

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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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 May 15, 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 March 26, 2001, KMC Telecom Holdings, Inc., (KMC) and Ameritech Michigan filed a joint application for approval of the first, second, third, and merger amendments to the interconnection agreement that was approved on February 5, 2001 and withdrawal of the amendment that was approved on February 5, 2001. The parties had inadvertently filed an incorrect copy of the amendment.

The first amendment incorporates rates, terms, and conditions for additional collocation options approved by the Federal Communications Commission (FCC). The second amendment incorporates revisions to comply with the anti-slamming procedures adopted in Case No. U-11900. The third amendment incorporates revisions related to digital subscriber line (DSL) service and the FCC's UNE Remand Order. The merger amendment incorporates rates, terms, and

conditions for OSS discounts, DSL loops, and promotional discounts on unbundled local loops used for residential services.

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 also approves withdrawal of the amendment that was approved on February 5, 2001.

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 amendments should be approved.
- c. The amendment approved on February 5, 2001 should be withdrawn.

THEREFORE, IT IS ORDERED that:

- A. The first, second, third, and merger amendments to the interconnection agreement between KMC Telecom Holdings, Inc., and Ameritech Michigan are approved.
- B. The amendment approved on February 5, 2001 is withdrawn.
- C. Approval of the amendments 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/ Laura Chappelle  
Chairman

( S E A L )

/s/ David A. Svanda  
Commissioner

/s/ Robert B. Nelson  
Commissioner

By its action of May 15, 2001.

/s/ Dorothy Wideman  
Its Executive Secretary

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

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Chairman

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Commissioner

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Commissioner

By its action of May 15, 2001.

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Its Executive Secretary

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Suggested Minute:

“Adopt and issue order dated May 15, 2001 approving amendments to an interconnection agreement between KMC Telecom Holdings, Inc., and Ameritech Michigan, as set forth in the order.”