

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the request for Commission)
approval of a reciprocal compensation agreement)
between AT&T Wireless Services, Inc., and) Case No. U-11557
Ameritech Information Industry Services on)
behalf of Ameritech Michigan.)
_____)

At the November 25, 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 October 14, 1997, AT&T Wireless Services, Inc., (AT&T Wireless) and Ameritech Michigan filed a joint application for approval of a reciprocal compensation agreement entered into by AT&T Wireless and Ameritech Information Industry Services on behalf of Ameritech Michigan.

AT&T Wireless plans to provide cellular telecommunication services within the state of Michigan as a commercial mobile radio service provider. As such, AT&T Wireless will provide unregulated telecommunication services and will generally not be subject to licensing requirements or other regulations in the state. Ameritech Michigan provides regulated and unregulated telecommunication services to the public in its various exchanges and zones throughout the state. The reciprocal compensation agreement between AT&T Wireless and Ameritech Michigan establishes rates, terms, and conditions that will govern the exchange of traffic between the two providers.

Section 252 of the federal Telecommunications Act of 1996, 47 USC 252, requires that any interconnection agreement that is adopted by negotiation 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; . . .

- (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, after reviewing the application and the agreement, 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 AACRS, R 460.17101 et seq.

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

THEREFORE, IT IS ORDERED that:

- A. The agreement between AT&T Wireless Services, Inc., 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

(S E A L)

John G. Strand
Chairman

By its action of November 25, 1997.

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

Dorothy Wideman
Executive Secretary

David A. Svanda
Commissioner

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.

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A. The agreement between AT&T Wireless Services, Inc., 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.

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MICHIGAN PUBLIC SERVICE COMMISSION

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Commissioner, dissenting in a separate opinion.

Executive Secretary

Commissioner

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Suggested Minute:

“Adopt and issue order dated November 25, 1997 approving the interconnection agreement between AT&T Wireless Services, Inc., and Ameritech Michigan, as set forth in the order.”

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DISSENTING OPINION OF COMMISSIONER JOHN C. SHEA

(Submitted on November 25, 1997 concerning order issued on same date.)

I am not able to join in the approval of the accompanying order. As I have stated previously, see, November 1, 1996 Dissenting Opinion in Case No. U-11138, the means to reach the result embodied in the accompanying order cannot, as the majority states, arise under federal law.

Rather, the Michigan Telecommunications Act, 1991 PA 179, as amended by 1995 PA 216, MCL 484.2101 et seq.; MSA 22.1469(101) et seq., (the "MTA") is the only authority that should control this proceeding.

Based on this reasoning, questions about this Commission's authority and jurisdiction have not been resolved for me. Accordingly, I dissent.

MICHIGAN PUBLIC SERVICE COMMISSION

John C. Shea, Commissioner