

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

Before Commissioners: John Wine, Chair
 Cynthia L. Claus
 Brian J. Moline

In the Matter of Southwestern Bell Telephone)
Company-Kansas' Compliance with Section) Docket No. 97-SWBT-41 1-GIT
27 1 of the Federal Telecommunications Act)
of 1996.)

ORDER REQUIRING CORRECTION
OF OPTIONAL LINE SHARING AMENDMENT TO THE K2A

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for a decision. Being fully advised in the premises and familiar with its files and records, the Commission finds and concludes as follows:

1. On September 13, 2000, the Commission issued Order 5 in Docket No. 01-GIMT-032-GIT (032 docket). That docket was established for the purpose of establishing rates, terms and conditions for digital subscriber line unbundled network elements, loop conditioning and line sharing. In that order the Commission, *inter alia*, adopted the rates, terms and conditions determined in the arbitration proceedings in Dockets Nos. 00-DCIT-389-ARB and 00-DCIT-997-ARB for Southwestern Bell Telephone Company (SWBT), on an interim basis, subject to modification and true-up, if necessary, until a decision is made in the 032 docket.

2. On October 4, 2000, the Commission approved SWBT's generic interconnection agreement for Kansas (K2A). Staff has reviewed the modified version of the K2A, filed with the Commission on October 9, 2000, and determined that the charges set out in the Optional Line Sharing Amendment, at Section 9.5, page 16, are not in compliance with Order 5 in the 032 docket. Staff has recommended that the Commission on its own motion, require SWBT to

correct the rates set out in Section 9.5 to comply with Order 5. Staff has informed the Commission that it has discussed this issue with SWBT and that SWBT agrees that Order 5 applies and that the rates should be corrected. Staff provided the Commission with a table of the corrected rates. Staff noted all rates either decrease, or remain the same when corrected.

3. The Commission finds it is appropriate to address this issue on its own motion and directs SWBT to correct the rates in Section 9.5 of the Optional Line Sharing Amendment to the K2A to comply with Order 5 in the 032 docket. For ease of comparison Attachment B to this order contains the filed rates. The correct rates are set out on Attachment A to this order.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. SWBT shall correct the rates applicable to the Optional Line Sharing Amendment of the K2A to conform to Order 5 in the 032 docket in accordance with Attachment A to this order.

B. The parties have fifteen days, plus three days if service of this Order is by mail, from the date of service of this Order in which to request rehearing on any matter decided herein.

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.

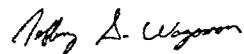
BY THE COMMISSION IT IS SO ORDERED.

ORDER MAILED

Wine, Chr.; Claus, Corn.; Moline, Corn.

OCT 27 2000

Dated: OCT 27 2000

 Executive Director

Jeffrey S. Wagaman
EXECUTIVE DIRECTOR

EP

Attachment 25: xDSL (Section 9) is amended as follows:

9.5 SWBT's rate for HFPL, and associated charges shall be as follows:

	Recurring	Nonrecurring Initial	Additional
HFPL Loop - Zone 1 (Rural)	\$0	N/A	N/A
HFPL Loop - Zone 2 (Suburban)	\$0	N/A	N/A
HFPL Loop - Zone 3 (Urban)	\$0	N/A	N/A
Loop Qualification Process			
- Mechanized	None	\$0	\$0
- Manual	None	\$0	None
- Detailed Manual	None	\$0	\$0
HFPL Cross Connect - CLEC Owned	\$73	\$17.29	\$17.29
HFPL Cross Connect - SWBT Owned	\$73	\$17.29	\$17.29
HFPL OSS Charge - Per Line	\$0	N/A	N/A
Splitter - Line at a time	TBD	N/A	N/A

9.5.1 The Parties acknowledge and agree that the rates set forth above ~~are interim rates~~ are interim rates, subject to true-up to the final contract rates. The final contract rates will be established in accordance with a final, non-appealable order issued in KCC Docket No. 97-SCCC-149-GIT or KCC Docket 00-DCIT-389-ARB or KCC Docket No. 01-GIMT-032-GIT.

9.5.2 Consistent with paragraph 14.5 of Attachment 6, the line sharing unbundled network elements will be provided at cost based prices. Said prices will be provided by SWBT in writing to CLEC as soon as possible, but in any event within 30 days of CLEC's request, CLEC will advise SWBT within 10 days of receipt whether prices are acceptable. If some or all rates are acceptable to CLEC, the Parties will immediately amend the Pricing Appendix to reflect such prices as are acceptable. The Parties will meet within 30 days of receipt of the prices by CLEC to negotiate regarding any price that is unacceptable to CLEC. If the Parties are unable to reach agreement on all prices within 45 days of SWBT's provision of the prices to the CLEC, either Party may file with the Kansas Corporation Commission requesting a determination of the appropriate cost based pricing. Any determination by the Kansas Corporation Commission on the appropriate price will be applied retroactively to the sooner of the effective date of this Amendment or the first provision of a sub-loop to CLEC.

Attachment 25: xDSL (Section 9) is amended as follows:

9.5 SWBT's rate for HFPL, and associated charges shall be as follows:

	Recurring	Nonrecurring Initial	Additional
HFPL Loop - Zone 1 (Rural)	\$11.67	N/A	N/A
HFPL Loop - Zone 2 (Suburban)	\$ 6.82	N/A	N/A
HFPL Loop - Zone 3 (Urban)	\$5.93	N/A	N/A
Loop Qualification Process			
- Mechanized	TBN	TBN	TBN
- Manual	None	\$15.00	None
- Detailed Manual	TBN	TBN	TBN
HFPL Cross Connect - CLEC Owned	\$ 0.78	\$126.76	\$79.10
HFPL Cross Connect - SWBT Owned	TBD	TBD	TBD
HFPL OSS Charge - Per Line	\$ 0.61	N/A	N/A
Splitter – Line at a time	TBD	N/A	N/A

9.5.1 The Parties acknowledge and agree that the rates set forth above for Loop Qualification Process are interim rates, subject to true-up to the final contract rates. The final contract rates will be established in accordance with a final, non-appealable order issued in KCC Docket No. 97-SCCC-149-GIT or KCC Docket 00-DCIT-389-ARB or KCC Docket No. 01-GIMT-032-GIT.

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