

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of )  
**MCI TELECOMMUNICATIONS CORPORATION** )  
for arbitration to establish an interconnection ) Case No. U-11168  
agreement with **AMERITECH MICHIGAN.** )  
\_\_\_\_\_ )

At the July 31, 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 August 30, 1996, MCI Telecommunications Corporation (MCI) filed a petition for arbitration regarding the prices, terms, and conditions for interconnection and related arrangements with Ameritech Michigan, pursuant to Section 252(b) of the federal Telecommunications Act of 1996, 47 USC 252(b). An arbitration panel was appointed and issued its decision on November 26, 1996. On December 20, 1996, the Commission issued an order, with Commissioner Shea dissenting, adopting in part and modifying in part the recommendations of the panel. The Commission required the parties to file within ten days an executed copy of an interconnection agreement that incorporated the Commission's December 20, 1996 rulings. On January 21, 1997, MCI and Ameritech Michigan each filed a petition for rehearing.

Initially, it appeared that with additional time the parties would resolve their differences and sign an interconnection agreement, but it became apparent that the parties would be unable to do so without further intervention from the Commission. Therefore, on April 23, 1997, representatives of MCI and Ameritech

Michigan met with the Commission Staff (Staff) to discuss the four remaining issues. By letter dated April 29, 1997, the Staff submitted its proposed resolution of the four issues. MCI and Ameritech Michigan filed responses. On June 5, 1997, the Commission issued an order, with Commissioner Shea dissenting, resolving those issues and requiring the parties to file within seven days a signed interconnection agreement comporting with the December 20, 1996 and June 5, 1997 orders. Also on that date, the Commission issued an order, with Commissioner Shea dissenting, denying the petitions for rehearing.

MCI and Ameritech Michigan filed a signed interconnection agreement on June 17, 1997. On June 24, 1997, they filed a joint motion for approval of the interconnection agreement. On July 3, 1997, they filed a joint motion for substitution of a pricing schedule to the agreement.

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) GROUND 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).

The Commission concludes that it should approve the interconnection agreement, with its attached schedules and amendments. 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 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 attached schedules and amendments, should be approved.

THEREFORE, IT IS ORDERED that:

A. The interconnection agreement between MCI Telecommunications Corporation and 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)

John C. Shea  
Commissioner, dissenting in a separate opinion.

David A. Svanda  
Commissioner

By its action of July 31, 1997.

Dorothy Wideman  
Executive Secretary

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

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Chairman

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Commissioner, dissenting in a separate opinion.

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Commissioner

By its action of July 31, 1997.

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Executive Secretary

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Suggested Minute:

“Adopt and issue order dated July 31, 1997 approving the interconnection agreement between MCI Telecommunications Corporation and Ameritech Michigan, as set forth in the order.”

