

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the complaint of	)	
MICHIGAN PAY TELEPHONE ASSOCIATION	)	Case No. U-11756
et al., against AMERITECH MICHIGAN and	)	(After Remand)
GTE NORTH INCORPORATED.	)	
_____	)	

At the December 18, 2007 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

OPINION

On March 16, 2004, the Commission issued an order in which the long history of this case is detailed. The March 16 order found that SBC Michigan (now, AT&T Michigan) and Verizon North Inc.(Verizon) had collected excessive rates from independent payphone providers and provided a process for refunding the excessive rates. On February 10, 2005, the Commission issued an order denying petitions for rehearing, and referring the remaining disputed issues to mediation.¹

The Michigan Pay Telephone Association (MPTA), AT&T Michigan, and Verizon appealed the February 10 order. On September 28, 2006, the Michigan Court of Appeals affirmed the Commission's decision. On November 13 and 14, 2006, respectively, the MPTA and AT&T

¹It appears that the MPTA and Verizon had resolved their differences by the time the February 10 order issued.

Michigan sought leave to appeal to the Michigan Supreme Court, which was denied on February 27, 2007. The parties have been negotiating to bring an end to this long-term litigation.

On December 14, 2007, the parties filed a joint petition for final approval of refund distribution and final order closing docket in which the parties state that they have settled all remaining disputed issues. The parties state that they agree on the total proposed refund amount, with interest, which is attached to the confidential version of the settlement agreement as Confidential Exhibit A. The parties state that the only remaining task for the Commission is to enter a final order closing the docket. In that final order, the parties request that the Commission explicitly permit AT&T Michigan to issue one check to the MPTA, with the funds to be held in trust for the benefit of the 62 individual named member complainants, and state that the MPTA will be responsible for subsequent distribution of those funds. The MPTA has agreed to defend, indemnify, and hold AT&T Michigan harmless for all amounts that are due and owing to the complainants under the Commission's previous order. Additionally, the 62 named complainants have given permission for payment to be effected in the manner outlined above.

The Commission concludes that all disputed issues have been resolved and this matter may be closed. The proposed refund method and amount should be approved.

The Commission FINDs that:

- a. Jurisdiction is pursuant to 1991 PA 179, MCL 484.2101 *et seq.*; 1969 PA 306, MCL 24.201 *et seq.*; and the Commission's Rules of Practice and Procedure, 1999 AC, R 460.17101 *et seq.*
- b. The remaining disputed issues have been resolved and this docket may be closed.
- c. The proposed refund amount and method reflected on Confidential Exhibit A should be approved.

THEREFORE, IT IS ORDERED that:

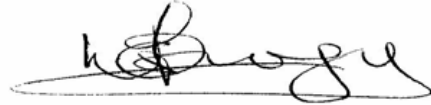
A. The proposed refund amount and method reflected on Confidential Exhibit A attached to the settlement agreement is approved.

B. This docket is closed.

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 December 18, 2007.



Mary Jo Kunkle, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

Case No. U-11756

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County of Ingham)

E. David Lechler being duly sworn, deposes and says that on December 18th, 2007, A.D. he served a copy of the attached Commission order by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.

**E. David
Lechler**

Digitally signed by E. David Lechler
DN: cn=E. David Lechler, c=US,
o=PSC, ou=PSC,
email=lechlerd1@michigan.gov
Date: 2007.12.19 12:07:32 -05'00'

E. David Lechler

Subscribed and sworn to before me
this 18th day of December 2007

**Sharron
Allen**

Digitally signed by Sharron Allen
DN: cn=Sharron Allen, c=US,
o=MPSC, ou=Exec. Sec. Section,
email=allens1@michigan.gov
Date: 2007.12.19 12:13:41 -05'00'

Sharron A. Allen
Notary Public, Ingham County, MI
My Commission Expires August 16, 2011

SERVICE LIST FOR DOCKET # U - 11756-
DATE OF PREPARATION: 12/18/2007

CASE #

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