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STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the complaint of the)
MICHIGAN PAY TELEPHONE ASSOCIATION)
et al. against **AMERITECH MICHIGAN** and **GTE**)
NORTH INCORPORATED.)
_____)

Case No. U-11756

At the May 11, 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

ORDER

On March 8, 1999, the Commission issued an order addressing the complaint of the Michigan Pay Telephone Association (MPTA) against Ameritech Michigan and GTE North Incorporated (GTE). On April 7, 1999, the MPTA filed a petition for rehearing. On April 28, 1999, MCI Telecommunications Corporation filed a response in support, and Ameritech Michigan and GTE filed responses in opposition.

Rule 403 of the Commission's Rules of Practice and Procedure, 1992 AACCS, R 460.17403, provides that a petition for rehearing may be based on claims of error, newly discovered evidence, facts or circumstances arising after the hearing, or unintended consequences resulting from compliance with the order. A petition for rehearing is not merely another opportunity for a party to argue a position or to express disagreement with the Commission's decision. Unless a party can show the

decision to be incorrect or improper because of errors, newly discovered evidence, or unintended consequences of the decision, the Commission will not grant a rehearing.

The Commission concludes that the petition for rehearing does not meet the standard of Rule 403. The petition consists almost entirely of arguments that the Commission has already considered and rejected. The petition also raises a claim of facts arising after the close of the record based on an affidavit filed by an Ameritech Michigan employee in another case. The MPTA does not explain why it waited from January 21, 1999 when the affidavit was filed (before the Proposal for Decision was issued and the exceptions and replies were filed) until April 7, 1999 to assert that the affidavit is relevant to this case.

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.; 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 petition for rehearing should be denied.

THEREFORE, IT IS ORDERED that the petition for rehearing filed by the Michigan Pay Telephone Association is denied.

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

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26; MSA 22.45.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ John G. Strand
Chairman

(S E A L)

/s/ David A. Svanda
Commissioner

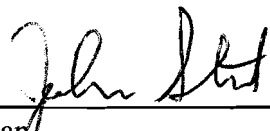
/s/ Robert B. Nelson
Commissioner, abstaining.

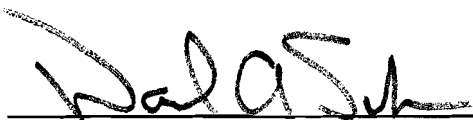
By its action of May 11, 1999.

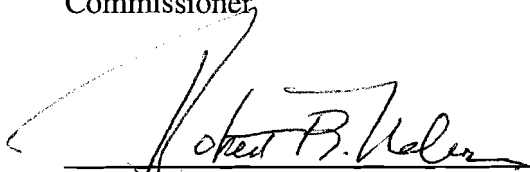
/s/ Dorothy Wideman
Its Executive Secretary

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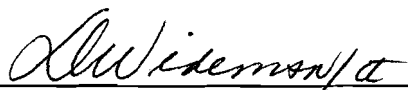
MICHIGAN PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner, abstaining.

By its action of May 11, 1999.


Its Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)
)

Case No. U-11756

County of Ingham)

Marcia Hoskins, being duly sworn, deposes and says that on May 12, 1999, A.D.
she served a copy of the attached order, by mailing copies thereof by first class mail, postage
prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.

Marcia Hoskins

Subscribed and sworn to before me
this 12th day of May 1999.

Catherine H. Bowers

Notary Public, Ingham County, Michigan
My Commission expires November 22, 1999

SERVICE LIST FOR DOCKET # U - 11756-
DATE OF PREPARATION: 05/05/1999

CASE #

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