

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the petition of )  
**BRE COMMUNICATIONS, L.L.C.**, for )  
arbitration of interconnection terms, conditions, ) Case No. U-11551  
and prices from **GTE NORTH INCORPORATED** )  
and **CONTEL OF THE SOUTH, INC.**, d/b/a )  
**GTE SYSTEMS OF MICHIGAN.** )  
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At the February 17, 1999 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

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

**ORDER**

On January 28, 1998, the Commission issued an order approving with modification the decision of the arbitration panel concerning an interconnection agreement between GTE North Incorporated and Contel of the South, Inc., (collectively, GTE) and BRE Communications, L.L.C., (BRE). The Commission instructed the parties to continue negotiations on certain issues for which neither party's position was acceptable, but the parties were unable to reach agreement on some of those issues. On November 5, 1998, the Commission issued an order resolving the remaining issues and ordering the parties to file an executed interconnection agreement consistent with the order.

On December 17, 1998, the parties filed an interconnection agreement. On January 6, 1999, the Commission issued an order finding that the interconnection agreement submitted on December 17, 1998 was not properly executed because the signature pages contained the following language:

Contel of the South, Inc. d/b/a GTE Systems of the South / GTE North Incorporated does not consent to this purported agreement (which does not comply with the Federal Telecommunications Act of 1996) and does not authorize any of its representatives to consent to it. The signature of a GTE representative has been placed on this document only under the duress of an order of the Michigan Public Service Commission requiring such signature.

The Commission ordered the parties to file a properly executed agreement. On January 15, 1999, GTE filed signature pages without the language cited above.

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, after reviewing the agreement, that it should approve the interconnection agreement and the attachments. The Commission finds that the agreement is consistent with federal and state law and is in the public interest. Under 47 USC 252(i) and MCL 484.2359(2); MSA 22.1469(359)(2), the services provided under this agreement 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 AACR, R 460.17101 et seq.
- b. The interconnection agreement should be approved.

THEREFORE, IT IS ORDERED that:

- A. The interconnection agreement between GTE North Incorporated and Contel of the South, Inc., and BRE Communications, L.L.C., is approved.
- B. Approval of the agreement does not alter GTE North Incorporated's and Contel of the South, Inc.'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 February 17, 1999.

/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 February 17, 1999.

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Suggested Minute:

“Adopt and issue order dated February 17, 1999 approving the interconnection agreement between GTE North Incorporated and Contel of the South, Inc., and BRE Communications, L.L.C., as set forth in the order.”