

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the request for Commission)	
approval of an interconnection agreement between)	Case No. U-12581
PATHNET and AMERITECH MICHIGAN.)	
_____)	

At the September 18, 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 August 22, 2000, Pathnet and Ameritech Michigan filed a joint application for approval of an interconnection agreement. The agreement has an initial term that expires on December 27, 2002. The interconnection agreement establishes comprehensive financial and operational terms for the following: the physical interconnection between Ameritech Michigan's and Pathnet's networks, mutual and reciprocal compensation for the exchange of traffic originated on their respective networks, unbundled access to Ameritech Michigan network elements, resale, access to databases, and a variety of other business relationships.

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 agreement, that it should approve 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 the 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 AACSR, R 460.17101 et seq.

- b. The agreement should be approved.

THEREFORE, IT IS ORDERED that:

A. The interconnection agreement between Pathnet and Ameritech Michigan is approved.

B. Approval of the agreement does not alter the duty of Pathnet 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 September 18, 2000.

/s/ Dorothy Wideman

Its Executive Secretary

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A. The interconnection agreement between Pathnet and Ameritech Michigan is approved.

B. Approval of the agreement does not alter the duty of Pathnet 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

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By its action of September 18, 2000.

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Suggested Minute:

“Adopt and issue order dated September 18, 2000 approving an interconnection agreement between Pathnet and Ameritech Michigan, as set forth in the order.”