

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the joint filing of an)
infrastructure sharing agreement between)
CHATHAM TELEPHONE COMPANY and)
CHIPPEWA COUNTY TELEPHONE)
COMPANY, HIAWATHA TELEPHONE)
COMPANY, MIDWAY TELEPHONE)
COMPANY, and ONTONAGON COUNTY)
TELEPHONE COMPANY in accordance with)
Section 259 of the Federal Telecommunications Act.)

Case No. U-15771

_____)
)
In the matter, on the Commission’s own motion,)
to implement the provisions of 47 CFR 59.2(f).)
_____)

Case No. U-15780

At the February 20, 2009 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Orjiakor N. Isiogu, Chairman
Hon. Monica Martinez, Commissioner
Hon. Steven A. Transeth, Commissioner

ORDER

On January 14, 2009, Chatham Telephone Company (Chatham) and Chippewa County Telephone Company, Hiawatha Telephone Company, Midway Telephone Company, and Ontonagon County Telephone Company (collectively, the Hiawatha companies) filed a joint

infrastructure sharing agreement pursuant to 47 USC 259(b)(7)¹ and 47 CFR 59.2(f).² In their application, Chatham and the Hiawatha companies explain that they are qualifying carriers within the meaning of 47 USC 259 and that they have chosen to file their joint infrastructure sharing agreement with the Commission. Specifically, they state in Paragraph 4 of their application that:

The FCC's rules require that an infrastructure sharing agreement be filed "with the State, or, if the State has made no provision to accept such filings, with the [FCC]." 47 CFR 59.2(f). Chatham and the Hiawatha Companies are not aware that the MPSC has previously addressed § 259 infrastructure sharing agreement filings specifically, but they believe that the Commission will "accept such filings" via its electronic filings system. Chatham and the Hiawatha Companies therefore file their infrastructure sharing agreement in this docket in accordance with 47 CFR 59.2(f). If the MPSC advises the companies that it does not "accept such filings," they will file their infrastructure sharing agreement with the FCC.

After consideration of the application filed by Chatham and the Hiawatha companies, the Commission is persuaded that their request should be accommodated. Doing so ensures all telecommunications carriers conducting business in this state shall have local access to the details of the joint infrastructure sharing agreement. Accordingly, the Commission directs its Executive Secretary to accept all agreements to share infrastructure filed pursuant to 47 CFR 59.2(f). The

¹Pursuant to 47 USC 259(b)(7), the Federal Communications Commission (FCC) prescribed regulations that require all incumbent local exchange carriers (ILEC) to make public switched network infrastructure, technology, information, and telecommunications facilities and functions available to qualifying carriers, which enables a qualifying carrier to provide telecommunications services, or access to information services, in the service area where the qualifying carrier has obtained designation as an eligible telecommunications carrier (ETC) under 47 USC 214(e). A qualifying carrier is defined as a telecommunications carrier that lacks certain economies of scale or scope and that offers telephone exchange service, exchange access, and any other service that is included in universal service, to all consumers without preference throughout its designated ETC service area.

²According to 47 CFR 59.2(f), an ILEC shall file with the state, or, if the state has made no provision to accept such filings, with the FCC, for public inspection, any tariffs, contracts, or other arrangements showing the rates, terms, and conditions under which such carrier is making available public switched network infrastructure, technology, information and telecommunications facilities and functions pursuant to this part.

agreements and any tariffs, contracts, or other arrangements showing the rates, terms, and conditions under which a carrier is making available public switched network infrastructure, technology, information and telecommunications facilities and functions shall be made available for public inspection. All documents filed shall be submitted electronically through the Commission's Electronic Case Filings Web site at: <https://efile.mpsc.cis.state.mi.us/cgi-bin/efile/login.pl>. Requirements and instructions for filing electronic documents and an application for account and letter of assurance, required of all first-time users, can be found in the Electronic Case Filings Users Manual at: <http://efile.mpsc.cis.state.mi.us/efile/help.html>.

Documents may also be submitted as an attachment to an email, in Word or PDF format, to mpscefilecases@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at 517-241-6170 or by e-mail at: mpscefilecases@michigan.gov.

THEREFORE, IT IS ORDERED that:

A. Incumbent local exchange carriers shall be permitted to file infrastructure sharing agreements and any tariffs, contracts, or other arrangements showing the rates, terms, and conditions under which a carrier is making available public switched network infrastructure, technology, information and telecommunications facilities and functions pursuant to 47 CFR 59.2(f) with the Commission as provided in this order.

B. The Commission's Executive Secretary shall ensure that all agreements and accompanying documents filed with this Commission pursuant to 47 USC 259(b)(7) and 47 CFR 59.2(f) are assigned a docket number and available for public inspection on the Commission's website.

C. The joint infrastructure sharing agreement filed by Chatham Telephone Company and Chippewa County Telephone Company, Hiawatha Telephone Company, Midway Telephone Company, and Ontonagon County Telephone Company shall be accepted for filing.

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

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, under MCL 484.2203(12).

MICHIGAN PUBLIC SERVICE COMMISSION

Orjiakor N. Isiogu, Chairman

Monica Martinez, Commissioner

Steven A. Transeth, Commissioner

By its action of February 20, 2009.

Mary Jo Kunkle, Executive Secretary