

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of)	
SPRINT COMMUNICATIONS COMPANY, L.P.,)	
for arbitration to establish an interconnection)	Case No. U-11203
agreement with AMERITECH MICHIGAN.)	
_____)	

At the April 4, 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 September 20, 1996, Sprint Communications Company, L.P., (Sprint) filed a petition for arbitration regarding the pricing, terms, and conditions for interconnection with Ameritech Michigan, pursuant to Section 252(b) of the federal Telecommunications Act of 1996, 47 USC 252(b). In response, an arbitration panel was appointed and issued its decision on December 16, 1996 addressing the unresolved issues. On January 15, 1997, the Commission issued an order adopting in part and modifying in part the recommendations of the panel.

On March 14, 1997, Sprint and Ameritech Michigan filed a joint motion for approval of the amended interconnection agreement between Ameritech Information Industry Services, on behalf of Ameritech Michigan, and Sprint. Pursuant to the stipulation and agreement of the parties, the pricing schedule incorporated in the agreement has been revised to include prices identical to those prices incorporated in the AT&T Communications of Michigan, Inc., and Ameritech Michigan

agreement filed with the Commission on March 7, 1997. In addition, the parties have agreed to incorporate prices for additional telecommunication services or unbundled network elements that were not determined by arbitration but which Sprint may desire to purchase. These prices are those pending in Case No. U-11280 and are the subject of a January 21, 1997 request for approval by Ameritech Michigan in Case No. U-11280. In the subject interconnection agreement, the parties have agreed to use the proposed prices from Case No. U-11280 at this time and that those prices will be subject to a true-up to reflect the Commission's determinations in Case No. U-11280. These prices are contained in Exhibit 2 of the first amendment to the interconnection agreement, dated February 25, 1997. According to the motion, these and all other provisions of the agreement, as revised and amended, meet the requirements of the Sections 251 and 252 of the federal act.

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).

After reviewing the agreement, the Commission concludes the portions of the agreement for which arbitration was requested are in compliance with the findings of the January 15, 1997 order of the Commission. The portions of the agreement for which arbitration was not requested were negotiated and agreed to by the parties. These include the portions of the pricing schedule that incorporate prices pending in Case No. U-11280 for certain telecommunication services and unbundled network elements not yet approved by the Commission. Because these prices were negotiated by the parties, the pricing requirements of the federal act have not been applied at this time. In addition, approval of the inclusion of the pending prices from Case No. U-11280 in the interconnection agreement shall in no way serve as a determination of Ameritech Michigan's pending motion to adopt the interim prices in Case No. U-11280 nor as a final determination of the appropriate rates that will be established in Case No. U-11280.

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 AACRS, 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 Sprint Communications Company, L.P., 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 April 4, 1997.

Dorothy Wideman
Executive Secretary

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

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner, dissenting in a separate opinion.

Commissioner

By its action of April 4, 1997.

Executive Secretary

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Case No. U-11203

Suggested Minute:

“Adopt and issue order dated April 4, 1997 approving the interconnection agreement between Sprint Communications Company, L.P., and Ameritech Michigan, as set forth in the order.”

