. On September 2, 2014, the Commission Staff (Staff) submitted its Report and Recommendation dated August 27, 2014, recommending the Commission approve the amended Agreement between SWBT and One Point. Citing Section 252(e) of the Federal Act, Staff confirms that the amended Agreement fully complies with the Federal Act and believes that approval of the Agreement is consistent with the public interest, convenience, and necessity. Staff further states its belief that the public will generally benefit from Commission approval of SWBT's Application. Both SWBT and One Point are properly registered with the Kansas Secretary of State's office and their status with that office is *active and in good standing*.

Concluding, Staff recommends the Commission grant SWBT's Application and approve the amended Agreement.

5. The Commission adopts Staff's analysis and recommendation of August 27, 2014, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that SWBT's Application should be granted and that the amended Agreement between SWBT and One Point should be approved.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. Southwestern Bell Telephone Company d/b/a AT&T Kansas' Application is hereby granted and the amended Interconnection Agreement between SWBT and One Point Technologies, Inc. is hereby approved.

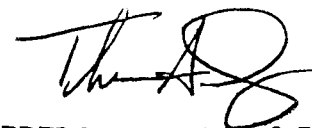
B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2013 Supp. 77-529(a)(1).

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.**

Albrecht, Chair; Emler, Com.; Apple, Com.

Dated: SEP 04 2014



ORDER MAILED SEP 05 2014  
Thomas A. Day  
Acting Executive Director

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Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner

Sam Brownback, Governor

## **REPORT AND RECOMMENDATION UTILITIES DIVISION**

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

**FROM:** Kelly Mabon, Telecommunications Analyst  
Christine Aarnes, Chief of Telecommunications  
Jeff McClanahan, Director of Utilities

**DATE:** August 27, 2014

**SUBJECT: Docket No. 09-SWBT-419-IAT**

In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With One Point Technologies, Inc.

### **EXECUTIVE SUMMARY:**

On August 8, 2014, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed a request for approval of a modification to an Interconnection Agreement with One Point Technologies, Inc. (One Point). Staff recommends approval of this Application.

The Commission action date is **Thursday, November 6, 2014.**

### **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 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:**

This modification adds a transit traffic service attachment and replaces the Notices section in the current Agreement.

SWBT 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.

Having reviewed the Agreement between SWBT and One Point, Staff finds no evidence to conclude this Agreement discriminates against any telecommunications carrier, nor is it inconsistent with public interest, convenience, or necessity. Staff believes the public will generally benefit from KCC approval of this Application.

The companies are registered with the Kansas Secretary of State and are active and in good standing with that office.

**RECOMMENDATION:**

Staff recommends the Commission grant approval of this Application for a modification to the Interconnection Agreement between SWBT and One Point.

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
CANDACE WRIGHT, GENERAL MANAGER/CFO ONE POINT TECHNOLOGIES, INC. D/B/A BLUE VALLEY TELE-COMMUNICATIONS 1559 PONY EXPRESS HWY HOME, KS 66438-9000		
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
BRUCE A. NEY, GENERAL ATTORNEY SOUTHWESTERN BELL TELEPHONE CO. D/B/A AT&T KANSAS 220 SE 6TH AVE RM 515 TOPEKA, KS 66603-3596		

ORDER MAILED SEP 05 2014

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.