

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the petition of	)	
<b>CLIMAX TELEPHONE COMPANY</b> for arbitration	)	
of interconnection rates, terms, conditions, and	)	Case No. U-14229
related arrangements with <b>AT&amp;T MICHIGAN</b>	)	
pursuant to Section 252(b) of the Telecommunications	)	
Act of 1996.	)	
_____	)	

At the March 21, 2007 meeting of the Michigan Public Service Commission in Lansing, Michigan.

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

**ORDER DISMISSING PETITION FOR ARBITRATION**

On August 12, 2004, Climax Telephone Company (Climax) filed a petition seeking to arbitrate open issues resulting from interconnection negotiations between itself and AT&T Michigan, f/k/a SBC Michigan.

On February 16, 2007, Climax and AT&T Michigan filed a joint application for approval of an interconnection agreement and a stipulation to dismiss the application for arbitration. The stipulation to dismiss is conditioned on the Commission's approval of the joint application for approval of interconnection agreement.

Today, in a separate order in Case No. U-15219, the Commission has approved the joint application for approval of an interconnection agreement submitted by Climax and AT&T

Michigan.<sup>1</sup> Accordingly, the Commission finds that Climax's petition for arbitration should be dismissed.

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. Climax's petition for arbitration should be dismissed.

THEREFORE, IT IS ORDERED that the August 12, 2004 petition for arbitration filed by Climax Telephone Company to arbitrate open issues resulting from interconnection negotiations with AT&T Michigan, f/k/a SBC Michigan, is dismissed.

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

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<sup>1</sup>AT&T Michigan and Climax are parties to an interconnection agreement approved by the Commission on August 13, 1997 in Case No. U-11340. Although that agreement had expired, the parties continued to operate under the terms of that agreement during the pendency of this proceeding.

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 March 21, 2007.

/s/ Mary Jo Kunkle  
Its Executive Secretary

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

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Chairman

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Commissioner

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Commissioner

By its action of March 21, 2007.

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Its Executive Secretary