

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of ACCUTEL OF TEXAS, INC.,)	
d/b/a 1-800-4-A-PHONE's petition for)	
arbitration pursuant to Section 252(b) of the)	Case No. U-13352
Telecommunications Act of 1996 to resolve)	
open issues for an interconnection agreement)	
with AMERITECH MICHIGAN.)	
_____)	

In the matter of the request for Commission)	
approval of an interconnection agreement)	Case No. U-13448
between ACCUTEL OF TEXAS, INC., d/b/a)	
1-800-4-A-PHONE and AMERITECH MICHIGAN.)	
_____)	

At the March 12, 2003 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 July 23, 2002, the Commission issued an order in this case adopting, with modification, the Decision of the Arbitration Panel and directing AccuTel of Texas, Inc., d/b/a 1-800-4-A-PHONE, (AccuTel) and Ameritech Michigan (now SBC) to file a signed interconnection agreement in compliance with the order. On November 7, 2002, the Commission issued another order clarifying certain issues the parties raised concerning the July 23 order and again requiring the parties to file a conforming agreement.

During the time that this arbitration case was pending, the parties negotiated an interconnection agreement, which the Commission approved in its September 16, 2002 order in Case No. U-13448. In that case, the parties agreed to modify the negotiated agreement to conform to the Commission's final resolution of the issues presented in the arbitration case.

On December 9, 2002, the parties filed in this arbitration docket competing proposed amendments to the negotiated agreement approved in Case No. U-13448 in lieu of a signed interconnection agreement. The apparent remaining dispute is the appropriate pricing for the unbundled network element platform (UNE-P). The parties ask the Commission to approve one of the proposed amendments to the negotiated agreement in lieu of requiring a signed agreement that conforms to the arbitration order.

SBC proposes that the Commission approve one of two alternate amendments. First, SBC offers the UNE combinations tariff amendment with optional pricing schedule, attached to its filing as Exhibit A. SBC states that it submitted this amendment to the Commission on July 25, 2002 in Case No. U-12320, which was followed by a comment cycle. It further states that two other carriers have executed this amendment and the Commission has approved those agreements. In the alternative, SBC proposes that the Commission approve an amendment attached as Exhibit B to SBC's filing.

AccuTel filed a proposed amendment that modifies SBC's Exhibit B. The only substantive changes proposed by AccuTel relate to the pricing of installing, disconnecting, and restoring a UNE-P. AccuTel notes that the Commission's August 31, 2000 order in Case No. U-11831 found that the nonrecurring charge for one individual UNE is appropriate for the newly installed UNE combination. AccuTel argues that the activity required is the assignment of a port to a loop, which

is appropriately charged for by using the port installation charge, rather than the higher loop charge proposed by SBC.

The Commission finds that SBC's Exhibit B should be approved as an amendment to the negotiated agreement approved in Case No. U-13448. SBC's charge for a new UNE-P, disconnection, or restoration should be consistent with the charge employed with other providers, the loop charge, not the lower port charge. The approved amendment should be accepted in lieu of a signed interconnection agreement in conformity with the July 23, 2002 and November 7, 2002 orders in Case No. U-13352.

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. SBC's proposed amendment to the negotiated agreement approved in Case No. U-13448, attached to its filing as Exhibit B, which is attached to this order as Attachment A, should be approved and accepted as provided in this order.

c. The approved amendment should be accepted in lieu of a signed interconnection agreement in conformity with the July 23, 2002 and November 7, 2002 orders in Case No. U-13352.

THEREFORE, IT IS ORDERED that:

A. The amendment to the negotiated agreement approved in Case No. U-13448 proposed by SBC, which is attached to this order as Attachment A, is approved and is accepted in lieu of a

signed interconnection agreement in compliance with the Commission orders in Case No. U-13352 dated July 23, 2002 and November 7, 2002.

B. The parties shall file an executed copy of the approved amendment in Case No. U-13448 and Case No. U-13352 within 10 days of the date of this order.

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

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26.

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 March 12, 2003.

/s/ Dorothy Wideman
Its Executive Secretary

signed interconnection agreement in compliance with the Commission orders in Case No. U-13352 dated July 23, 2002 and November 7, 2002.

B. The parties shall file an executed copy of the approved amendment in Case No. U-13448 and Case No. U-13352 within 10 days of the date of this order.

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

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

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Case No. U-13448

Suggested Minute:

“Adopt and issue order dated March 12, 2003 approving SBC’s proposed amendment to the negotiated agreement approved in Case No. U-13448, and accepting that amendment in lieu of a signed interconnection agreement in conformity with the Commission’s prior orders in Case No. U-13352, as set forth in the order.”