

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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

At the March 6, 2014 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. John D. Quackenbush, Chairman
Hon. Greg R. White, Commissioner
Hon. Sally A. Talberg, Commissioner

ORDER APPOINTING MEDIATOR

In a separate order issued today in this docket, the Commission addressed a petition filed by the Michigan Pay Telephone Association (MPTA) seeking rehearing and/or clarification of aspects of the December 6, 2013 order that found that the local usage rate charged by AT&T Michigan (AT&T) to independent payphone providers (IPPs) in Michigan was not compliant with the Federal Communications Commission's new services test. Specifically, the Commission found that the appropriate local usage rate of \$0.0190176 per message should apply to each independent payphone provider from April 15, 1997, until the date that AT&T ceased payphone service in Michigan. AT&T was ordered to file a report in this docket that detailed the date that it ceased payphone service in Michigan and the amount by which its local usage rate exceeded the ceiling to each provider calculated pursuant to the new services test as set out in the December 6 order.

Refund Report and Objections

On January 6, 2014, AT&T filed its confidential refund report. AT&T stated in its filing that the company had ceased its payphone operations by September 2010 and therefore the full potential refund report covered the period of April 15, 1997 to September 2010. AT&T, however, contends that it only has actual usage data for IPPs for April 2001 through September 2010.

AT&T further claims that non-MPTA members and MPTA members not named in the complaint are not entitled to refunds and are therefore excluded. AT&T claims that it does not possess usage data for the time period prior to April 1, 2001, and it is the burden of MPTA and its members to produce that data.

On January 21, 2014, the MPTA filed its objections to the refund report along with a confidential report and exhibits that allegedly refute AT&T's refund report and provides additional data on the proper amount of the refund for April 15, 1997, through March 31, 2001. The MPTA claims that AT&T's refund report is incomplete and contains various errors that the MPTA needs more time to address. The MPTA also requests that the Commission recognize that the refund obligation applies to all IPPs subject to the overcharge during the relevant period and not just to those named in the complaint or that have continued in operation. The MPTA suggests that the Commission appoint a mediator to resolve the issues related to the refund report.

AT&T does not object to establishing a further process to determine a final refund amount as long as the process is overseen by an administrative law judge (ALJ) and not an outside mediator.

The Commission concludes that disputed issues related to AT&T's refund report still exist and that all disputed issues related to AT&T's refund obligation should be referred to mediation. The Commission agrees with AT&T that the Commission should appoint an ALJ to act as mediator. To that end, the Commission directs the Administrative Law Manager assigned to preside over

Commission matters to arrange for mediation regarding AT&T's refund obligation as set forth in the December 6 order and clarified on rehearing. The appointed ALJ is to establish a mediation schedule as soon as possible and shall provide his or her recommendation to the Commission within 60 days from the date of this order. The recommendation shall include, but is not limited to, the amount of AT&T's refund obligation for April 15, 1997, to March 31, 2001, the amount of AT&T refund obligation from April 1, 2001, to September 2010, the methodology for calculating interest on the refund obligation, and the entities or persons entitled to refunds. Should one of the parties disagree with the recommendation, that party may file, within 15 days following the recommendation, a request for the Commission to resolve the dispute. That filing shall include all documentary evidence and testimony to support the position.

THEREFORE, IT IS ORDERED that:

A. The Administrative Law Manager assigned to preside over Commission matters shall appoint an administrative law judge to mediate all disputed issues related to AT&T Michigan's 2014 Refund Report.

B. The appointed administrative law judge shall file, within 60 days from the date of this order, his or her recommendation on any remaining disputed issues.

C. Any party may file, within 15 days after the recommendation is filed, a request for the Commission to resolve any remaining disputes.

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

MICHIGAN PUBLIC SERVICE COMMISSION



John D. Quackenbush, Chairman



Greg R. White, Commissioner



Sally A. Talberg, Commissioner

By its action of March 6, 2014.



Mary Jo Kunkle, Executive Secretary

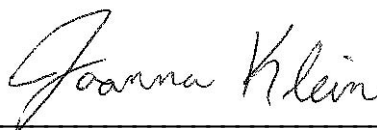
PROOF OF SERVICE

STATE OF MICHIGAN)

Case No. U-11756

County of Ingham)

Joanna Klein being duly sworn, deposes and says that on March 6, 2014 A.D. she 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.



Joanna Klein

Subscribed and sworn to before me
This 6th day of March 2014

**Gloria
Pearl Jones**

Digitally signed by Gloria Pearl
Jones
DN: cn=Gloria Pearl Jones, o, ou,
email=jonesg1@michigan.gov,
c=US
Date: 2014.03.06 14:03:46 -05'00'

Gloria Pearl Jones
Notary Public, Ingham County, MI
My Commission Expires June 5, 2016
Acting in Eaton County

Service List U-11756

Mr. Craig A. Anderson
AT&T Michigan
444 Michigan Avenue, Room 1700
Detroit MI 48226

AT&T Communications, Inc.
Candice Glover, Area Manager
External Affairs - Legislative & Regulatory
225 W. Randolph Street - 27C500
Chicago IL 60606

AT&T Michigan
Yvette Collins
221 N. Washington Square
Ground Floor
Lansing MI 48933

Ms. Lisa M. Bruno-Herline
AT&T Michigan
444 Michigan Avenue, Room 1750
Detroit MI 48226

John M. Dempsey
Dickinson Wright, PLLC
350 S. Main Street, Suite 300
Ann Arbor MI 48104-2131

Joseph E. Donovan
Constellation NewEnergy - Gas Division
100 Constellation Way, Suite 500
Baltimore MD 21202

Albert . Ernst
Dykema Gossett PLLC
201 Townsend Street, Suite 900
Lansing MI 48933

Michael A. Holmes
Telecommunications Association of Michigan
600 W. Shiawassee Street
Lansing MI 48933

Steven D. Hughey
Michigan Dept. of Attorney General
Public Service Division
6520 Mercantile Way, Suite 1
Lansing MI 48911

Henry T. Kelly
O'keefe Ashenden Lyons & Ward
30 North LaSalle Street, Suite 4100
Chicago IL 60602

Service List U-11756

Arthur J. Levasseur
Fischer Franklin & Ford
500 Griswold Sreet, Suite 3500
Detroit MI 48226

MCI Telecommunications Corporation a/k/a
Verizon Business Network Services Inc.
David Vehslage
State Director of Government Affairs
3939 Blue Spruce Drive
Dewitt MI 48820

MCI Worldcom Communications, Inc.
Paul Fuglie
124 W. Allegan Street, Suite 1100
Lansing MI 48933

Harvey J. Messing
Miller Canfield Paddock & Stone PLC
1 E. Michigan Avenue, Suite 900
Lansing MI 48933

Michigan Pay Telephone Association
5859 W. Saginaw Highway
Lansing MI 48917

Michael G. Oliva
Loomis Ewert Parsley Davis & Gotting PC
124 W. Allegan Street, Suite 700
Lansing MI 48933

Leland R. Rosier
Clark Hill PLC
212 E. Grand River Avenue
Lansing MI 48906

Christine M. Soneral
Dykema Gossett PLLC
201 Townsend Street, Suite 900
Lansing MI 48933

Verizon North Inc.
224 W. Exchange Street
Owosso MI 48867-2818