

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the request for Commission approval )  
of interconnection agreements between **GTE NORTH** )  
**INCORPORATED** and incumbent local exchange )  
carriers. )  
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Case No. U-11580

At the December 7, 1998 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

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

**OPINION AND ORDER**

In a July 13, 1998 order, the Commission ordered GTE North Incorporated (GTE) to bring its treatment of termination charges for extended area service (EAS) into compliance with the Michigan Telecommunications Act and the Commission's prior orders within 45 days. GTE was also required to submit for review and approval any agreements that it entered into as a result of the Commission's order.

On August 26, 1998, GTE submitted executed interconnection agreements between itself and two other incumbent local exchange carriers (ILECs), Ogden Telephone Company and Sand Creek Telephone Company. GTE also submitted memoranda of understanding between itself and four ILECs, CenturyTel of Michigan, Inc., CenturyTel Midwest-Michigan, Inc., Frontier Communications of Michigan, Inc., and TDS Telecom, and one memorandum of understanding between itself

and a competitive local exchange carrier (CLEC), Brooks Fiber Communications. Two minor revisions to those agreements were filed by GTE on October 30, 1998. These agreements and memoranda of understanding establish the methodologies and rates under which GTE and the ILECs and GTE and Brooks Fiber will exchange local and EAS traffic.

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; . . .

(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, the agreements, and the memoranda, that it should approve the agreements and memoranda. The Commission finds that the agreements and memoranda are consistent with federal and state law and are in the public interest. Any amendments to these agreements or new interconnection agreements that replace the memoranda of understanding should be submitted by GTE for review and approval. In addition, under the terms of 47 USC 252 (i), the services provided under these agreements and memoranda must be made available to other telecommunications carriers upon the same terms and conditions.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1991 PA 179, as amended, 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 agreements and memoranda of understanding should be approved.

THEREFORE, IT IS ORDERED that:

A. The interconnection agreements and memoranda of understanding between GTE North Incorporated and Ogden Telephone Company, Sand Creek Telephone Company, CenturyTel of Michigan, Inc., CenturyTel Midwest-Michigan, Inc., Frontier Communications of Michigan, Inc., TDS Telecom, and Brooks Fiber Communications are approved.

B. Approval of the agreements and memoranda does not alter GTE North Incorporated's 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/ John G. Strand

Chairman

( S E A L )

/s/ David A. Svanda

Commissioner

By its action of December 7, 1998.

/s/ Dorothy Wideman

Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

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Chairman

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Commissioner

By its action of December 7, 1998.

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Suggested Minute:

“Adopt and issue order dated December 7, 1998 approving the interconnection agreements and memoranda of understanding between GTE North Incorporated and Ogden Telephone Company, Sand Creek Telephone Company, CenturyTel of Michigan, Inc., CenturyTel Midwest-Michigan, Inc., Frontier Communications of Michigan, Inc., TDS Telecom, and Brooks Fiber Communications, as set forth in the order.”