

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of )  
**MCIMETRO ACCESS TRANSMISSION** )  
**SERVICES LLC, MCI TELECOMMUNICATIONS** )  
**CORPORATION, and BROOKS FIBER** )  
**COMMUNICATIONS OF MICHIGAN** )  
for a Commission investigation to update )  
the total element long-run incremental cost, )  
total service long-run incremental cost, )  
and resale cost studies of Verizon North Inc. )  
and Contel of the South, Inc., d/b/a Verizon )  
North Systems. )

Case No. U-13944

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) )  
In the matter, on the Commission’s own motion, )  
to review the costs of telecommunications services )  
provided by Verizon North Inc. and Contel of the )  
South, Inc., d/b/a Verizon North Systems. )

Case No. U-14013

At the January 22, 2004 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

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

**OPINION AND ORDER**

On November 7, 2003, MCImetro Access Transmission Services LLC, MCI  
Telecommunications Corporation, and Brooks Fiber Communications of Michigan (collectively,  
MCI) filed an application seeking an investigation concerning the total element long-run  
incremental cost (TELRIC), total service long-run incremental cost (TSLRIC), and resale cost

studies of Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems (collectively, Verizon). Pursuant to a notice of opportunity to comment, on December 22, 2003, Verizon, Attorney General Michael A. Cox (Attorney General), and ACD Telecom, Inc., TC3 Telecom, Inc., Telnet Worldwide, Inc., and The Winn Telephone Company (collectively, ACD) filed comments. On January 15, 2004, MCI and Verizon filed reply comments.

In support of its application, MCI observes that there have been two completed cost cases in Michigan for Verizon,<sup>1</sup> and that the Commission's most recent review of Verizon's costs in Case No. U-11832 was issued over three years ago.<sup>2</sup> Additionally, citing the Commission's May 3, 2000 order in Case No. U-11832, MCI stresses that the Commission reserved the right to require Verizon to file new cost studies either on its own motion "*or at the request of another party.*" May 3, 2000 order, Case No. U-11832, p. 41 [emphasis added]. MCI maintains that there is presently very little basic local exchange service competition in Verizon's Michigan service territory. MCI contends that the lack of competition can be traced to inappropriate wholesale pricing by Verizon in Michigan. Therefore, MCI asserts that there is an urgent need for appropriate and updated wholesale rates throughout Verizon's service territory. For this reason MCI urges the Commission to initiate a proceeding to update Verizon's TELRIC, TSLRIC, and resale cost studies for its Michigan network.

In so doing, MCI states that because of Verizon's limited participation in Cases Nos. U-13796 and U-13891, the Commission's proceedings for implementation of the Federal Communication Commission's (FCC) Triennial Review Order (TRO) that are scheduled to come to an end by July 2, 2004, it would be appropriate for the Commission to commence an investigation into Verizon's TELRIC, TSLRIC, and resale cost studies for its Michigan network at this time and to

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<sup>1</sup> Cases Nos. U-11281 and U-11832.

<sup>2</sup> The Commission's final order in Case No. U-11832 was issued on August 4, 2000.

order Verizon to file an updated cost study on July 2, 2004. Further, MCI contends that the Commission should conduct a prehearing conference on or before July 22, 2004 to address procedural issues. According to MCI, the Commission Staff (Staff) and other parties could be overwhelmed if required to address the TRO proceedings, Case No. U-13531 (the cost case for SBC Michigan (SBC)), and the Verizon cost case at the same time.

Verizon is opposed to MCI's application. According to Verizon, the Commission ruled that the costs approved by the August 4, 2000 order in Case No. U-11832 should remain unchanged absent a fundamental change in circumstances. Verizon insists that MCI has made no such showing of a fundamental change. Moreover, Verizon contends that MCI's position is contradicted by the position MCI took in SBC's cost case, Case No. U-13531, wherein MCI sought to delay that proceeding until after the FCC completes its TRO review. Verizon argues that neither the age of its cost studies, nor any lag period between the setting of rates and the establishment of new rates based on updated cost information justifies action on MCI's application at this time. Further, Verizon maintains that the fact that the Commission has decided to review SBC's costs has no relevance to the Commission's ruling on MCI's application because SBC initiated that cost proceeding and alleged a change in circumstances that rendered the prior cost proceeding obsolete.

Verizon also insists that its service territory has seen substantial increases in competition, which have caused a reduction in the number of its access lines in the past several years. Citing not only dramatic increases in activity by traditional competitors, Verizon maintains that there have also been increases in competition from wireless, cable, and internet providers. According to Verizon, any contention that there is no meaningful competition in Verizon's exchanges is simply unfounded.

In any event, citing the FCC's September 10, 2003 Notice of Proposed Rulemaking in Docket No. WC 03-173, which launched a comprehensive review of pricing rules, Verizon states that there will likely be fundamental changes in the TELRIC methodology. For this reason, Verizon maintains that it would be premature and counter-productive for the Commission to grant the request for consideration of its TELRIC, TSLRIC, and resale cost studies for its Michigan network at this time.

The Attorney General urges the Commission to investigate Verizon's TELRIC, TSLRIC, and resale costs as requested by MCI. According to the Attorney General, Michigan citizens would benefit from increased competition within Verizon's service territory. Accordingly, the Attorney General supports the July 2004 filing time frame for Verizon in order to assist the Commission and all parties in allocating necessary resources to address such an investigation.

ACD contends that the lack of meaningful competition in Verizon's service territory is driven by several factors, including the excessive prices that Verizon charges local exchange carriers. Citing numerous examples of alleged excessive costs, ACD maintains that some of Verizon's present unbundled network element rates and charges do not reflect actual costs, which thwart competition. ACD therefore supports initiation of an investigation to require Verizon to update its cost studies for the entirety of its Michigan network.

### Discussion

The Commission finds that the relief requested in MCI's application is appropriate, and should be granted. However, the Commission is persuaded that it should follow an approach similar to that used in Case No. U-13531, which will provide Verizon with adequate time to prepare updated cost studies. Therefore, the Commission finds that MCI's application should be dismissed and that

the Commission should commence a proceeding on its own motion in Case No. U-14013 to review the costs of telecommunications services provided by Verizon.

Verizon shall file cost studies on July 2, 2004 in Case No. U-14013 in compliance with the Commission's prior orders in Case No. U-11832. The Commission is very aware of the importance of this docket and the potential consequences to both competitors and Verizon. Therefore, to assist in the review by the Commission, the Staff, and other interested parties, Verizon is directed, in the July 2, 2004 filing, to identify cost changes attributable to increases or decreases in costs, changes attributable to changes in the cost methodology, and changes attributable to a decision to seek a modification of a prior Commission determination on an issue.

The Commission has selected this case for participation in its Electronic Filings program. All documents filed in this case must be submitted in both paper and electronic versions. An original and four paper copies and an electronic copy in the portable document format (PDF) should be filed with the Commission. Requirements for filing electronic documents can be found in the Commission's Electronic Filings Users Manual at:

<http://efile.mpsc.cis.state.mi.us/efile/usersmanual.pdf>. You may contact Commission Staff at (517) 241-6170, or by E-mail at [mpsc.efile.cases@michigan.gov](mailto:mpsc.efile.cases@michigan.gov) with any questions and/or to obtain access privileges prior to filing.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 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. MCI's application should be dismissed.

c. A proceeding should be commenced in Case No. U-14013 to examine Verizon's updated cost studies, which should be filed on July 2, 2004 in compliance with the directives in Case No. U-11832.

THEREFORE, IT IS ORDERED that:

A. The application filed by MCImetro Access Transmission Services LLC, MCI Telecommunications Corporation, and Brooks Fiber Communications of Michigan in Case No. U-13944 is dismissed.

B. A proceeding is commenced in Case No. U-14013 to examine the updated cost studies to be filed on July 2, 2004 by Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems.

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  
Chair

( S E A L )

/s/ Robert B. Nelson  
Commissioner

/s/ Laura Chappelle  
Commissioner

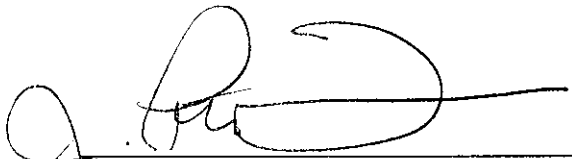
By its action of January 22, 2004.

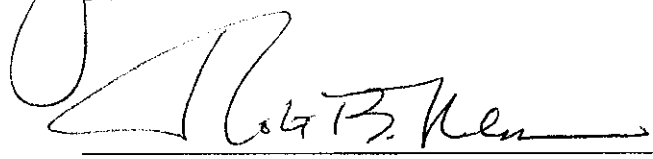
/s/ Mary Jo Kunkle  
Its Executive Secretary

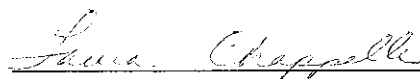
Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION



  
Chair

  
Commissioner

  
Commissioner

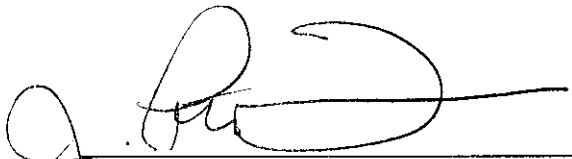
By its action of January 22, 2004.

  
Its Executive Secretary

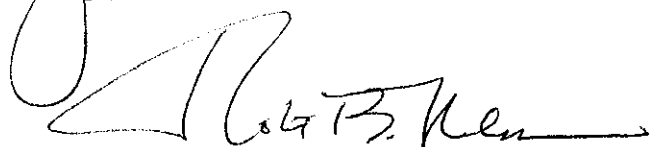
Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

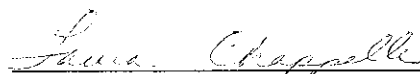


  
\_\_\_\_\_

Chair

  
\_\_\_\_\_

Commissioner

  
\_\_\_\_\_

Commissioner

By its action of January 22, 2004.

  
\_\_\_\_\_  
Its Executive Secretary

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

STATE OF MICHIGAN )

Case No. U-14013  
COM

County of Ingham )

Patricia A. Fronta being duly sworn, deposes and says that on January 22, 2004, A.D. she served a copy of the attached Commission orders by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.

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Patricia Fronta

Subscribed and sworn to before me  
this 23<sup>rd</sup> day of January 2004

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Notary Public, Ingham, County, Michigan  
My Commission expires August 16, 2004

**SUBSCRIPTION LIST  
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One Point Communcations - IL LLC  
105 Field Dr., Ste. 300  
Lake Forest, IL 60045

OneStar Long Distance, Inc.  
Ami Larrison  
7100 Eagle Crest Blvd.  
Evansville, IN 47715

OnFiber Carrier Services  
James Booth  
7887 E Belleview Ave, Ste 820  
Englewood, CO 80111

PaeTec Communications Inc.  
J.T. Ambrosi  
600 Willowbrook Office Pk.  
Fairport, NY 14450-4233

PhoneCo, LP  
Ken Weaver  
7900 Carpenter Freeway  
Dallas, TX 75247

Planet Access  
Michael Zengerle  
13137 Log Cabin Pointe  
Fenton, MI 48430

Preferred Carriers Services  
Luis Guitierrez  
14681 Midway Rd, Ste 105  
Addison, TX 75001

Premiere Network Services  
Leo Wrobel  
1510 North Hampton Rd., Ste. 120  
DeSoto, TX 75115

Primus Telecommunications Inc.  
Kathleen Kerr-Lawrence  
1700 Old Meadow Rd., 3rd Floor  
MacLean, VA 22102

Quantum Shift Communications  
Edward A. Brinskele  
88 Rowland Way, Ste. 145  
Novato, CA 94945

Quick Communications  
Amy Harris  
5850 Dixie Highway  
Clarkston, MI 48346

Qwest Communications Corporation  
David Ziegler  
1801 California St., 47th Fl.  
Denver, CO 80202

Qwest Interprise America, Inc.  
Carol Kuhnnow  
4250 N. Fairfax Dr., 13th Fl.  
Arlington, VA 22203

RACC Enterprises, LLC  
Richard L. Bacon  
7381 US 31 North, PO Box 1200  
Alanson, MI 49076

Range Corporation  
David J. Savolanien  
2342 U.S. 41 West  
Marquette, MI 49855

Reliant Communications, Inc  
Herbert Newton  
3235 Satellite Blvd, Bldg 400, Ste 300  
Duluth, GA 30096

Sage Telecom, Inc.  
Stephanie Timko  
805 Central Expressway, Ste 100  
Allen, TX 75013-8010

ServiSense.Com  
Christopher McKeown  
115 Shawmut Road  
Canton, MA 02021

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Sprint Communications  
Brett D. Leopold  
6450 Sprint Pkwy  
Mailstop KSOPHN0212-2A461  
Overland Park, KS 66251

SSI Affinity  
23077 Greenfield Rd, Ste 470  
Southfield, MI 48075

Sun Communications, LLC  
Carolyn Titchnell  
18530 Mack Ave, Ste 442  
Grosse Pte Farms, MI 48236

Superior Spectrum Inc.  
David Puskala  
620 South Lake Street  
Marquette, MI 49855

Suretel, Inc.  
Candice Gateley  
5 N. McCormick  
Oklahoma City, OK 73127

T2 Communications, LLC  
Ned Timmer  
301 Hoover Blvd  
Holland, MI 49423

Talk America Inc.  
Sharon Thomas  
12001 Science Dr., Ste. 130  
Orlando, FL 32828

Talk Unlimited NOW Incorporated  
2830 34<sup>th</sup> Street S  
Saint Petersburg, FL 33711-3817

TC3 Telecom Inc.  
Joseph P. Mattausch  
1114-F South Winter St.  
Adrian, MI 49221

TCG-Detroit  
Frances Brown  
215 S. Washington Sq, Ste 230  
Lansing, MI 48933

TDS MetroCom, Inc.  
Shane Kaatz  
525 Junction Rd., Ste. 6000  
Madison, WI 53717

Tel Com Plus  
Julie Graton  
2277 19<sup>th</sup> Avenue, SW  
Largo, FL 33774-1713

Telepacific Comm  
David Glickman  
515 S Flower St, 49th Fl  
Los Angeles, CA 90071

Telera Communications, Inc.  
Robert Stewart  
910 E. Hamilton  
Campbell, CA 95008

Teligent Services, Inc.  
Jennifer Martin  
460 Herndon Pkwy, Ste 100  
Herndon, VA 20170

Telnet Worldwide, Inc.  
Mark Iannuzzi  
1017 Naughton Road  
Troy, MI 48083

The Free Network, LLC  
Ascanio Terracciano  
1607 E Big Beaver Rd, Ste 201  
Troy, MI 48083

TransNational Communications  
Richard Hargrave  
2 Charles Gate West  
Boston, MA 02215

Rural Communications  
56 N. Main Street  
Three Rivers, MI 49091

TruComm Corporation  
Martin S. Segal  
1608 Barclay Blvd.  
Buffalo Grove, IL 60089-4523

Truly Clear Communications  
Patrice Henderson  
PO Box 35320  
Detroit, MI 48235

United Telecom, Inc.  
Scott Baldwin  
11150 Bridle Path  
Alanson, MI 49706

Universal Access Inc.  
Tina Tyglieski  
233 S. Wacker Dr., Ste. 600  
Chicago, IL 60606

Universal Telecom, Inc.  
Sir/Madam  
P.O. Box 679  
LaGrange, KY 40031

US Signal Co., LLC  
Barbara Boshoven  
20 Monroe NW, Ste 450  
Grand Rapids, MI 49503

Choice One Communications  
Mary Whiting  
56 Grandville, SW  
Grand Rapids, MI 49503

VarTec Telecom, Inc.  
1600 Viceroy Dr.  
Dallas, TX 57235-2306

Verizon Select Services Inc.  
Patricia Heise de Barros  
6665 Mprt MacArthur Blvd., HQK02D84  
Irving, TX 75039

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Vertex Broadband  
925 N. Wilwaukee Ave.  
Wheeling, IL 60090

Waypoint Telecommunications  
124 W. Allegan, Ste. 1120  
Lansing, MI 48933

Westphalia Telephone Company  
Dave Fox  
109 E. Main St., PO Box 327  
Westphalia, MI 48894

WilTel Locak Network, LLC  
Kathy Hough  
One Technology Center TC-7B  
Tulsa, OK 74103

Winn Telephone Company  
Les Jenkins  
2766 W Blanchard Rd, PO Box 367  
Winn, MI 48896

Winstar Communications, LLC  
Kimberly A. Bradley  
1850 M Street NW, Ste 300  
Washington, DC 20036

XOMichigan, Inc.  
Theresa Powell  
Two Easton Oval, Ste 300  
Columbus, OH 43219

Z-Tel Communications Inc.  
Tim Seat  
601 South Harbor Island, Ste. 220  
Tampa, FL 33602

Winn Telephone Company  
Les Jenkins  
2766 W. Blanchard Rd, PO Box 367  
Winn, MI 48896

Ace Telephone Company of Michigan, Inc.  
David Schroeder  
102 E. Mesick Ave, PO Box 69  
Mesick, MI 49668-0069

Barry County Telephone Company  
Robert Fisher  
P.O. Box 128  
Delton, MI 49046

Blanchard Telephone Association, Inc.  
Duane Bronson  
P.O. Box 67  
Blanchard, MI 49310

CenturyTel Midwest -- Michigan, Inc.  
Vickie Norris  
17 S. High Street, Ste 1250  
Columbus, MI 43215

CenturyTel of Michigan, Inc.  
Vickie Norris  
17 S. High Street, Ste 1250  
Columbus, MI 43215

CenturyTel of Northern Michigan, Inc.  
Vickie Norris  
17 S. High Street, Ste 1250  
Columbus, MI 43215

CenturyTel of Upper Michigan, Inc.  
Vickie Norris  
17 S. High Street, Ste 1250  
Columbus, MI 43215

Chapin Telephone Company  
Greg Ringle  
19994 W. Ridge Road  
Elsie, MI 48831

Chippewa County Telephone Company  
Bill Beaune  
101 State St, PO Box 309  
Brimley, MI 49715

Contel of the South, Inc., d/b/a Verizon  
North Systems  
Paul Fuglie  
860 Terrace Street  
Muskegon, MI 49440

Hiawatha Telephone Company  
Robert Orent  
108 West Superior Street  
Munising, MI 49862

Kaleva Telephone Company  
Harry Cribbs  
9281 Osmo Street  
Kaleva, MI 49645

Midway Telephone Company  
Robert Orent  
108 West Superior Street  
Munising, MI 49862-1192

Ogden Telephone Company  
Linda Corie  
4726 E. Weston Road  
Blissfield, MI 49228

Ontonagon County Telephone Company  
Robert Orent  
108 West Superior Street  
Munising, MI 49862-1192

360 Networks (USA)  
Sir/Madam  
12202 Airport Way, Ste. 300  
Broomfield, CO 80021 2587

Peninsula Telephone Company  
Jack Solomonson  
14909 Peninsula Drive  
Traverse City, MI 49686

Pigeon Telephone Company  
Edwin Eichler  
11 S. Main, PO Box 650  
Pigeon, MI 48755

Sand Creek Telephone Company  
Neil Percy  
6525 Sand Creek Highway  
Sand Creek, MI 49279

SBC Ameritech Michigan  
Robin Gleason  
201 N. Washington Sq, Room 920  
Lansing, MI 48933

Springport Telephone Company  
William Hammond  
400 E Main S, PO Box 208  
Springport, MI 49284

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TDS Telecom/Shiawassee Telephone Co.  
Eugene Newell  
129 South Main Street  
Perry, MI 48872

TDS Telecom/Wolverine Telephone Co.  
Melody King  
4712 E. Main S, PO Box 292  
Millington, MI 48746

Upper Peninsula Telephone Company  
Calvin Matthews  
397 U.W. 41 N, PO Box 86  
Carney, MI 49812

Verizon North Inc.  
Paul Fuglie  
860 Terrace Street  
Muskegon, MI 49440

Waldron Telephone Company  
Kathryn Fox  
119 S. Main St, PO Box 197  
Waldron, MI 49288-0197

Sprint Communications  
Brett Leopold  
Sprint Mailstop KSOPHN0212-2A461  
Kansas City, MO 64112

Choice One Communications  
Tony Mastando & Elizabeth McDonald  
100 Chestnut St., Ste. 600  
Rochester, NY 14604

CLECs-ILECs-IXCs Combined