

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)
ACE TELEPHONE COMPANY, BARRY COUNTY)
TELEPHONE COMPANY, DEERFIELD FARMERS')
TELEPHONE COMPANY, KALEVA TELEPHONE)
COMPANY, LENNON TELEPHONE COMPANY,)
OGDEN TELEPHONE COMPANY, PIGEON)
TELEPHONE COMPANY, UPPER PENINSULA)
TELEPHONE COMPANY, and the WALDRON)
TELEPHONE COMPANY, and VERIZON)
WIRELESS.)
_____)

Case No. U-14678

At the April 13, 2006 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. J. Peter Lark, Chairman
Hon. Laura Chappelle, Commissioner
Hon. Monica Martinez, Commissioner

OPINION AND ORDER

On October 31, 2005, Ace Telephone Company, Barry County Telephone Company, Deerfield Farmers' Telephone Company, Kaleva Telephone Company, Lennon Telephone Company, Ogden Telephone Company, Pigeon Telephone Company, Upper Peninsula Telephone Company, and the Waldron Telephone Company (collectively, Petitioners), filed a petition, pursuant to Section 252(b)(1) of the federal Telecommunications Act of 1996, 47 USC 252(b)(1), and the Michigan Telecommunications Act (MTA), MCL 484.2101 *et seq.*, seeking arbitration of an interconnection agreement with Verizon Wireless.

On February 21, 2006, the Commission issued an order resolving all issues in this case. The Commission ordered the parties to file an agreement within 30 days of the Commission's order conforming to the findings and conclusions of the Commission's order. On March 22, 2006, the parties submitted an executed copy of their conforming agreement and requested the Commission's approval. The parties also submitted a subsequent joint errata filing on March 31, 2006. The conforming agreement (with errata) provides for the interconnection of the facilities of the Petitioners and Verizon Wireless for the exchange of certain traffic, the payment of reciprocal compensation, and other related terms and conditions.

Section 252 of the federal Telecommunications Act of 1996, 47 USC 252, requires that any interconnection agreement that is adopted by negotiation or arbitration 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; or
 - (B) an agreement (or any portion thereof) adopted by arbitration under subsection (b) of this section if it finds that the agreement does not meet the requirements of section 251 of this title, including the regulations prescribed by the [Federal Communications] Commission pursuant to section 251 of this title, or the standards set forth in subsection (d) of this section.

- (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 conforming agreement, that it should approve the interconnection agreement. The Commission finds that the agreement is consistent with federal and state law and is 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, 1999 AC, R 460.17101 *et seq.*
- b. The interconnection agreement should be approved.

THEREFORE, IT IS ORDERED that:

A. The interconnection agreement between Ace Telephone Company, Barry County Telephone Company, Deerfield Farmers' Telephone Company, Kaleva Telephone Company, Lennon Telephone Company, Ogden Telephone Company, Pigeon Telephone Company, Upper Peninsula Telephone Company, and the Waldron Telephone Company, and Verizon Wireless is approved.

B. Approval of the agreement does not alter the duty of Ace Telephone Company, Barry County Telephone Company, Deerfield Farmers' Telephone Company, Kaleva Telephone Company, Lennon Telephone Company, Ogden Telephone Company, Pigeon Telephone Company, Upper Peninsula Telephone Company, and the Waldron Telephone Company, and Verizon Wireless 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 aggrieved by this order may file an action in the appropriate federal District Court pursuant to 47 USC 252(e)(6).

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ J. Peter Lark
Chairman

(S E A L)

/s/ Laura Chappelle
Commissioner

/s/ Monica Martinez
Commissioner

By its action of April 13, 2006.

/s/ Mary Jo Kunkle
Its Executive Secretary

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

Any party aggrieved by this order may file an action in the appropriate federal District Court pursuant to 47 USC 252(e)(6).

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

By its action of April 13, 2006.

Its Executive Secretary