

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application and complaint of)
FOCAL COMMUNICATIONS CORPORATION)
OF MICHIGAN against **AMERITECH MICHIGAN.**)
_____)

Case No. U-11936

At the May 27, 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

ORDER

On March 15, 1999, Focal Communications Corporation of Michigan (Focal) filed an application and complaint against Ameritech Michigan. On April 5, 1999, Focal filed a request to withdraw the application and complaint. On April 15, 1999, MCI metro Access Transmission Services, Inc., (MCI metro) filed a petition for leave to intervene and objection to the withdrawal. MCI metro noted that Focal had not indicated whether it had resolved the complaint by entering into a settlement agreement or contract relating to the terms and conditions under which it would be permitted to interconnect to Ameritech Michigan's network. MCI metro raised the issue that all agreements for interconnection must be submitted to the state commission for approval.
47 USC 252(e).

On April 23, 1999, the Commission issued an order denying the request to withdraw and permitting Focal to respond to the issue raised by MCImetro. On May 5, 1999, Focal filed a response, with the concurrence of Ameritech Michigan, stating that they had not entered into a new interconnection agreement, had not amended the agreement, and had not entered into a side agreement interpreting the agreement. To the contrary, it stated that they had only resolved their differences over the network implementation plan contemplated by the interconnection agreement. It provided a copy of the letter agreement outlining the negotiated resolution of the disputed aspects of the implementation plan, which is attached to this order as Exhibit A. It denies that the elements of the implementation plan require Commission approval.

The Commission has reviewed Focal's response and concludes that its request to withdraw the application and complaint should be approved.

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.; 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 application and complaint should be dismissed without prejudice.

THEREFORE, IT IS ORDERED that the application and complaint filed by Focal Communications Corporation of Michigan is dismissed without prejudice.

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 May 27, 1999.

/s/ Dorothy Wideman
Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

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Commissioner

By its action of May 27, 1999.

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Suggested Minute:

“Adopt and issue order dated May 27, 1999 dismissing the application and complaint filed by Focal Communications Corporation of Michigan, as set forth in the order.”