

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	)	
<b>FOCAL COMMUNICATIONS CORPORATION</b>	)	Case No. U-12798
<b>OF MICHIGAN and AMERITECH MICHIGAN.</b>	)	
_____	)	

At the October 11, 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 August 31, 2001, Focal Communications Corporation of Michigan (Focal) and Ameritech Michigan filed a joint application for approval of the first amendment to the interconnection agreement that was approved on March 29, 2001. On September 12, 2001, the parties filed a joint application for approval of the second amendment to the agreement. The first amendment incorporates into the agreement certain rates, terms, and conditions pertaining to the payment of reciprocal compensation, interconnection, and trunking. The second amendment incorporates into the agreement Appendix Performance Measurements.

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), 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.; 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.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACS, R 460.17101 et seq.
  
- b. The amendments should be approved.

THEREFORE, IT IS ORDERED that:

- A. The first and second amendments to the interconnection agreement between Focal Communications Corporation of Michigan and Ameritech Michigan are approved.

B. Approval of the amendments does not alter the duty of Focal Communications Corporation of Michigan 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 October 11, 2001.

/s/ Dorothy Wideman

Its Executive Secretary

B. Approval of the amendments does not alter the duty of Focal Communications Corporation of Michigan 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

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Chairman

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Commissioner

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Commissioner

By its action of October 11, 2001.

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Suggested Minute:

“Adopt and issue order dated October 11, 2001 approving an amendment to an interconnection agreement between Focal Communications Corporation of Michigan and Ameritech Michigan, as set forth in the order.”