

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the request for Commission)
approval of an interconnection agreement between)
JATO COMMUNICATIONS CORPORATION)
and **AMERITECH MICHIGAN.**)
_____)

Case No. U-12226

At the July 6, 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 June 6, 2000, Jato Operating Two Corporation, formerly Jato Communications Corporation, (Jato) and Ameritech Michigan filed a joint application for approval of the second and third amendments to their interconnection agreement that was approved on January 19, 2000. The second amendment reflects a name change from Jato Communications Corporation to Jato Operating Two Corporation. The third amendment results 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.

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 amendments. The Commission finds that the 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 agreement as amended 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 amendments should be approved.

THEREFORE, IT IS ORDERED that:

A. The second and third amendments to the interconnection amendment between Jato Operating Two Corporation, formerly Jato Communications Corporation, and Ameritech Michigan are approved.

B. Approval of the amendments does not alter the duty of Jato Operating Two Corporation, formerly Jato Communications Corporation, 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 July 6, 2000.

/s/ Dorothy Wideman

Its Executive Secretary

THEREFORE, IT IS ORDERED that:

A. The second and third amendments to the interconnection amendment between Jato Operating Two Corporation, formerly Jato Communications Corporation, and Ameritech Michigan are approved.

B. Approval of the amendments does not alter the duty of Jato Operating Two Corporation, formerly Jato Communications Corporation, 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

Chairman

Commissioner

Commissioner

By its action of July 6, 2000.

Its Executive Secretary

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Suggested Minute:

“Adopt and issue order dated July 6, 2000 approving amendments to an interconnection agreement between Jato Operating Two Corporation, formerly Jato Communications Corporation, and Ameritech Michigan, as set forth in the order.”