

adopted

1 ~~partially over its own network. Facilities based carrier shall not include~~  
2 ~~any radio communication services provider licensed by the federal~~  
3 ~~communications commission to provide commercial mobile radio services;~~

4 ~~(B) "rural exchange" means any exchange in which there are fewer~~  
5 ~~than 6,000 local exchange access lines served by the electing carrier and~~  
6 ~~all facilities based carriers; and~~

7 ~~(C) "urban exchange" means any exchange in which there are 75,000~~  
8 ~~or more local exchange access lines served by the electing carrier and all~~  
9 ~~facilities based carriers.~~

10 (y) Notwithstanding the provisions of this act, *and subject to any*  
11 *applicable exemption from interconnection generally,* a  
12 telecommunications carrier is entitled to interconnection with a *local*  
13 *exchange carrier* or an electing carrier to transmit and route voice traffic  
14 between both the telecommunications carrier and the *local exchange*  
15 *carrier* or electing carrier regardless of the technology by which the voice  
16 traffic is originated by and terminated to a consumer. The commission  
17 shall afford such telecommunications carrier all substantive and procedural  
18 rights available to such carrier regarding interconnection pursuant to 47  
19 U.S.C. §§ 251 and 252 as in effect on the effective date of this act.  
20 *Nothing in this subsection shall be construed to confer jurisdiction upon*  
21 *the commission for services that are exempt from or otherwise not subject*  
22 *to commission jurisdiction.*

23 (z) (1) *Telecommunications carriers and electing carriers shall not be*  
24 *subject to regulation by the commission for the provision of*  
25 *telecommunications services, except that the commission shall retain the*  
26 *authority and jurisdiction to authorize applications, suspension or*  
27 *cancellation of certificates of public convenience and necessity to provide*  
28 *local exchange or exchange access service in the state of Kansas, but the*  
29 *commission may not use this certification authority to regulate*  
30 *telecommunications carriers or electing carriers beyond the jurisdiction*  
31 *provided the commission in this subsection.*

32 (2) *Nothing in this section shall be construed to restrict the*  
33 *commission's authority and jurisdiction to:*

34 (A) *Carry out the commission's obligations established in 47 U.S.C.*  
35 *§§ 251 and 252; and*

36 (B) *implement rules delegated to the state by the federal*  
37 *communications commission or federal law unless specifically prohibited*  
38 *by state law; or*

39 (C) *regulate intrastate switched access rates, terms and conditions,*  
40 *including the implementation of federal law concerning intercarrier*  
41 *compensation.*

42 (3) *The commission shall retain the authority and jurisdiction to:*

43 (A) *Carry out the commission's obligations pursuant to the*