

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter, on the Commission's own motion, to)
commence a collaborative proceeding to monitor and)
facilitate implementation of Accessible Letters issued)
by **SBC MICHIGAN** and **VERIZON**.)
_____)

Case No. U-14447

At the January 10, 2006 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. J. Peter Lark, Chairman
Hon. Laura Chappelle, Commissioner
Hon. Monica Martinez, Commissioner

ORDER

On December 20, 2005, the Commission issued an order in this proceeding, establishing a special one-time process for determining whether the wire centers of incumbent local exchange carrier, AT&T Michigan, f/k/a SBC Michigan, are impaired under the criteria established by the Federal Communications Commission (FCC) in the Triennial Review Order (*TRO*) and the Triennial Review Remand Order (*TRRO*)¹ and implementing rules. That process included the following:

1. AT&T Michigan shall file no later than January 5, 2006, a list of Michigan wire centers that it contends are not impaired pursuant to 47 CFR 52.319, consistent with the Commission's prior determinations, along with the basis for that contention. That information will be made available to the Commission Staff (Staff) and to the

¹ *In the Matter of Unbundled Access to Network Elements, WC Docket No. 04-313 and Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338*, rel'd February 4, 2005.

competitive local exchange carriers (CLECs) that are subject to the protective order already established in this proceeding.

2. Within 60 days of AT&T Michigan's complete filing, the Staff and interested CLECs may physically inspect the listed wire centers for accuracy of the claimed data, and compliance with the *TRRO* and the Commission's previous determinations.
3. Within 30 days following the 60-day period, the Staff or any CLEC may file an objection to AT&T Michigan's designation of a wire center or centers as not impaired.
4. AT&T Michigan will have 15 days to file its response to any objections.
5. The Commission will issue an order determining the status of the challenged wire centers.

As a consequence of this process, the Commission found, wire centers listed by AT&T Michigan as unimpaired, but for which no objection has been filed, will be considered as determined by the Commission to be unimpaired, and will not be subject to further or future challenge. For wire centers not determined to be unimpaired, the process outlined in the March 29, 2005 order for challenging those determinations will apply. The Commission stated its hope that this process would provide some finality to wire center determinations.

However, what the Commission's order did not address was the consequence to pending challenges to self-certifications filed by various CLECs. The Commission issues this order to clarify that those challenges should be held in abeyance until the process described in the December 20, 2005 order can be completed. Meanwhile, AT&T Michigan must continue to provide CLECs unbundled access to high capacity loops and transport during this time period. Any dispute with regard to the impaired status of a wire center under challenge should be determined as a result of the process outlined in the December 20, 2005 order. There is no need to continue two processes. However, the information already exchanged by the parties may be considered in the new process.

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 *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 December 20, 2005 order should be clarified as provided in this order.

THEREFORE, IT IS ORDERED that:

A. Pending or interim proceedings concerning challenges to self-certifications filed by competitive local exchange carriers shall be held in abeyance until completion of the process outlined in the December 20, 2005 order.

B. AT&T Michigan shall continue to provide competitive local exchange carriers unbundled access to high capacity loops and transport during this time period.

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

/s/ J. Peter Lark
Chairman

(S E A L)

/s/ Laura Chappelle
Commissioner

/s/ Monica Martinez
Commissioner

By its action of January 10, 2006.

/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

Chairman

Commissioner

Commissioner

By its action of January 10, 2006.

Its Executive Secretary

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

STATE OF MICHIGAN)

Case No. U-14447

County of Ingham)

Patricia A. Fronta being duly sworn, deposes and says that on January 10th 2006, 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 10th day of January 2006

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

SERVICE LIST FOR DOCKET # U – 14447 -
DATE OF PREPARATION: 12/21/2005

CASE #

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EAST LANSING MI 48823

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SENATE DEMOCRATIC STAFF
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P R O O F O F S E R V I C E

STATE OF MICHIGAN)

Case No. U-14447

County of Ingham)

April M. Arman being duly sworn, deposes and says that on January 10, 2006 A.D. she served a copy of the attached Commission orders via E-Mail, to the persons as shown on the attached service list.

April M. Arman

Subscribed and sworn to before me
this 10th day of January 2006

Gloria Pearl Jones
Notary Public, Eaton County, MI
Acting in Ingham County, MI
My Commission Expires June 5, 2007

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Sand Creek Telephone Company
Springport Telephone Company
Springport Telephone Company
Upper Peninsula Telephone Company
Waldron Telephone Company
Westphalia Telephone Company
Winn Telephone Company
New Rochelle Telephone Corp.
Qwest Communications Corp.
Range Corporation
Tru Comm Corporation
Corvus, Inc.
Global Crossing
Net Express d/b/a Advent Telecom
OneStar Long Distance, Inc.
Deerfield Farmers' Telephone Co.
Lisa Felice
Grid4 Communications Inc.
Grid4 Communications, Inc.
Bilan Communications Inc.
Bulls Eye Telecom Inc.
Bulls Eye Telecom Inc.
CIMCO Communications Inc.
CoreComm Michigan Inc.
Intrado Communications Inc.
KMC Telecom II Inc.
Primus Telecommunications Inc.
Talk America Inc.
Universl Access Inc.
Verizon North Inc.
Computer Intelligence 2 Inc. (CI2)
Birch Telecom of the Great Lakes
Level 3
Century Tel Solutions LLC
DSLnet Communications LLC
KMC Data LLC
Atlas Communications LTD.
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Broadwing Meldazis
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Metropolitan Telecomm of MI
Metropolitan Telecomm of MI
Ace Telephone Company of Michigan, Inc.
Allegiance Telecom of Michigan
Century Tel of Michigan, Inc.
Fivernet of Michigan
SBC Ameritech Michigan
XO Michigan, Inc.
April Arman - MPSC
Mary Jo Kunkle - MPSC
Catherine Murray
Eagle Net, Inc.
American Fiber Network, Inc.
American Fiber Network, Inc.
WilTel Local Network, LLC
A.R.C. Networks, Inc.
Broadview Networks
JAS Networks, Inc.
Verizon North
Verizon North
Verizon North, Inc.
Access One, Inc.
Call One
Call One
Budget Phone, Inc.
EZ Phone
Jason Schreiber
AVN Comm. Services, Inc.
Easton Telecom Services, Inc.
MCI Metro Access Services, Inc.
OnFiber Carrier Services
OnFiber Carrier Services
Perferred Carriers Services
Teligent Services, Inc.
Adelphia Business Solutions
France Telecom Corp. Solutions, LLC
Superior Spectrum, Inc.
Suretel, Inc.
T2 Communications, LLC
TC3 Telecom Inc.
ACD Telecom, Inc.
Affinity Telecom
Dominion Telecom, Inc.
Sage Telecom, Inc.
United Telecom, Inc.
Universal Telecom, Inc.
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Buckeye Telesystem, Inc.
Accu Tel of Texas, Inc.
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Coldwater Telecomm Utility

*

- * Total number of users subscribed to the list: 153
- * Total number of local host users on the list: 0