

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 Federal Telecommunications Act of 1996. )  
\_\_\_\_\_ )

Case No. U-12320

COMMENTS OF MICHTEL, INC.

# Exhibit A

**Affidavit of Lorn H. Olsen  
on Behalf of MichTel, Inc.**



division of Ameritech Services, Inc., on behalf of Ameritech Michigan, and MichTel, Inc. (the "Interconnection Agreement"). The Interconnection Agreement was approved by the MPSC on October 8, 1998, in Case No. U-11775. The parties have executed a successor Agreement, which will be submitted to the MPSC for approval within the next few days.

6. Because MichTel is providing service exclusively in Ameritech's zone and exchange areas throughout the Detroit LATA, MichTel is forced to provision many of its underlying services from Ameritech.

7. MichTel has encountered numerous problems and issues dealing with Ameritech that have inhibited MichTel's ability to compete for basic local exchange service in Michigan.

8. As a relatively small player in the basic local exchange market in Michigan, MichTel does not have the resources to litigate each and every dispute with Ameritech. This affidavit highlights just a few of the more serious encumbrances Ameritech has made on MichTel's ability to compete in the provisioning basic local exchange service in the Ameritech zones and exchanges in the Detroit LATA.

**Ameritech has repeatedly violated terms of the Interconnection Agreement.**

9. On September 22, 2000, MichTel filed with the Commission a Request for Emergency Relief Order to Cease and Desist from Intentional Anti-Competitive Conduct, Application, Complaint and Motion for Summary Determination against Ameritech, MPSC Case No. U-12630. This Complaint was the result of Ameritech's refusal to compensate MichTel for local traffic termination from the period from November through the September 2000 for local traffic termination for local telephone calls destined for Internet Service Providers ("ISPs") pursuant to the Interconnection Agreement. This refusal was in direct disregard and contempt

for repeated rulings by this Commission holding that such calls should be treated as local telephone calls for the purpose of reciprocal compensation. Only after the filing of the Complaint did Ameritech agree to compensate MichTel for such traffic, resulting in settlement of the Complaint and withdrawal of the Complaint by MichTel.

10. On December 21, 2000, Ameritech filed an Application and Complaint against MichTel in MPSC Case No. U-12756. This Complaint alleged that MichTel had breached the Interconnection Agreement because MichTel refused to accept Ameritech's unilateral imposition of new, and considerably lower, rates that Ameritech had to pay MichTel for reciprocal compensation. On Mediation, adopted by the MPSC in its order of February 22, 2000, the mediator found that there was no provision in the Interconnection Agreement that permitted one party to unilaterally change rates for reciprocal compensation.

**Ameritech has refused to provide true local number portability.**

11. As President of MichTel, I have attempted to order MichTel basic local exchange service for my own personal home telephone service. Though MichTel has placed repeated orders with Ameritech to have the telephone numbers 248-478-4301 and 248-478-4302 ported to MichTel Service, Ameritech has refused to do so. Though this Commission has repeatedly ordered Ameritech to provide Local Number Portability, and despite a requirement to do so pursuant to the Michigan Telecommunications Act and the Federal Communications Act, Ameritech has repeatedly refused to provide such over MichTel's loop service for these numbers and others. In some occurrences, Ameritech has insisted that we first install a new loop to the customer D-Mark and then they will port the number to the new loop. Ameritech customer service agents have been unable to provide any explanation for their inability to provide local

number portability to MichTel over existing loop service. MichTel is repeatedly instructed to resubmit the order, and as we have done so, numerous times without success.

**Ameritech refuses to provide UNE -P.**

12. For the last four months, MichTel has repeatedly ordered a new line in the Birmingham zone, an Unbundled Network Element Platform ("UNE-P"). At least twice a week this order has been rejected, without explanation, and resubmitted. After repeated rejections, Ameritech informed MichTel that the Interconnection Agreement does not provide for the ability of MichTel to order UNE-P. Ameritech informed us that they have forwarded this issue to their Contract Negotiator, who will be getting back with us. This refusal to provide UNE-P, because it is not provided for in the Interconnection Agreement, disregards the fact that UNE-P is also a tariffed service in Michigan provided for in Ameritech's Michigan Bell Telephone Company Tariff No. 20R, Part 19 - Unbundled Network Elements and Number Portability.

**Ameritech repeatedly causes delays in the provision of service to MichTel's customers.**

13. In early May 2001, MichTel ordered a cross-connection from a DS3 circuit provisioned by Norlight to MichTel's facilities in Lansing for the provision of interexchange services in the 346 LATA. Ameritech has been unable to provide this cross-connection. Ameritech's Customer Service Agents initially told MichTel that Ameritech had to retype the Carrier Facility Assignment ("CFA") information into their database. Ameritech's Customer Service Agents informed MichTel that because Ameritech had mistyped this information, MichTel would have to file a request to correct the order. When the order was subsequently rejected for the second time, MichTel was informed that a correction could not be placed on such an order and that the order would have to be resubmitted. The DS-3 Cross Connection ordered in

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early May 2001 has yet to be completed. During the interim period, MichTel has had to forgo the revenue that the DS3 would have generated while the costs and expenses of maintaining the DS3 remain MichTel's responsibility.

14. Ameritech Michigan's Checklist Informational Filing of May 15, 2001 requests that this Commission "issue a written evaluation with respect to Ameritech Michigan's compliance with the Section 271 competitive checklist as soon as practicable following completion of the comment cycle established by the May 15 Order." Based on the numerous problems and issues MichTel has encountered in dealing with Ameritech, problems and issues that have inhibited MichTel's ability to compete for basic local exchange service in Michigan, MichTel respectfully requests that this Commission issue a written evaluation rejecting Ameritech's 271 Application and requiring Ameritech to resolve problems and issues of these sorts before refiles for authorization to provide interLATA services in Michigan.

Further Affiant sayeth not.



Lorn Olsen  
President, MichTel, Inc.