

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

\* \* \* \* \*

In the matter of the petition of	)	
<b>TCG DETROIT</b> for arbitration to establish	)	
an interconnection agreement with	)	Case No. U-11138
<b>AMERITECH MICHIGAN.</b>	)	
_____	)	

At the February 28, 1997 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. John G. Strand, Chairman  
 Hon. John C. Shea, Commissioner  
 Hon. David A. Svanda, Commissioner

**OPINION AND ORDER**

On July 16, 1996, TCG Detroit (TCG) filed a petition requesting the Commission to arbitrate unresolved issues related to an interconnection agreement it was negotiating with Ameritech Michigan. In response, an arbitration panel was appointed and issued its decision on October 3, 1996 addressing the three unresolved issues. On November 1, 1996, the Commission issued an order adopting the panel recommendation on two of the issues and finding that neither party's position was acceptable on the third issue. The Commission therefore directed the parties to submit new proposals on that issue within 30 days. On February 19, 1997, TCG and Ameritech Information Industry Services, on behalf of Ameritech Michigan, filed a fully executed interconnection agreement and requested Commission approval.

Section 252 of the federal Telecommunications Act of 1996, 47 USC 252, requires that any interconnection agreement that is adopted by negotiation or arbitration be submitted to the Commission for approval. 47 USC 252(e) provides in part:

(2) GROUNDS FOR REJECTION.--The State commission may only reject--

(A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that--

(i) the agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or

(ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; or

(B) an agreement (or any portion thereof) adopted by arbitration under subsection (b) if it finds that the agreement does not meet the requirements of section 251, including the regulations prescribed by the [Federal Communications] Commission pursuant to section 251, or the standards set forth in subsection (d) of this section.

(3) PRESERVATION OF AUTHORITY.--Notwithstanding paragraph (2), but subject to section 253, nothing in this section shall prohibit a State commission from establishing or enforcing other requirements of State law in its review of an agreement, including requiring compliance with intrastate telecommunications service quality standards or requirements.

47 USC 252(e)(2) and (3).

After reviewing the agreement, the Commission concludes that it should approve the interconnection agreement, with the attachments. The Commission finds that the agreement is consistent with federal and state law and is in the public interest.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1991 PA 179, as amended by 1995 PA 216, MCL 484.2101 et seq.; MSA 22.1469(101) et seq.; the Communications Act of 1934, as amended by the federal Telecommunications Act of 1996, 47 USC 151 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACCS, R 460.17101 et seq.

b. The interconnection agreement, with its attachments, should be approved.

THEREFORE, IT IS ORDERED that:

A. The interconnection agreement between TCG Detroit and Ameritech Information Industry Services on behalf of Ameritech Michigan is approved.

B. Approval of the agreement does not serve as precedent for Ameritech Michigan's obligations and does not alter its duty to comply with relevant federal and state law and past and future Commission orders.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

John G. Strand  
Chairman

(SEAL)

I dissent, as discussed in my separate  
opinion.

John C. Shea  
Commissioner

David A. Svanda  
Commissioner

By its action of February 28, 1997.

Dorothy Wideman  
Executive Secretary

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

---

Chairman

I dissent, as discussed in my separate opinion.

---

Commissioner

---

Commissioner

By its action of February 28, 1997.

---

Executive Secretary

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

\*\*\*\*\*

In the matter of the petition of  
)  
**TCG DETROIT** for arbitration to establish  
)  
an interconnection agreement with  
) Case No. U-11138  
**AMERITECH MICHIGAN.**  
)

\_\_\_\_\_ )

**DISSENTING OPINION OF COMMISSIONER JOHN C. SHEA**

(Submitted on February 28, 1997 concerning order issued on same date.)

For the reasons stated in my dissenting opinion dated November 1, 1996 in this docket, I dissent.

\_\_\_\_\_ )  
\_\_\_\_\_. John C. Shea, Commissioner

In the matter of the petition of )  
**TCG DETROIT** for arbitration to establish )  
an interconnection agreement with )  
**AMERITECH MICHIGAN.** )  
\_\_\_\_\_ )

Case No. U-11138

Suggested Minute:

“Adopt and issue order dated February 28, 1997 approving the interconnection agreement between TCG Detroit and Ameritech Michigan, as set forth in the order.”