

LOOMIS, EWERT, PARSLEY, DAVIS & GOTTING

A PROFESSIONAL CORPORATION

232 SOUTH CAPITOL AVENUE, SUITE 1000

LANSING, MICHIGAN 48933

TELEPHONE: (517) 482-2400 FACSIMILE: (517) 318-9207

WEBPAGE: LOOMISLAW.COM

JACK C. DAVIS, PC
KARL L. GOTTING, PC
DAVID M. LICK
HARVEY J. MESSING
JAMES R. NEAL
KENNETH W. BEALL
MICHAEL G. OLIVA
JEFFREY W. BRACKEN
CATHERINE A. JACOBS
RONALD W. BLOOMBERG
MICHAEL H. RHODES
JEFFREY L. GREEN
GARY L. FIELD

SHERRI A. WELLMAN
JEFFREY S. THEUER
ELDONNA M. RUDDOCK
KEVIN J. RORAGEN
THERESA A. SHEETS
MICHAEL C. RAMPE
SARA L. CUNNINGHAM
TRACEY L. LACKMAN
HAI JIANG
GARY A. GENSCHE, JR.
ANNA ROSE STERN
JAMES F. ANDERTON V

MARCH 24, 2005

PLUMMER SNYDER
(1900-1974)

HOWARD J. SOIFER
(1949-2003)

GEORGE W. LOOMIS
QUENTIN A. EWERT
WILLIAM D. PARSLEY
RICHARD W. PENNING
OF COUNSEL

Mary Jo Kunkle
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way
P.O. Box 31221
Lansing, MI 48990-7504

Re: 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. **MPSC Case No. U-14447**

Dear Ms. Kunkle:

Enclosed for filing is an original and four (4) copies of *Reply to Staff's Comment on Protective Order Issues of TelNet Worldwide, Inc., Quick Communications, Inc. d/b/a Quick Connect USA, Superior Technologies, Inc. d/b/a Superior Spectrum, Inc., CMC Telecom, Inc., Grid4 Communications, Inc., Zenk Group Ltd. d/b/a Planet Access, Climax Telephone Company d/b/a CTS Communication, Inc., and Global Connection Inc. of America, Inc.* Also enclosed is an original Proof of Service. Please call if you have any questions.

Very truly yours,

LOOMIS, EWERT, PARSLEY,
DAVIS & GOTTING, P.C.

Gary L. Field

GLF/tab

Enclosures

cc: Parties of Record

**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) **Case No. U-14447**
Facilitate implementation of Accessible Letters issued)
By SBC Michigan and Verizon.)
_____)

**REPLY TO STAFF’S COMMENT ON PROTECTIVE ORDER ISSUES
Of**

**TelNet Worldwide, Inc.,
Quick Communications, Inc. d/b/a Quick Connect USA,
Superior Technologies, Inc. d/b/a Superior Spectrum, Inc.,
CMC Telecom, Inc.,
Grid4 Communications, Inc.,
Zenk Group Ltd d/b/a Planet Access,
Climax Telephone Company d/b/a CTS Communications, Inc., and
Global Connection Inc. of America, Inc.**

TelNet Worldwide, Inc., Quick Communications, Inc. d/b/a Quick Connect USA, Superior Technologies, Inc. d/b/a Superior Spectrum, Inc., CMC Telecom, Inc., Grid4 Communications, Inc., Zenk Group Ltd. d/b/a Planet Access, Climax Telephone Company d/b/a CTS Communications, Inc, and Global Connection Inc of America, Inc (collectively referred to as the “CLEC Coalition”) hereby reply to Michigan Public Service Commission Staff’s Initial Comments on the Issues of a Protective Order and Discovery (“Staff Comments”).

The CLEC Coalition does not oppose Staff’s proposed procedure for establishing which wire centers are non-impaired as long as certain aspects of the proposed procedure are clarified. With such clarifications, Staff’s procedure could prove to be a workable and expeditious way to remove uncertainty from the marketplace and promote competition in the State.

First, it should be make clear that a dispute currently exists regarding which wire centers are non-impaired. The current controversy concerns the CLECs’ embedded base. Because CLECs are required to move their facilities out of non-impaired wire centers and only have a relatively short period of time to make alternate arrangements, the issue of non-impairment needs to be resolved immediately. Thus, as to its embedded base, CLECs should be able to immediately self-certify which wire centers it believes are

impaired. In other words, a CLEC should not have to wait to begin Staff's proposed procedure until it places a new order in a wire center where the CLEC already has an embedded base. As to the CLECs' embedded base, the issue is ripe today and the procedure suggested by Staff should be available without delay.

Second, if SBC contests the self-certification, any interested CLEC should be permitted to participate in the dispute resolution process and the determination that comes out of the dispute resolution process should apply to all CLECs. Such a requirement would avoid a multiplicity of actions and inconsistent results that might be created by the fact that different CLECs have different levels of knowledge about the self-certification factors. If a wire center is non-impaired or impaired for one CLEC, it should have the same status for all other CLECs.

Third, at some point in time, perhaps in the U-14447 Collaborative, an efficient procedure should be established for future adjustment of the list of non-impaired wire centers.

With these clarifications, the CLEC Coalition would affirmatively support Staff's proposed procedure.

Respectfully submitted,

TELNET WORLDWIDE, INC.; QUICK COMMUNICATIONS, INC. D/B/A QUICK CONNECT USA; SUPERIOR TECHNOLOGIES, INC. D/B/A SUPERIOR SPECTRUM, INC.; CMC TELECOM, INC.; GRID4 COMMUNICATIONS, INC., ZENK GROUP, LTD D/B/A PLANET ACCESS; CLIMAX TELEPHONE COMPANY D/B/A CTS COMMUNICATIONS, INC.; and GLOBAL CONNECTION, INC. OF AMERICA, INC.

Dated: March 24, 2005

By _____
One of their attorneys
Gary L. Field (P37270)
Hai Jiang (P67088)
LOOMIS, EWERT, PARSLEY,
DAVIS & GOTTING, P.C
232 S. Capitol Avenue, Suite 1000
Lansing, Michigan 48933
(517) 482-2400

**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

PROOF OF SERVICE

Tina A. Barlow, employed at Loomis, Ewert, Parsley, Davis & Gotting, P.C., being duly sworn, affirms that on this 24th day of March, 2005, ***Reply of Staff's Comment on Protective Order Issues of TelNet Worldwide, Inc., Quick Communications, Inc. d/b/a Quick Connect USA, Superior Technologies, Inc. d/b/a Superior Spectrum, Inc., CMC Telecom, Inc., Grid4 Communications, Inc., Zenk Group Ltd. d/b/a Planet Access, Climax Telephone Company d/b/a CTS Communication, Inc., and Global Connection Inc. of America, Inc.***, she served the in the above referenced matter upon the parties as described on the attached Service List.

Tina A. Barlow

Subscribed and sworn to before me on this 24th day of March, 2005.

Eleanor Vlahos, Notary Public
Ingham County, Michigan
My Commission expires: 10/28/2005

MPSC CASE U-14447
SERVICE LIST

Administrative Law Judge

Hon. James N. Rigas
Michigan Public Service Commission
6545 Mercantile Way
Lansing, MI 48911
E-Mail: jnrigas@michigan.gov

MPSC Staff

Mr. Steven D. Hughey
Ms. Angie A. Fadly
Public Service Division
6545 Mercantile Way, Suite 15
Lansing, MI 48911
E-Mail: hugheys@michigan.gov
fadlay@michigan.gov

SBC Michigan

Mr. Craig A. Anderson
Ms. Diane Durham
Ameritech Michigan
444 Michigan Avenue, Room 1750
Detroit, MI 48226-2517
E-Mail: craig.anderson@ameritech.com
dd6438@sbc.com

Mr. William J. Champion, III
Mr. John M. Dempsey
Dickinson Wright, PLLC
215 S. Washington Square, Suite 200
Lansing, MI 48933-1816
E-Mail: wchampion@dickinson-wright.com
jdempsey@dickinson-wright.com

**AT&T Communications of Michigan and
TCG Detroit**

Mr. John J. Reidy, III
Attorney at Law
AT&T Corp.
222 W. Adams, Ste. 1500
Chicago, IL 60606
E-Mail: jjreidy@att.com

Mr. Arthur LeVasseur
Fischer Franklin & Ford
500 Griswold Street, Suite 3500
Detroit, MI 48226-3803
E-Mail: artlev@voyager.net

Kelley Drye & Warren LLP

Mr. Henry T. Kelly
Mr. Shane D. Fleener
333 West Wacker Drive
Chicago, Illinois 60606
E-Mail: hkelly@kelleydrye.com

CLEC Coalition

CLEC Association of Michigan
LDMI Telecommunications, Inc.

ACD Telecom

Michigan Pay Telephone Association
Sprint Communications Company

Mr. Roderick S. Coy
Mr. Leland R. Rosier
Mr. Haran C. Rashes
Clark Hill PLC
212 East Grand River Avenue
Lansing, MI 48906-4328
E-Mail: rcoy@clarkhill.com
lrosier@clarkhill.com
hrashes@clarkhill.com

Brad Shires
LMDI Telecommunications, Inc.
27777 Franklin Road, Suite 500
Southfield, MI 48034
E-Mail: bshires@ldmi.com

Easton Telecom Services, LLC

American Farm Bureau, Inc.

Now Communications, Inc.

Lawrence M. Brenton
Early, Lennon, Crocker & Bartosiewicz, PLC
900 Comerica Building
Kalamazoo, MI 49007
E-Mail: lebrenton@earlylennon.com

Brett D. Leopold
Sprint Communications Company, LP
6450 Sprint Parkway
Mailstop: KSOPHN0212-2A461
Overland Park, KS 66251
E-Mail: brett.d.leopold@mail.sprint.com

MCImetro Access Transmission Services, LLC

Mr. James Denniston
MCI Telecommunications Corporation
205 N. Michigan Avenue, Suite 1100
Chicago, IL 60601
E-Mail: James.Denniston@mci.com

Mr. Albert Ernst
Mr. Stewart Binke
Dykema Gossett
124 W. Allegan, Suite 800
Lansing, MI 48933
E-Mail: aernst@dykema.com
sbinke@dykema.com

Verizon North, Inc.

Mr. A. Randall Vogelzang
HQE02H37
600 Hidden Ridge
Irving, TX 75038
E-Mail: randy.vogelzang@verizon.com

Mr. Daniel L. Stanley
Honigman Miller Schwartz and Cohn LLP
222 N. Washington Square, Suite 400
Lansing, MI 48933
E-Mail: dstanley@honigman.com

WilTel Local Network, LLC

Mr. Adam Kupetsky
One Technology Center, TC 15 H
Tulsa, OK 74103
E-Mail: adam.kupetsky@wiltel.com

KMC Telecom Group, Inc.
ICG Telecom, Inc.
US Xchange, LLC d/b/a Choice One
Z-Tel Communications, Inc.
Level 3 Communications, LLC

Mr. Joseph E. Donovan
Kelley Drye & Warren, LLP
333 W. Wacker Drive, Suite 2600
Chicago, IL 60606
E-Mail: JDonovan@KelleyDrye.com

Talk America

Ms. Francie McComb
Talk America, Inc.
6805 Route 202
New Hope, PA 18938
E-Mail: francie@talk.com

Mr. David E.S. Marvin
Fraser Trebilcock Davis & Dunlap, P.C.
124 West Allegan, Suite 1000
Lansing, MI 48933
E-Mail: dmarvin@fraserlawfirm.com

Ms. Robin Gleason
Vice President of Ameritech
Michigan Regulatory
201 N. Washington Square, Room 920
Lansing, MI 48933

Mr. Harvey J. Messing
Loomis, Ewert, Parsley, Davis & Gotting, P.C.
232 South Capitol Avenue, Suite 1000
Lansing, MI 48933

Mr. Rick Gamber
Michigan Consumer Federation
4990 Northwind Drive, Suite 225
East Lansing, MI 48823

Mr. Thomas E. Maier
Mr. William R. Ralls
Clark Hill, PLC
212 E. Grand River
Lansing, MI 48906-4328

Mr. Robert J. Aamoth
Mr. Andrew Klein
Mr. Daniel M. Steinway
Kelley, Drye & Warren, LLP
1200 Nineteenth Street, N.W., Suite 500
Washington, D.C. 20036

Mr. Andrew Isar
Director, State Affairs
Association of Communications Enterprises
(ASCENT)
7901 Skansie Avenue, Suite 240
Gig Harbor, WA 98335-8349

Mr. Brad Kruse
McLeodUSA
6400 C. Street SW
Cedar Rapids, IA 52406-3177

Mr. Timothy P. Collins
MediaOne Telecomm of Michigan, Inc.
14909 Beck Road
Plymouth, MI 48170

Mr. Terry Monroe
Vice President, State Affairs
The Competitive Telecommunications
Association (CompTel)
1900 M. Street, N.W., Suite 800
Washington, D.C. 20036

Ms. Lynn H. Shecter
Ms. Michelle E. Vocht
Roy, Shecter & Vocht, P.C.
36700 Woodward Ave., Suite 205
Bloomfield Hills, MI 48034

Thomas O'Brien
CoreComm Michigan, Inc.
450 West Wilson Bridge Road
Worthington, OH 43085

Howard J. Siegel
Howard Siegel
Vice President of Regulatory Policy
IP Communications Corporation
9430 Research Blvd., Echelon II, Suite 120
Austin, Texas 78759

Mr. Thomas Lonergan
Ann Schneidewind
Communications
Michigan Public Service Commission
6545 Mercantile Way, P.O. Box 30221
Lansing, Michigan 48909

Ms. Ernestine Ransom
AT&T Corporation
222 West Adams, Suite #1500
Chicago, Illinois 60606