

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of )  
CENTURY MICHIGAN CELLULAR CORP., )  
MICHIANA METRONET INC., CENTENNIAL )  
JACKSON CELLULAR CORP., CENTENNIAL )  
BENTON HARBOR CELLULAR CORP., )  
CENTENNIAL MICHIGAN RSA 6 CELLULAR )  
CORP., CENTENNIAL MICHIGAN RSA 7 )  
CELLULAR CORP., and GTE NORTH INCOR- )  
PORATED and CONTEL OF THE SOUTH, INC., )  
for approval of an interconnection agreement. )

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Case No. U-11691

At the June 26, 1998 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

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

**OPINION AND ORDER**

On May 7, 1998, Century Michigan Cellular Corp., Michiana Metronet Inc., Centennial Jackson Cellular Corp., Centennial Benton Harbor Cellular Corp., Centennial Michigan RSA 6 Cellular Corp., and Centennial Michigan RSA 7 Cellular Corp. (collectively, Centennial) and GTE North Incorporated and Contel of the South, Inc., (collectively, GTE) filed a joint application for approval of an interconnection agreement.

Centennial provides cellular telecommunication service within the state of Michigan as a commercial mobile radio service provider. As such, Centennial provides unregulated telecommunica-

tion services and is generally not subject to licensing requirements or other regulations in the state. GTE provides regulated and nonregulated telecommunication services to the public in its various exchanges and zones throughout the state. The agreement establishes the financial and operational terms for interconnection between Centennial and GTE, including the mutual exchange and termination of traffic, and provides for compensation. The agreement has an initial term of one year.

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) **GROUND FOR REJECTION.**--The State commission may only reject--

(A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that--

- (i) the agreement (or any 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) **PRESERVATION OF AUTHORITY.**--Notwithstanding paragraph (2), but subject to section 253, 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 application and the agreement, that it should approve the interconnection agreement, with its attachments. The Commission finds that the interconnection agreement is consistent with federal and state law and is in the public interest.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1991 PA 179, as amended by 1995 PA 216, MCL 484.2101 et seq.; MSA 22.1469(101) et seq.; the Communications Act of 1934, as amended by the Telecom-

munications 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 interconnection agreement should be approved.

THEREFORE, IT IS ORDERED that:

A. The interconnection agreement between GTE North Incorporated and Contel of the South, Inc., and Century Michigan Cellular Corp., Michiana Metronet Inc., Centennial Jackson Cellular Corp., Centennial Benton Harbor Cellular Corp., Centennial Michigan RSA 6 Cellular Corp., and Centennial Michigan RSA 7 Cellular Corp. is approved.

B. Approval of the agreement does not alter GTE North Incorporated's and Contel of the South, Inc.'s duty to comply with relevant federal and state law and past and future Commission orders.

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

MICHIGAN PUBLIC SERVICE COMMISSION

( S E A L )

/s/ John G. Strand  
Chairman

By its action of June 26, 1998.

/s/ John C. Shea  
Commissioner, dissenting in a separate opinion.

/s/ Dorothy Wideman  
Its Executive Secretary

/s/ David A. Svanda  
Commissioner

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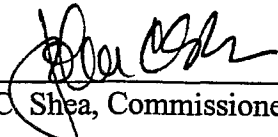
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**DISSENTING OPINION OF COMMISSIONER JOHN C. SHEA**

(Submitted on June 26, 1998 concerning order issued on same date.)

I am not able to join in the approval of the accompanying order. As I have stated previously, see, November 1, 1996 Dissenting Opinion in Case No. U-11138, the means to reach the result embodied in the accompanying order cannot, as the majority states, arise under federal law. Rather, the Michigan Telecommunications Act, 1991 PA 179, as amended by 1995 PA 216, MCL 484.2101 et seq.; MSA 22.1469(101) et seq., (the "MTA") is the only authority that should control this proceeding.

Based on this reasoning, questions about this Commission's authority and jurisdiction have not been resolved for me. Accordingly, I dissent.

  
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John C. Shea, Commissioner