

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion, to	)	
consider Ameritech Michigan's compliance with	)	
the competitive checklist in Section 271 of the	)	Case No. U-12320
federal Telecommunications Act of 1996.	)	
_____	)	

At the March 29, 2005 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. J. Peter Lark, Chairman
Hon. Robert B. Nelson, Commissioner
Hon. Laura Chappelle, Commissioner

ORDER DENYING REHEARING

On August 31, 2004, the Commission vacated its December 20, 2001 and March 29 and
October 3, 2002 orders in this proceeding that dealt with SBC Michigan's (SBC) obligation to
provision line sharing¹ and line splitting.²

¹Line sharing is an arrangement in which an incumbent local exchange carrier (ILEC) uses the low-frequency portion of the loop to provide voice service to a customer while a competitive local exchange carrier providing data services (data CLEC) uses the high-frequency portion of the loop to provide high-speed data services such as digital subscriber line services to the same customer.

²Line splitting is an arrangement in which a CLEC, rather than an ILEC, provides voice services over the low-frequency portion of the loop while a data CLEC (which may also be the voice service CLEC) provides data services over the high-frequency portion of the loop.

On September 23, 2004, Covad Communications Company, MCImetro Access Transmission Services LLC, AT&T Communications of Michigan, Inc., and TCG Detroit, and Talk America, Inc.(collectively, the Petitioners), filed a petition for clarification or rehearing.

On October 14, 2004, SBC filed a response in opposition to the petition for clarification or rehearing.

Rule 403 of the Commission's Rules of Practice and Procedure, 1999 AC, 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.

Today, in orders issued in Cases Nos. U-14303, U-14305, U-14327, and U-14463 and in Case No. U-14382, the Commission has declined to rely on Section 355 of the Michigan Telecommunications Act to require SBC to provision unbundled network elements for which the Federal Communications Commission has found no impairment to new customers of CLECs. In light of these determinations, the Commission is not persuaded that the Petitioners' request for clarification or rehearing meets the standards set forth in Rule 403.³

The Commission FINDS that:

a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 *et seq.*; the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 USC 151

³Nevertheless, the Commission has determined that the collaborative established by the February 28, 2005 order in Case No. U-14447 should be available for resolution of any line sharing and line splitting issues that remain unresolved.

et seq.; 1969 PA 306, as amended, MCL 24.201 *et seq.*; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 *et seq.*

b. The September 23, 2004 petition for clarification or rehearing should be denied.

THEREFORE, IT IS ORDERED that the September 23, 2004 petition for clarification or rehearing filed by Covad Communications Company, MCImetro Access Transmission Services LLC, AT&T Communications of Michigan, Inc. and TCG Detroit, and Talk America, Inc., 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 issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ J. Peter Lark
Chairman

(S E A L)

/s/ Robert B. Nelson
Commissioner

/s/ Laura Chappelle
Commissioner

By its action of March 29, 2005

/s/ Mary Jo Kunkle
Its Executive Secretary

et seq.; 1969 PA 306, as amended, MCL 24.201 *et seq.*; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 *et seq.*

b. The September 23, 2004 petition for clarification or rehearing should be denied.

THEREFORE, IT IS ORDERED that the September 23, 2004 petition for clarification or rehearing filed by Covad Communications Company, MCImetro Access Transmission Services LLC, AT&T Communications of Michigan, Inc. and TCG Detroit, and Talk America, Inc., 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.

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

By its action of March 29, 2005.

Its Executive Secretary

P R O O F O F S E R V I C E

STATE OF MICHIGAN)

Case No. U-12320

County of Ingham)

Patricia A. Fronta being duly sworn, deposes and says that on March 29th, 2005, 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.

Patricia Fronta

Subscribed and sworn to before me
this 29th day of March 2005

Notary Public, Ingham, County, Michigan
My Commission expires June 5, 2007

COVAD COMMUNICATIONS COMPANY
227 W. MONROE, 20TH FLOOR
CHICAGO IL 60606

ROBIN GLEASON
AMERITECH
201 NORTH WASHINGTON SQUARE
SUITE 920
LANSING MI 48933

MR. STEVEN D. HUGHEY
ASSISTANT ATTORNEY GENERAL
6545 MERCANTILE WAY, 2ND FLOOR
LANSING MI 48910 **ID MAIL**

MS. MARIE SIAFACAS
BEARINGPOINT
1600 MARKET STREET, SUITE 1600
PHILADELPHIA PA 19103

MR. LELAND ROSIER
CLARK HILL PLC
212 EAST GRAND RIVER AVE.
LANSING MI 48906 4328

MR. THOMAS E. MAIER
CLARK HILL PLC
212 EAST GRAND RIVER AVE.
LANSING MI 48906 4328

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

MR. ALBERT ERNST
DYKEMA GOSSETT PLLC
124 W. ALLEGAN STREET, SUITE 800
LANSING MI 48933 1742

MR. MICHAEL S. ASHTON
FRASER TREBILCOCK DAVIS &
DUNLAP, PC
124 WEST ALLEGAN, SUITE 1000
LANSING MI 48933 1742

MR. RICHARD C. GOULD
JAS NETWORKS
6127 MEADOWLARK ST., NE
ROCKFORD MI 49341

MS. KATHLEEN F. O'REILLY
414 A ST. SOUTHEAST
WASHINGTON DC 20003

MR. MICHAEL MOODY
ASSISTANT ATTORNEY GENERAL
SPECIAL LITIGATION
525 W. OTTAWA; 6TH FLOOR
G. MENNEN WILLIAMS BLDG.
LANSING MI 48933 **ID MAIL**

MR. JOHN J. REIDY III
AT&T COMMUNICATIONS
215 S. WASHINGTON SQUARE
SUITE 230
LANSING MI 48933

MR. HARAN C. RASHES
CLARK HILL PLC
212 EAST GRAND RIVER AVE.
LANSING MI 48906 4328

MR. RODERICK S. COY
CLARK HILL PLC
212 EAST GRAND RIVER AVE.
LANSING MI 48906 4328

LYNN H. SHECTER
ROY, SHECTER & VOCHT, P.C.
36700 WOODWARD AVE., SUITE 205
BLOOMFIELD HILLS MI 48304

MR. LEONARD C. WOLFE
DYKEMA GOSSETT
124 WEST ALLEGAN, SUITE 800
LANSING MI 48933 1742

MR. DAVID E. MARVIN
FRASER TREBILCOCK DAVIS &
DUNLAP, PC
124 WEST ALLEGAN, SUITE 1000
LANSING MI 48933 1742

MS. MAYA R. KOBERSY
HOGAN & HARTSON, L.L.P.
555 THIRTEENTH ST., NW
WASHINGTON DC 20004

MR. ROBERT J. AAMOTH
KELLEY, DRYE & WARREN, L.L.P.
1200 NINETEENTH ST., NW, SUITE 500
WASHINGTON DC 20036

MR. HARVEY J. MESSING
LOOMIS, EWERT, PARSLEY, DAVIS
& GOTTING, P.C.
232 SOUTH CAPITOL AVENUE, SUITE 1000
LANSING MI 48933

MS. JULIE A. KAMINSKI
PRISM COMMUNICATION SERVICES, INC.
1667 K STREET, SUITE 200
WASHINGTON DC 20006

MR. ANDREW ISAR
TELECOMMUNICATIONS RESELLERS
ASSOCIATION
P.O. BOX 2461
BIG HARBOR WA 98335 4461

MR. GARY L. FIELD
LOOMIS, EWERT, PARSLEY, DAVIS
& GOTTING, P.C.
232 SOUTH CAPITOL AVENUE
SUITE 1000
LANSING MI 48933

MS. PENNY H. BEWICK
NEW EDGE NETWORKS INC.
3000 COLUMBIA HOUSE BLVD.
SUITE 106
VANCOUVER WA 98661

**SUBSCRIPTION LIST
ALL COMMUNICATION ORDERS**

Mr. Don Eitnietar
DIT – Telecommunications Div.
Hanna Building, First Floor
Lansing, MI ID MAIL

Mr. Phillip Cross
Public Utilities Reports, Inc.
8229 Boone Blvd., Ste. 401
Vienna, VA 22182

Mr. John Pestle
Varnum, Riddering, Schmidt & Howlett
Bridgewater Place
P.O. Box 352
Grand Rapids, MI 49501-0352

Mr. Agris Pavlovsiks
Michigan Exchange Carriers Assoc
P.O. Box 20025
Lansing, MI 48901-0025

Ms. Monica Martinez
Senate Democratic Staff
Romney Bldg.
Lansing, MI ID MAIL

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P R O O F O F S E R V I C E

STATE OF MICHIGAN)

Case No. U-12320

County of Ingham)

Anita M. Castilla being duly sworn, deposes and says that on March 29th, 2005, A.D. she served a copy of the attached Commission orders via E-Mail, to the persons as shown on the attached service list.

Anita M. Castilla

Subscribed and sworn to before me
this 29th day of March 2005

Gloria Pearl Jones
Notary Public, Eaton County, MI
My Commission expires June 5, 2007

COMMUNICATIONS

aamores@MICHIGAN.GOV	(No Name Available)
cforst@360.NET	cforst - 360networks (USA), Inc.
bshires@LDMI.COM	Ldmi -
jfinefro@LDMI.COM	Ldmi -
bkerkes@PLANETACCESS.TV	Planet Access
kkaiser@PLANETACCESS.TV	Planet Access
mzengerle@PLANETACCESS.TV	Planet Access
jim.cornblatt@ALTICOMM.COM	Alticomm, Inc.
dbronson@BLANCHARDEL.COM	Blanchard Telephone Association, Inc.
francesbrown@ATT.COM	AT&T Communications of MI
jsnyder@BTC-BCI.COM	Bloomington Telephone Co., Inc.
tholeman@CASS.NET	Deerfield Farmers Telephone Co.
bboshoven@USSIGNALCOM.COM	US Signal Co., LLC
tnamy@CLEARRATE.COM	Clear Rate Comm, Inc.
jdelahanty@TELEPACIFIC.COM	Telepacific Comm
sclay@NEWACCESS.CC	Emergent Communications LLC and New
Access Comm.	
border@NETNET.NET	Borderland Communications
emcdonald@CHOICEONECOM.COM	Choice One Communications
cjr@DAYSTARR.NET	DayStarr Communications
bcobb@COVAD.COM	DIECA Communications, Inc.
jmorris@FIRSTCOMM.COM	First Communications, LCC
mcegeliski@FIRSTCOMM.COM	First Communications, LCC
stalley@FOCAL.COM	Focal Communications
prebey@FOCAL.NET	Focal Communications
clockett@INTRADO.COM	Intrado Communications, Inc.
lindah@LIGHTYEARCOM.COM	Lightyear Communications, Inc.
mark@NOMADINTER.NET	Media Gate Communications, Inc.
sfenker1@EARTHLINK.NET	Nexus Communications
Rvalle@NOS.COM	NOS Communications
wwright@NOS.COM	NOS Communications
judy.messeng@PAETEC.COM	PaeTec Communications, Inc.
JBrown@QUANTUMSHIFT.COM	Quantum Shift Communications
aharris@800GOQUICK.COM	Quick Communications
erobinson@TNCII.COM	TransNational Communications
tseat@Z-TEL.COM	Z-Tel Communications, Inc.
springle@COMMSOUTH.NET	Comm South Companies, Inc.
abender@METROTELCO.COM	Metro Teleconnect Companies
ealicea@METROTELCO.COM	Metro Teleconnect Companies
tgregson@METROTELCO.COM	Metro Teleconnect Companies
mike.osborne@ALLCOM.CC	Allendale Telephone Company
pwstark@UP.NET	Baraga Telephone Company
refisher@MEI.NET	Barry County Telephone Company
teri@CARRINTER.NET	Carr Telephone Company
chapintel@POWER-NET.NET	Chapin Telephone Company
jbrogan3@JAMADOTS.COM	Chippewa County Telephone Company
gcollver@CTSTELECOM.COM	Climax Telephone Company
pubsercomm@CTSTELECOM.COM	Climax Telephone Company
drenthe@DRENTHE.NET	Drenthe Telephone Company
wayne@DRENTHE.NET	Drenthe Telephone Company
jcibbs@KALTELNET.NET	Kaleva Telephone Company
pbowman@POWER-NET.NET	Lennon Telephone Company
linda@CASS.NET	Ogden Telephone Company
jack@PENTEL.NET	Peninsula Telephone Company
ehe@AVCI.NET	Pigeon Telephone Company

marge@CASS.NET	Sand Creek Telephone Company
Janet@SPRINGCOM.COM	Springport Telephone Company
wfh@SPRINGCOM.COM	Springport Telephone Company
bdcobra@ALPHACOMM.NET	Upper Peninsula Telephone Company
mark@WALDRONTEL.COM	Waldron Telephone Company
dfox@POWER-NET.NET	Westphalia Telephone Company
ljenkins@POWER-NET.NET	Winn Telephone Company
wminella@NEWROCTEL.COM	New Rochelle Telephone Corp.
crystal.herbertson@QWEST.COM	Qwest Communications Corp.
pati@RANGETELE.COM	Range Corporation
edkilb@TRUCOMM.NET	Tru Comm Corporation
dchoover@CORVUSINC.COM	Corvus, Inc.
diane.peters@GLOBALCROSSING.COM	Global Crossing
dave@NETEXP.COM	Net Express d/b/a Advent Telecom
reg@ONESTARLD.COM	OneStar Long Distance, Inc.
dave@CASS.NET	Deerfield Farmers' Telephone Co.
lkfelic@MICHIGAN.GOV	Lisa Felice
chopkins@GRID4.COM	Grid4 Communications Inc.
regulatory@GRID4.COM	Grid4 Communications, Inc.
prountree@DUNDEE.NET	Bilan Communications Inc.
regulatory@BULLSEYETELECOM.COM	Bulls Eye Telecom Inc.
slondon@BULLSEYETELECOM.COM	Bulls Eye Telecom Inc.
puc@CIMCO.NET	CIMCO Communications Inc.
bruce.bennett@CORECOMM.COM	CoreComm Michigan Inc.
regulatory@INTRADO.COM	Intrado Communications Inc.
jmertz@KMCTELECOM.COM	KMC Telecom II Inc.
klawrence@PRIMUSTEL.COM	Primus Telecommunications Inc.
sthomas@TALK.COM	Talk America Inc.
tweiksnar@UNIVERSALACCESS.NET	Universal Access Inc.
Gregg.diamond@VERIZON.COM	Verizon North Inc.
jswift@CI2.COM	Computer Intelligence 2 Inc. (CI2)
bfillinger@BIRCH.COM	Birch Telecom of the Great Lakes
greg.rogers@LEVEL3.COM	Level 3
ron.p.johnson@CENTURYTEL.COM	Century Tel Solutions LLC
shobbs@DSL.NET	DSLnet Communications LLC
byuille@800GOQUICK.COM	Atlas Communications LTD.
anne.lynch@RECONEX.COM	Anne lynch 1-800-Reconex
mittchell.proctor@TDSTELECOM.COM	TDS MetroCom, Inc.
info@COGENTCO.COM	Cogent Comm of MI
Richard_Wolfe@CABLE.COMCAST.COM	Comcast Telecommunications of MI
ron.williams@FRONTIERCORP.COM	Frontier Comm. of MI, Inc.
glen@LECMI.COM	Local Exchange Carriers of MI
aeconomou@METTEL.NET	Metropolitan Telecomm of MI
daronow@METTEL.NET	Metropolitan Telecomm of MI
dschroeder@ACEGROUP.CC	Ace Telephone Company of Michigan, Inc.
stephanie.kurlan@ALGX.COM	Allegiance Telecom of Michigan
vickie.norris@CENTURYTEL.COM	Century Tel of Michigan, Inc.
shamula@WVFIBERNET.NET	Fivernet of Michigan
rg1467@SBC.COM	SBC Ameritech Michigan
tpowell@XO.COM	XO Michigan, Inc.
acasti@MICHIGAN.GOV	Anita Castilla - MPSC
amarman@MICHIGAN.GOV	April Arman - MPSC
mjkunkl@MICHIGAN.GOV	Mary Jo Kunkle - MPSC
camurray@ESCHELON.COM	Catherine Murray
toddg@ISERV.NET	Eagle Net, Inc.
bob.baranek@AFNLTD.COM	American Fiber Network, Inc.
rob.heath@AFNLTD.COM	American Fiber Network, Inc.

kathy.hough@WILTEL.COM	WilTel Local Network, LLC
pbullock@INFOHIGHWAY.COM	A.R.C. Networks, Inc.
sbogdan@BROADVIEWNET.COM	Broadview Networks
bseely@JASNETWORKS.NET	JAS Networks, Inc.
david.vehslage@VERIZON.COM	Verizon North
nelson.patty@VERIZON.COM	Verizon North
Paul.fuglie@VERIZON.COM	Verizon North, Inc.
markj@ACCESSONEINC.COM	Access One, Inc.
cfoster@CALLONE.NET	Call One
rlambert@CALLONE.NET	Call One
amagee@BUDGETPHONE.COM	Budget Phone, Inc.
amy@EZPHONEUSA.COM	EZ Phone
dgonos@ACNINC.COM	AVN Comm. Services, Inc.
jkolezynski@EASTONTELECOM.COM	Easton Telecom Services, Inc.
james.denniston@MCI.COM	MCI Metro Access Services, Inc.
dana.fassbinder@ONFIBER.COM	OnFiber Carrier Services
jbooth@ONFIBER.COM	OnFiber Carrier Services
alex.valencia@PHONESFORALL.COM	Perferred Carriers Services
jennifer.martin@TELEGENT.COM	Teligent Services, Inc.
terry.romine@TELCOVE.COM	Adelphia Business Solutions
charles.hartman@FTNA.COM	France Telecom Corp. Solutions, LLC
dpuskala@SUPERIORSPECTRUM.COM	Superior Spectrum, Inc.
tfriley@SURETEL.NET	Suretel, Inc.
jet@T2COMM.NET	T2 Communications, LLC
joe@TC3TELECOM.COM	TC3 Telecom Inc.
schoen.kevin@ACDTELECOM.NET	ACD Telecom, Inc.
Djoseph@SSI-INC.COM	Affinity Telecom
allen_dole@DOM.COM	Dominion Telecom, Inc.
amercer@SAGETELECOM.NET	Sage Telecom, Inc.
scott@UNITEDTELECOM.ORG	United Telecom, Inc.
jenniferh@UNIVERSALTELECOM.COM	Universal Telecom, Inc.
ecbolles@VARTEC.NET	VarTec Telecom, Inc.
arlee.holt@MIDWESTERN.NET	Midwestern Telecommunications, Inc.
mikem@NAVTEL.COM	Navigator Telecommunications
ranthony@JAMADOTS.COM	Chippewa County Telephone
sctelco@CASS.NET	Sand Creek Telephone
askus@BUCKEYE-TELESYSTEM.COM	Buckeye Telesystem, Inc.
kitm@ACCUTEL.NET	Accu Tel of Texas, Inc.
whaas@MCLEODUSA.COM	McLeod USA
lcox@MUNI.CBPU.COM	Coldwater Telecomm Utility

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* Total number of users subscribed to the list: 151

* Total number of local host users on the list: 0

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