

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the petition of)	
CLIMAX TELEPHONE COMPANY, d/b/a)	
CTS TELECOM INC., for arbitration of inter-)	Case No. U-11340
connection rates, terms, conditions, and related)	
arrangements with AMERITECH MICHIGAN.)	
_____)	

In the matter of the request for Commission)	
approval of a reciprocal compensation agreement)	Case No. U-11467
between SPRINT SPECTRUM, L.P., and)	
AMERITECH MICHIGAN.)	
_____)	

At the March 14, 2000 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 December 20, 1999, Ameritech Michigan filed an application for approval of amendments to two interconnection agreements with providers of telecommunications services in Michigan. All of the proposed amendments result from offerings made by Ameritech Michigan to comply with an order of the Federal Communications Commission (FCC) approving the SBC/Ameritech merger. The FCC order was issued on October 8, 1999 in CC Docket 98-141. Ameritech Michigan has requested approval of two amendments to the interconnection agreement with Climax Telephone Company, d/b/a CTS Telecom Inc., (Climax) that was originally approved on

August 13, 1997 in Case No. U-11340 and one amendment to the interconnection agreement with Sprint Spectrum, L.P., that was approved on October 15, 1997 in Case No. U-11467. On March 7, 2000, Ameritech Michigan applied to further alter one of the pending amendments to the interconnection agreement with Climax. Statements by Climax and Sprint Spectrum authorizing Ameritech Michigan to submit the subject amendments were included with the application.

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) The State commission may only reject
 - (A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) of this section if it finds that--
 - (i) the agreement (or 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) Notwithstanding paragraph (2), but subject to section 253 of this title, 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 amendments, that it should approve the two amendments entitled “Merger Amendment.” The Commission finds that those amendments are consistent with federal and state law and are in the public interest. Under 47 USC 252(i) and MCL 484.2359(2); MSA 22.1469(359)(2), the services provided under the agreements and amendments must be made available to other telecommunications carriers upon the same terms and conditions.

The proposed amendment to the Climax interconnection agreement entitled “Promotional UNE Platform Amendment” is rejected. Section 3 of the Platform Amendment delineates the procedures that will be applied to the process for customer selection of a primary local exchange carrier. Ameritech Michigan’s March 7, 2000 submission purported to bring Section 3 of the platform amendment into compliance with the Commission’s anti-slamming procedures adopted in Case No. U-11900. It did not. The Commission’s procedures were adopted specifically to comply with the requirements of Sections 505 and 506 of the Michigan Telecommunications Act, MCL 484.2505; MSA 22.1469(505) and MCL 484.2506, MSA 22.1469(506), which the Legislature adopted to protect Michigan’s citizens from unauthorized switching of a customer’s service from one provider to another. Strict compliance with all of those procedures is required by the Commission. The amendment prescribes procedures that differ in part from the Commission’s requirements. The remainder of the platform amendment is consistent with federal and state law and is in the public interest. At such time as Ameritech Michigan and Climax submit a signed agreement to substitute the procedures approved in Case No. U-11900 for the entirety of Section 3 of the platform amendment, the amendment will be considered approved without further action of the Commission.

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 AACCS, R 460.17101 et seq.

- b. The merger amendments should be approved.
- c. The platform amendment between Ameritech Michigan and Climax should be rejected.

THEREFORE, IT IS ORDERED that:

A. The merger amendments to the interconnection agreements between Ameritech Michigan and Climax Telephone Company, d/b/a CTS Telecom Inc., and Sprint Spectrum, L.P., are approved.

B. The promotional UNE platform amendment between Ameritech Michigan and Climax Telephone Company, d/b/a CTS Telecom Inc., is rejected until such time as Section 3 of the amendment is brought into compliance with the procedures prescribed by the Commission in Case No. U-11900.

C. Approval of the amendments does not alter the duty of Climax Telephone Company, d/b/a CTS Telecom Inc., Sprint Spectrum, L.P., and Ameritech Michigan to comply with relevant federal and state law and past and future Commission orders and rules.

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 March 14, 2000.

/s/ Dorothy Wideman
Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

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By its action of March 14, 2000.

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Case No. U-11340

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between **SPRINT SPECTRUM, L.P.,** and)
AMERITECH MICHIGAN.)

Case No. U-11467

Suggested Minute:

“Adopt and issue order dated March 14, 2000 approving in part and rejecting in part the amendments to the interconnection agreements between Ameritech Michigan and Climax Telephone Company, d/b/a CTS Telecom Inc., and Ameritech Michigan and Sprint Spectrum, L.P., as set forth in the order.”