



Control Number: 49893



Item Number: 1

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**AT&T Texas**

August 23, 2019

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### **INTERCONNECTION**

**DOCKET NO. 49893**

**JOINT APPLICATION OF SOUTHWESTERN BELL TELEPHONE  
COMPANY D/B/A AT&T TEXAS AND AIRUS, INC. FOR APPROVAL  
OF AN AMENDMENT TO THE INTERCONNECTION AGREEMENT  
UNDER PURA AND THE TELECOMMUNICATIONS ACT OF 1996**

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August 23, 2019

Commission Filing Clerk  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
Austin, Texas 78701

**Re: Joint Application of Southwestern Bell Telephone Company d/b/a AT&T Texas and Airus, Inc. for Approval of an Interconnection Amendment under PURA and the Telecommunications Act of 1996**

**Docket No. \_\_\_\_\_**

Dear Commission Filing Clerk:

Southwestern Bell Telephone Company<sup>1</sup> d/b/a AT&T Texas ("AT&T TEXAS") and Airus, Inc. ("CLEC") (collectively the "Applicants") hereby submit this Joint Application ("Application") for Approval of an Interconnection Amendment ("Amendment") thereto, under the Telecommunications Act of 1996 ("the Act") and the Public Utility Regulatory Act ("PURA"), and would respectfully show the Public Utility Commission of Texas (the "Commission") the following:

*I. Amendment*

The Applicants present this Application for approval pursuant to the terms of Section 252 of the Act, PURA, and applicable PUC Procedural Rules. Said Amendment is being incorporated into the Agreement already approved by the Commission on June 20, 2017 in Docket No. 47254. Said Amendment adds rates and terms for Alternate 911 services.

The Applicants' Affidavits explaining how the Amendment is consistent with the public interest, convenience, and necessity, including all relevant requirements of law, are filed with this Application as Attachments II and III.

*II. Request for Approval*

The Applicants jointly seek the Commission's final approval of this Application, pursuant to applicable PUC Procedural Rules. The Application complies with said Rules and Section 252(e) of the Act because the proposed Amendment is pro-competitive and does not discriminate against any telecommunications carrier that is not a party thereto, and is consistent with the public interest, convenience, and necessity and consistent with other requirements of state law. There are no outstanding issues between the parties requiring mediation or arbitration.

The Applicants respectfully request that the Commission grant final approval of this Application, without change, suspension or other delay in its implementation. The Applicants do not believe a docket or intervention by other parties is necessary or appropriate.

*III. Standard for Review*

The statutory standards of review are set forth in Section 252(e) of the Act and applicable Procedural Rules. The respective affidavits of the AT&T TEXAS REPRESENTATIVE, filed herein as Attachment II and the CLEC REPRESENTATIVE filed herein as Attachment III, establish that the Amendment submitted herein satisfies these standards.

*IV. SPCOA Information*

Airus, Inc. warrants that, to the extent required, it has sought and obtained approval of a SPCOA, and is duly authorized to serve the geographic area of the entire state of Texas.

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<sup>1</sup> On December 30, 2001, Southwestern Bell Telephone Company (a Missouri corporation) was merged with and into Southwestern Bell Texas, Inc. (a Texas corporation) and, pursuant to Texas law, was converted to Southwestern Bell Telephone, L.P., a Texas limited partnership. On June 29, 2007, Southwestern Bell Telephone, L.P., a Texas limited partnership, was merged with and into SWBT Inc., a Missouri corporation, with SWBT Inc. as the survivor entity. Simultaneous with the merger, SWBT Inc. changed its name to Southwestern Bell Telephone Company. Southwestern Bell Telephone Company is doing business in Texas as "AT&T Texas".

V. Relief Requested

1. The Applicants request the Commission grant Final Approval of the Amendment as early as possible by Commission order.

VI. Conclusion

For the reasons set forth above, the Applicants respectfully request that the Commission grant all of the relief requested herein, and such other and further relief to which the Applicants may show themselves to be entitled.

eSigned - John McCluskey  
Signature: CLEC Representative

eSigned - Demetria Jackson  
AT&T Representative

eSigned - John McCluskey  
Name (Print)

eSigned - Demetria Jackson  
Name (Print)

General Manager  
Title (Print)

MGR - INTERCONNECTION AGREEMENTS  
Title (Print)

Airus, Inc.  
840 South Canal, 7th Floor  
Chicago, IL 60607  
Telephone: (312) 878-4160  
Fax: (312) 506-0931

Southwestern Bell Telephone Company  
d/b/a AT&T Texas  
Four AT&T Plaza, 9<sup>th</sup> Floor  
Dallas, TX 75202  
Telephone: (469) 672-8644  
Fax: (214) 712-5792

# Attachment I

**AMENDMENT**

**BETWEEN**

**SOUTHWESTERN BELL TELEPHONE COMPANY D/B/A AT&T TEXAS**

**AND**

**AIRUS, INC.**

Signature: eSigned - John McCluskeySignature: eSigned - William BockelmanName: eSigned - John McCluskey  
(Print or Type)Name: eSigned - William Bockelman  
(Print or Type)Title: General Manager  
(Print or Type)Title: DIR-INTERCONNECTION AGREEMENTS  
(Print or Type)Date: 11 Jul 2019Date: 29 Jul 2019**Airus, Inc.**Southwestern Bell Telephone Company d/b/a AT&T  
TEXAS by AT&T Services, Inc., its authorized agent

State	CLEC OCN
TEXAS	951F

Description	ACNA Code(s)
ACNA	VOX

**AMENDMENT TO  
INTERCONNECTION AGREEMENT  
BETWEEN  
SOUTHWESTERN BELL TELEPHONE COMPANY d/b/a AT&T TEXAS  
AND  
Airus, Inc.**

This Amendment amends the Interconnection Agreement by and between Southwestern Bell Telephone Company d/b/a AT&T Texas ("AT&T") and Airus, Inc. ("CLEC"). AT&T and CLEC are hereinafter referred to collectively as the "Parties" and individually as a "Party". This Amendment applies in AT&T's service territory in the State of Texas.

**WITNESSETH:**

**WHEREAS**, AT&T and CLEC are Parties to an Interconnection Agreement under Sections 251 and 252 of the Communications Act of 1934, as amended (the "Act"), dated May 3, 2017 (the "Agreement");

**WHEREAS**, the Parties wish to amend the Agreement to reflect certain changes relating to 911 found in the Public Utility Commission of Texas Substantive Rules, 26.433(i) and 26.272(e)(1)(B)(vi), and

**NOW, THEREFORE**, in consideration of the promises and mutual agreements set forth herein, the Parties agree to amend the Agreement as follows:

1. Recitals. The above recitals are hereby incorporated in their entirety into this Amendment.
2. This Amendment adds terms and conditions for 911 Service referenced in the Alternative 911 Service Attachment when CLEC is providing 911 Service to its end-user customers using an alternative 911 Service arrangement approved by the appropriate 911 administrative agency.
3. EXCEPT AS MODIFIED HEREIN, ALL OTHER TERMS AND CONDITIONS OF THE UNDERLYING AGREEMENT SHALL REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.
4. In entering into this Amendment, neither Party waives, and each Party expressly reserves, any rights, remedies or arguments it may have at law or under the intervening law or regulatory change provisions in the underlying Agreement (including intervening law rights asserted by either Party via written notice predating this Amendment) with respect to any orders, decisions, legislation or proceedings and any remands thereof, which the Parties have not yet fully incorporated into this Agreement or which may be the subject of further review.
5. This Amendment shall not modify or extend the Effective Date or Term of the underlying Agreement, but rather, shall be coterminous with such Agreement.
6. The Parties acknowledge and agree that this Amendment shall be filed with and is subject to approval by the Public Utility Commission of Texas (Commission) and shall become effective upon approval by such Commission (the "Amendment Effective Date").



## **ATTACHMENT – ATT ALTERNATIVE 911 SERVICE**

1.0 **INTRODUCTION**

- 1.1 This Attachment sets forth the terms and conditions for 911 Service when CLEC is providing 911 service to its End Users using an alternative 911 service arrangement approved by the appropriate 911 administrative agency.
- 1.2 In the event AT&T TEXAS is the 911 network service provider and CLEC is not connecting directly to AT&T TEXAS to provide its End Users access to 911 service, AT&T TEXAS shall not provision or activate CLEC's voice trunks until CLEC provides AT&T TEXAS: (1) a written representation that CLEC is providing 911 service to its End Users using an alternative 911 service arrangement, and (2) written approval of CLEC's 911 service arrangement by the appropriate 911 administrative agency.
- 1.3 Notwithstanding anything to the contrary, so long as the requirements set forth above are met, 911 testing is not required to pass non-911 traffic to and from End Users for which CLEC does not offer 911 Service through AT&T TEXAS.

# Attachment II

STATE OF Texas:  
COUNTY OF Dallas:

### AFFIDAVIT OF AT&T TEXAS REPRESENTATIVE

Before me, the Undersigned Authority, on this 8<sup>th</sup> day of August, 2019, personally appeared Demetria D. Jackson who, upon being by me duly sworn on oath deposed and said the following:

1. My name is Demetria D. Jackson. I am over the age of 21, of sound mind and competent to testify to the matters state herein. I am Manager – Interconnection Agreements for AT&T Services, Inc. I have personal knowledge of the Amendment between Southwestern Bell Telephone Company d/b/a AT&T Texas<sup>1</sup> ("AT&T Texas") and Airus, Inc.
2. This Amendment establishes rates and terms for Alternate 911 services. This Amendment is the result of negotiation. I believe that this Amendment between AT&T Texas and Airus, Inc. is in the public interest and comports with the relevant requirements of state law.
3. Further, consistent with the policy provision of PURA, I believe that this Amendment fosters, encourages and accelerates the continuing development and emergence of a competitive advanced telecommunications environment and infrastructure and to that end, not only advances, but, also protects the public interest.
4. I am not aware of any provision in this Amendment that discriminates against any telecommunications carrier that is not a party to this Amendment. The terms of this Amendment are available to any similarly situated local service provider in negotiating a similar agreement.
5. I am not aware of any outstanding issues between the parties that need the assistance of mediation or arbitration at this time.

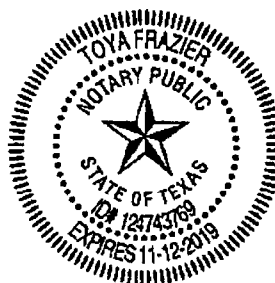
Further the Affiant sayeth not.

Demetria D. Jackson  
Demetria D. Jackson  
Manager – Interconnection Agreements

Sworn and Subscribed to before me this 8<sup>th</sup> day of August, 2019, to certify which witness my hand.

[Signature]  
Notary Public in and for the State of Texas

My Commission expires on: 11-12-2019



<sup>1</sup> On December 30, 2001, Southwestern Bell Telephone Company (a Missouri corporation) was merged with and into Southwestern Bell Texas, Inc. (a Texas corporation) and, pursuant to Texas law, was converted to Southwestern Bell Telephone, L.P., a Texas limited partnership. On June 29, 2007, Southwestern Bell Telephone, L.P., a Texas limited partnership, was merged with and into SWBT Inc., a Missouri corporation, with SWBT Inc. as the survivor entity. Simultaneous with the merger, SWBT Inc. changed its name to Southwestern Bell Telephone Company. Southwestern Bell Telephone Company is doing business in Texas as "AT&T Texas".

# Attachment III

STATE OF Kentucky  
COUNTY OF Shelby:

### AFFIDAVIT OF CLEC REPRESENTATIVE

Before me, the Undersigned Authority, on this 29 day of July, 2019, personally appeared John McCluskey who, upon being by me duly sworn on oath deposed and said the following:

1. My name is John McCluskey. I am over the age of 21, of sound mind and competent to testify to the matters stated herein. I am President – CLEC Operations. I have personal knowledge of the Amendment between Southwestern Bell Telephone Company d/b/a AT&T Texas ("AT&T Texas") and Airus, Inc.
2. This Amendment establishes rates and terms for Alternate 911 services. This Agreement or Amendment is the result of negotiation. I believe that this Amendment between AT&T Texas and Airus, Inc. is in the public interest and comports with the relevant requirements of state law.
3. Further, consistent with the policy provision of PURA, I believe that this Amendment fosters, encourages and accelerates the continuing development and emergence of a competitive advanced telecommunications environment and infrastructure and to that end, not only advances, but, also protects the public interest.
4. I am not aware of any provision in this Amendment that discriminates against any telecommunications carrier that is not a party to this Amendment. The terms of this Amendment are available to any similarly situated local service provider in negotiating a similar agreement.
5. I am not aware of any outstanding issues between the parties that need the assistance of mediation or arbitration at this time.

Further the Affiant sayeth not.

John McCluskey  
JOHN MCCLUSKEY  
PRESIDENT – CLEC OPERATIONS

Sworn and Subscribed to before me this 29<sup>th</sup> day of July, 2019, to certify which witness my hand.

[Signature]  
Notary Public in and for the State of Ky

My Commission expires on: Sept 11, 2022