

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the request for Commission)
approval of an interconnection agreement between)
KMC TELECOM HOLDINGS, INC., and)
AMERITECH MICHIGAN.)
_____)

Case No. U-12786

At the February 5, 2001 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Laura Chappelle, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

OPINION AND ORDER

On January 11, 2001, KMC Telecom Holdings, Inc., operating as KMC Telecom II, KMC Telecom III, Inc., and KMC Telecom V, Inc., (collectively, KMC) and Ameritech Michigan filed a joint application for approval of an interconnection agreement and the first amendment to the agreement. The agreement results from the decision of KMC to adopt the terms and conditions of the interconnection agreement between Ameritech Michigan and Allegiance Telecom of Michigan, Inc., that was approved on August 17, 1999 in Case No. U-12053. The agreement establishes comprehensive financial and operational terms for the following: the physical interconnection between Ameritech Michigan's and KMC's networks, mutual and reciprocal compensation for the exchange of traffic originated on their respective networks, unbundled access to Ameritech Michigan's network elements, physical collocation, number portability, resale, access to databases,

and a variety of other business relationships. The first amendment incorporates the anti-slamming procedures adopted in Case No. U-11900.

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, agreement, and amendment, that it should approve the interconnection agreement and first amendment. The Commission finds that the agreement and amendment 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 Telecom-

munications 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 AACRS, R 460.17101 et seq.

b. The agreement and amendment should be approved.

THEREFORE, IT IS ORDERED that:

A. The interconnection agreement and first amendment between KMC Telecom Holdings, Inc., and Ameritech Michigan are approved.

B. Approval of the agreement and amendment does not alter the duty of KMC Telecom Holdings, Inc., 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 E A L)

/s/ Laura Chappelle
Chairman

By its action of February 5, 2001.

/s/ David A. Svanda
Commissioner

/s/ Dorothy Wideman
Its Executive Secretary

/s/ Robert B. Nelson
Commissioner

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MICHIGAN PUBLIC SERVICE COMMISSION

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Suggested Minute:

“Adopt and issue order dated February 5, 2001 approving an interconnection agreement between KMC Telecom Holdings, Inc., and Ameritech Michigan, as set forth in the order.”