

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of **AMERITECH MICHIGAN's**)
submission on performance measures, reporting,)
and benchmarks, pursuant to the October 2, 1998)
order in Case No. U-11654.)
_____)

Case No. U-11830

At the July 17, 2000 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 AMENDING PRIOR ORDERS

On May 27, 1999, the Commission issued an order requiring Ameritech Michigan to implement certain performance measurements and to provide reports regarding its success at meeting Commission approved standards. Among other things, the order provided that an independent third-party auditor should conduct an annual, central audit, with the first audit to occur at the conclusion of calendar year 1999. The Commission further provided that Ameritech Michigan should meet with interested competitive local exchange carriers (CLECs) and the Commission Staff (Staff) to establish a consensus on clear objectives for the auditor.

On September 3, 1999, the Commission issued an order granting in part and denying in part Ameritech Michigan's petition for rehearing. In that order, the Commission noted that it appeared that no meetings had occurred pursuant to the provisions of the May 27 order. The Commission

therefore directed Ameritech Michigan to commence discussions within 30 days of the September 3 order.

On November 19, 1999, Ameritech Michigan filed a motion for clarification of the provisions in the May 27 order regarding the scope of the annual audits. The Commission denied that motion in an order dated February 9, 2000, and further clarified the requirements regarding the annual audit and third-party testing.

On March 7, 2000, Ameritech Michigan filed a motion to reopen the proceedings and for modification of the performance measurements and standards established in the May 27, 1999 order. On March 22, 2000, Ameritech Michigan filed a letter indicating that it had agreed to stay the schedule for responses to its motion because the parties to a collaborative workshop were addressing modifications to the previously approved performance measurements and standards.

On July 7, 2000, a joint motion to amend the May 27 and September 3, 1999 orders was filed by AT&T Communications, Inc., BRE Communications, LLC, CoreComm, Horizon Telecommunications, Inc., MCI WorldCom, McLeodUSA, Z-Tel Communications, the CLEC Association of Michigan, Attorney General Jennifer M. Granholm, the Commission Staff, and Ameritech Michigan.¹ The joint motion expressly supersedes Ameritech Michigan's March 7, 2000 motion to reopen. The joint motion requests that the Commission amend its prior orders to conform to the agreements reached during the collaborative workshop on performance measurements and standards. According to the motion, the amended version would then be used as part of the baseline for the third-party operations support systems (OSS) test that will be performed soon.

¹ Rythms Netconnections and Rythms Links participated in the collaborative workshop, but have not signed the joint motion. However, the cover letter filed with the joint motion indicates that these companies do not take a position concerning entry of a Commission order in accordance with the joint motion.

The motion further states that Ameritech Michigan has agreed to certain new performance measurements. Attached to the motion are schedules that reflect Ameritech Michigan's original proposal, the response of the collaborative participants, and descriptions of the agreed modifications to calculations, definitions, business rules, and benchmarks for each of the baseline performance measures. Ameritech commits to implementing all new and modified performance measures by the September 2000 data month.

Further, the parties to the joint motion envision an additional phase of the collaborative efforts to address any new measurements or further modifications to existing performance measurements or reporting for existing products and services that may be required. The joint motion indicates that there will be ongoing reviews every six months to discuss the baseline measurements and any proposed modifications or new measurements. Additionally, the joint motion states, the parties will continue to collaborate concerning "performance measures and benchmarks for the new UNE Remand and Line Sharing offerings."² Joint Motion, ¶ 53. The joint motion states that the collaborative effort is expected to reach resolution on those issues by September 15, 2000.

Finally, Ameritech Michigan has agreed to develop, propose, and implement additional performance measurements for other new product offerings within the timetables established by the collaborative workshop and to develop and propose a performance assurance plan within 30 days of a Commission order approving the joint motion. The motion reflects a commitment to present

² Presumably, UNE Remand and Line Sharing offerings are services arising out of two Federal Communications Commission (FCC) orders: Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, Third Report and Order, rel'd November 5, 1999, often referred to as the UNE Remand Order, and Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147, Third Report and Order and Fourth Report and Order, CC Docket No. 96-98, rel'd December 9, 1999, often referred to as the Line Sharing Order.

the Commission with the results of the collaborative workshop on proposed remedies for performance failures no later than September 30, 2000.

The Commission finds that the joint motion to amend the Commission's May 27 and September 3, 1999 orders should be granted. The Commission takes this opportunity to express its appreciation for the efforts of the collaborating parties in working together to develop performance measures that are reasonable and provide information needed to ensure that CLECs are provided with nondiscriminatory service, thereby allowing an opportunity to compete fairly in the basic local exchange market. The Commission further acknowledges the collaborating parties' ongoing commitment to review and propose additional modifications or measurements, as the need arises, as well as to propose remedies for any performance failures.

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 AACRS, R 460.17101 et seq.

b. The joint motion should be granted, and the Commission's May 27 and September 3, 1999 orders should be amended to include the modifications and additions set out in the joint motion and its attached schedules.

THEREFORE, IT IS ORDERED that the joint motion filed by AT&T Communications, Inc., BRE Communications, LLC, CoreComm, Horizon Telecommunications, Inc., MCI WorldCom, McLeodUSA, Z-Tel Communications, the CLEC Association of Michigan, Attorney General Jennifer M. Granholm, the Commission Staff, and Ameritech Michigan is granted, and the May 27,

1999 and September 3, 1999 orders are amended to reflect the modifications and additions set out in the joint motion and its attached schedules.

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

By its action of July 17, 2000.

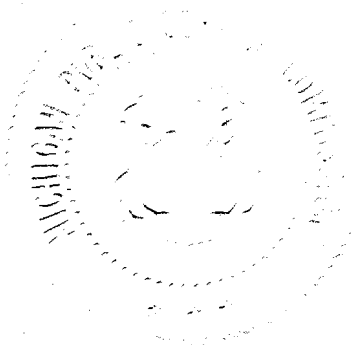
/s/ Dorothy Wideman
Its Executive Secretary

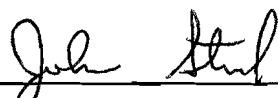
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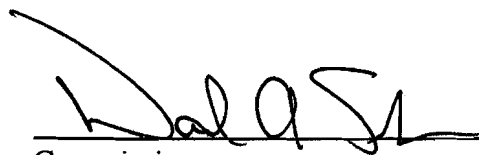
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MICHIGAN PUBLIC SERVICE COMMISSION

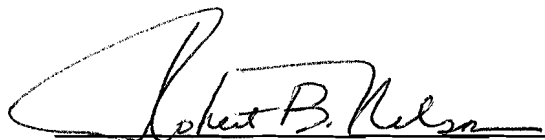




Chairman

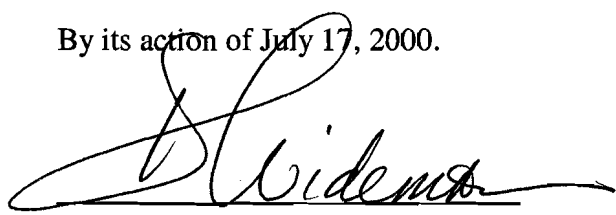


Commissioner



Commissioner

By its action of July 17, 2000.



Its Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

Case No. U-11830

County of Ingham)

Marcia Hoskins, being duly sworn, deposes and says that on July 17, 2000, 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 17th day of July 2000

Catherine H. Bauer

Notary Public, Eaton County, Michigan,
acting in Ingham County
My commission expires November 22, 2004

SERVICE LIST FOR DOCKET # U - 11830-
DATE OF PREPARATION: 07/17/2000

CASE #

MR. PAUL LASHIAZZA
AMERITECH
3893 OKEMOS ROAD, SUITE 5
OKEMOS MI 48864

MR. RICHARD C. GOULD
4660 S. HAGADORN ROAD, STE. 320
EAST LANSING MI 48823

MS. JUDITH I. BLINN
ASSISTANT ATTORNEY GENERAL
6545 MERCANTILE WAY, 2ND FLOOR
SUITE 15
LANSING MI 48910
ID MAIL

MR. JERRY LUDWICK
BUILDING COMMUNICATIONS INC.
15500 NINETEEN MILE ROAD, SUITE 310
CLINTON TOWNSHIP MI 48038

MR. RODERICK S. COY
CLARK HILL PLC
2455 WOODLAKE CIRCLE
OKEMOS MI 48864 5941

MR. JOHN M. DEMPSEY
DICKINSON WRIGHT PLLC
215 S. WASHINGTON AVENUE, SUITE 200
LANSING MI 48933

MR. ALBERT G. ERNST
DYKEMA GOSSETT PLLC
800 MICHIGAN NATIONAL TOWER
LANSING MI 48933

MR. WILLIAM H. KEATING
GTE NORTH INCORPORATED
5994 WHITECRAIGS COURT
DUBLIN OH 43017

MS. KATHERINE E. BROWN
US DEPARTMENT OF JUSTICE
ANTITRUST DIVISION
1401 H STREET, N.W.
8TH FLOOR
WASHINGTON DC 20530