

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the request for Commission approval)
of an interconnection agreement between AIRTOUCH)
CELLULAR, INC., and GTE NORTH INCORPOR-)
ATED and CONTEL OF THE SOUTH, INC.)
_____)

Case No. U-12036

At the September 28, 1999 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

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

OPINION AND ORDER

On July 6, 1999, AirTouch Cellular, Inc., (AirTouch) and GTE North Incorporated and Contel of the South, Inc., (collectively, GTE) filed a joint application for approval of an interconnection agreement. The agreement has an initial one-year term and establishes financial and operational terms for interconnection between GTE and AirTouch, including the mutual exchange and termination of traffic and compensation.

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 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); MSA 22.1469(359)(2), the services provided under this agreement 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.; 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 interconnection agreement should be approved.

THEREFORE, IT IS ORDERED that:

A. The interconnection agreement between AirTouch Cellular, Inc., and GTE North Incorporated and Contel of the South, Inc., is approved.

B. Approval of the agreement does not alter the duty of GTE North Incorporated, Contel of the South, Inc., and AirTouch Cellular, Inc., 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/ John G. Strand
Chairman

(S E A L)

/s/ David A. Svanda
Commissioner

/s/ Robert B. Nelson
Commissioner

By its action of September 28, 1999.

/s/ Dorothy Wideman
Its Executive Secretary