

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the joint requests for Commission )  
approval of interconnection agreements and )  
amendments. )  
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At the October 14, 2004 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

PRESENT: Hon. J. Peter Lark, Chair  
Hon. Robert B. Nelson, Commissioner  
Hon. Laura Chappelle, Commissioner

**ORDER**

The following parties have filed joint applications for approval of interconnection agreements  
and amendments:

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| Case No. U-11098 | SBC Michigan and MCI Worldcom Communications, Inc.<br>Application filed September 21, 2004 for approval of a sixth<br>amendment (reciprocal compensation and trunking).   |
| Case No. U-11165 | Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon<br>North Systems, and AT&T Communications of Michigan, Inc.<br>Application filed September 9, 2004 for approval of a first<br>amendment (platform combinations and UNE-P) and a second<br>amendment (line splitting). |
| Case No. U-11178 | SBC Michigan and MCImetro Access Transmission Services LLC,<br>f/k/a Brooks Fiber Communications of Michigan, Inc.<br>Application filed September 21, 2004 for approval of a fifth<br>amendment (reciprocal compensation, interconnection, and<br>trunking).                          |
| Case No. U-12145 | SBC Michigan and Nextel West Corp.<br>Application filed September 30, 2004 for approval of a fourth<br>amendment (stand alone access appendix, guidelines, and pricing).  |

- Case No. U-12790 SBC Michigan and New-Cell, Inc.  
Application filed August 2, 2004 for approval of a first amendment (E-911).
- Case No. U-13124 SBC Michigan and McLeodUSA Telecommunications Services, Inc.  
Application filed September 22, 2004 for approval of a fifth amendment (intervening law, interconnection, and trunking provisions).
- Case No. U-13175 SBC Michigan and XO Michigan, Inc.  
Application filed on September 8, 2004 for approval of a sixth amendment (intervening law, compensation, interconnection, and trunking)
- Case No. U-13758 SBC Michigan and MCImetro Access Transmission Services LLC  
Application filed September 22, 2004 for approval of the second amendment (reciprocal compensation and trunking).
- Case No. U-13788 SBC Michigan and CloseCall America, Inc.  
Application filed September 13, 2004 for approval of a second amendment (USTA II).
- Case No. U-14133 TransWorld Network, Corp., and Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems  
Application filed May 5, 2004 for approval of an interconnection agreement.
- Case No. U-14278 SBC Michigan and KMC Telecom III LLC  
Application filed September 16, 2004 for approval of an interconnection agreement, including amendments one through five and seven. The application also seeks approval of a new seventh amendment (reciprocal compensation), eighth amendment (post sunset merger conditions), ninth amendment (intervening law, compensation, interconnection, and trunking), and a tenth amendment (FCC's interim ISP terminating compensation plan).
- Case No. U-14278 SBC Michigan and KMC Telecom III LLC  
Application filed September 17, 2004 for approval of an eleventh amendment (terminating traffic language).

- Case No. U-14279      SBC Michigan and KMC Telecom V, Inc.  
Application filed September 7, 2004 for approval of an interconnection agreement, including amendments one through five and seven. The application also seeks approval of a new seventh amendment (reciprocal compensation), eighth amendment (post sunset merger conditions), ninth amendment (intervening law, compensation, interconnection, and trunking), and a tenth amendment (FCC's interim ISP terminating compensation plan).
- Case No. U-14279      SBC Michigan and KMC Telecom V, Inc.  
Application filed September 9, 2004 for approval of an eleventh amendment (terminating traffic language).
- Case No. U-14280      SBC Michigan and KMC Data LLC  
Application filed September 7, 2004 for approval of an interconnection agreement, including amendments one through five and seven. The application also seeks approval of a new seventh amendment (reciprocal compensation), eighth amendment (post sunset merger conditions), ninth amendment (termination dates), and a tenth amendment (FCC's interim ISP terminating compensation plan).
- Case No. U-14280      SBC Michigan and KMC Data LLC  
Application filed September 9, 2004 for approval of an eleventh amendment (terminating traffic language).
- Case No. U-14300      SBC Michigan and Alltel Communications, Inc.  
Application filed September 24, 2004 for approval of an interconnection agreement and first amendment (reciprocal compensation of ISP bound traffic).
- Case No. U-14301      SBC Michigan and Quick Communications, Inc.  
Application filed September 28, 2004 for approval of an interconnection agreement with a first amendment. The application also seeks approval of a second amendment (reciprocal compensation of ISP bound traffic).
- Case No. U-14302      SBC Michigan and Clear Rate Communications, Inc.  
Application filed September 27, 2004 for approval of an interconnection agreement with amendments one through nine. The application also seeks approval of a tenth amendment (ISP all traffic reciprocal compensation), an eleventh amendment (lawful UNEs), and a twelfth amendment (USTA II).

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 applications, agreements, and amendments, that it should approve the applications. The Commission finds that the agreements and 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 agreements, 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, 1999 AC, R 460.17101 et seq.
  
- b. The interconnection agreements and amendments listed above should be approved.

THEREFORE, IT IS ORDERED that:

A. The interconnection agreements and amendments listed above are approved.

B. Approval of the interconnection agreements and amendments does not alter the duty of the parties 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.

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/ J. Peter Lark  
Chair

( S E A L )

/s/ Robert B. Nelson  
Commissioner

/s/ Laura Chappelle  
Commissioner

By its action of October 14, 2004.

/s/ Mary Jo Kunkle  
Its Executive Secretary

THEREFORE, IT IS ORDERED that:

A. The interconnection agreements and amendments listed above are approved.

B. Approval of the interconnection agreements and amendments does not alter the duty of the parties to comply with relevant federal and state law and past and future Commission orders and rules.

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MICHIGAN PUBLIC SERVICE COMMISSION

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Chair

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Commissioner

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Commissioner

By its action of October 14, 2004.

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Its Executive Secretary

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Suggested Minute:

“Adopt and issue order dated October 14, 2004 approving interconnection agreements and amendments, as set forth in the order.”