

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the petition of	)	
BRE COMMUNICATIONS, L.L.C. , for	)	
arbitration of interconnection terms, conditions,	)	Case No. U-11551
and prices from GTE NORTH INCORPORATED	)	
and CONTEL OF THE SOUTH, INC. , d/b/a	)	
GTE SYSTEMS OF MICHIGAN.	)	

At the January 6, 1999 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. John G. Strand, Chairman
Hon. David A. Svanda, Commissioner

ORDER

On January 28, 1998, the Commission issued an order approving with modification the decision of the arbitration panel concerning an interconnection agreement between GTE North Incorporated and Contel of the South, Inc., (collectively, GTE) and BRE Communications, L.L.C., (BRE) pursuant to the provisions of the federal Telecommunications Act of 1996, 47 USC 151 et seq. In that order, the Commission instructed the parties to continue negotiations on certain issues for which neither party's position was acceptable. Following the parties' unsuccessful attempt to reach a mutually agreeable resolution of some of those issues, they requested the Commission to resolve them. On November 5, 1998, the Commission issued an order resolving the remaining issues and

ordering the parties to file an executed interconnection agreement consistent with the discussion and conclusions reached in the order within 30 days.

On December 8, 1998, GTE filed, with BRE's concurrence, a motion for extension of time to file the agreement. In that motion, GTE stated that it anticipated the ability to file the required document by December 17, 1998. On December 17, 1998, the Commission received what purports to be an interconnection agreement. However, the Commission finds that the filed document fails to comply with the Commission's order that the parties file an executed interconnection agreement.

The signature page of the document submitted contains the following language:

Contel of the South, Inc. d/b/a GTE Systems of the South / GTE North Incorporated does not consent to this purported agreement (which does not comply with the Federal Telecommunications Act of 1996) and does not authorize any of its representatives to consent to it. The signature of a GTE representative has been placed on this document only under the duress of an order of the Michigan Public Service Commission requiring such signature.

As a result, the document is not properly executed, as required by the Commission's November 5, 1998 order. The Commission directs the parties to submit a properly executed agreement consistent with the Commission's orders in this case within 10 days of the date of this order.

The motion for extension of time is moot.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 et seq.; MSA 22.1469(101) 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.; MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACCS, R 460.17101 et seq.

b. The parties must submit a properly executed interconnection agreement within 10 days of the date of this order.

c. The motion for extension of time is moot

THEREFORE, IT IS ORDERED that, within 10 days of the date of this order, GTE North Incorporated and Contel of the South, Inc., and BRE Communications, L.L.C., shall submit a properly executed interconnection agreement that is consistent with the Commission's January 28, 1998 and November 5, 1998 orders.

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

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ John G. Strand
Chairman

(S E A L)

/s/ David A. Svanda
Commissioner

By its action of January 6, 1999.

/s/ Dorothy Wideman
Its Executive Secretary