

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the request for Commission approval )  
of an interconnection agreement between **KMC** )  
**TELECOM, INC., and AMERITECH MICHIGAN.** )  
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Case No. U-11619

At the September 14, 1999 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

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

**OPINION AND ORDER**

On July 20, 1999, Ameritech Michigan, KMC Telecom II, Inc., (KMC II) and KMC Telecom III, Inc., (KMC III) filed a joint application for approval of an amendment to the interconnection agreement. The Commission approved the agreement on February 25, 1998 and an amendment on April 12, 1999. The parties have subsequently negotiated to add KMC III, an affiliate of KMC II, as a party 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 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 that it should approve the amendment to the interconnection agreement.

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 AACS, R 460.17101 et seq.

- b. The amendment should be approved.

THEREFORE, IT IS ORDERED that:

A. The second amendment to the interconnection agreement between Ameritech Michigan, KMC Telecom II, Inc., and KMC Telecom III, Inc., is approved.

B. Approval of the amendment does not alter the duty of Ameritech Michigan, KMC Telecom II, Inc., and KMC Telecom III, Inc., 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

/s/ Robert B. Nelson  
Commissioner

By its action of September 14, 1999.

/s/ Dorothy Wideman  
Its Executive Secretary

B. Approval of the amendment does not alter the duty of Ameritech Michigan, KMC Telecom II, Inc., and KMC Telecom III, Inc., 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

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Commissioner

By its action of September 14, 1999.

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Suggested Minute:

“Adopt and issue order dated September 14, 1999 approving an amendment to the interconnection agreement between KMC Telecom II, Inc., and KMC Telecom III, Inc., and Ameritech Michigan, as set forth in the order.”