

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the request for Commission)	
approval of an interconnection agreement between)	
US XCHANGE OF MICHIGAN, L.L.C., and)	Case No. U-13003
AMERITECH MICHIGAN.)	
_____)	

At the January 8, 2002 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

ORDER

On September 7, 2001, the Commission issued an order approving an interconnection agreement between US Xchange of Michigan, L.L.C., (US Xchange) and Ameritech Michigan. As noted in that order, the approved agreement “results from the decision of US Xchange to adopt the terms and conditions of the interconnection agreement, with all existing amendments (including Appendix DSL for line sharing) between Coast to Coast Telecommunications, Inc., (Coast) that was approved on October 24, 2000 in Case No. U-12382.” Id., p. 1.

On November 5, 2001, US Xchange filed a motion for clarification that the interconnection agreement approved by the September 7 order is the interconnection agreement between Coast and Ameritech Michigan as it existed on October 24, 2000, without what it terms “unauthorized pricing schedules” that Ameritech Michigan “unilaterally submitted” to the joint filing. US Xchange’s motion, p. 2. To avoid future disputes, US Xchange requests that the Commission

clarify the September 7 order consistent with the Commission's September 27, 2001 order in Case No. U-13006.

On November 14, 2001, Ameritech Michigan filed a response to US Xchange's motion. In its response, Ameritech Michigan argues that the arbitration agreement between itself and Coast may only be adopted in its present state. In Ameritech Michigan's view, a competitive local exchange carrier (CLEC) may not adopt contract terms that have been superseded by new terms. It argues that no Commission approval of an amendment to the contract was necessary in order to include the terms of the new pricing schedules that contain the rates and rate structure approved by the Commission in Cases Nos. U-11831 and U-12696.

In the September 27, 2001 orders in Case No. U-13005 and Case No. U-13006, the Commission dealt with the same issue that is presented by US Xchange's motion. In those orders, the Commission rejected Ameritech Michigan's arguments and concluded that the revised pricing schedule is not part of the Coast agreement, and that, therefore, the respective CLEC could not be found to have adopted the revised pricing schedule or any other provision that was not approved by the October 24, 2000 order in Case No. U-12382. The Commission further stated:

Aside from any basis for Ameritech Michigan to claim that it properly amended the Coast interconnection agreement to include a new pricing schedule, it is clear that Ameritech Michigan has not obtained Commission approval for any such amendment, contrary to the requirements of Section 252. Consequently, when [the CLEC] invoked its right under federal law to adopt the Coast agreement, it could lawfully adopt only the agreement as last approved.

September 27, 2001 order in Case No. U-13006, pp. 3-4.

Likewise, at the time of the September 7, 2001 order in this case, the only approved interconnection agreement between Coast and Ameritech Michigan was that approved by the Commission on October 24, 2000, without any revised pricing schedules or rate structures. That is the agreement approved by the Commission's September 7, 2001 order in this case.

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. US Xchange's motion for clarification should be granted.

THEREFORE, IT IS ORDERED that the motion for clarification filed by US Xchange of Michigan, L.L.C., is granted.

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 January 8, 2002.

/s/ Dorothy Wideman
Its Executive Secretary

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. US Xchange's motion for clarification should be granted.

THEREFORE, IT IS ORDERED that the motion for clarification filed by US Xchange of Michigan, L.L.C., is granted.

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

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

By its action of January 8, 2002.

Its Executive Secretary

In the matter of the request for Commission)
approval of an interconnection agreement between)
US XCHANGE OF MICHIGAN, L.L.C., and)
AMERITECH MICHIGAN.)
_____)

Case No. U-13003

Suggested Minute:

“Adopt and issue order dated January 8, 2002 granting the motion for clarification filed by US Xchange of Michigan, L.L.C., as set forth in the order.”