

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion,)
to investigate Ameritech Michigan's provision of)
intraLATA toll service to customers of competing)
basic local exchange service providers.)
_____)

Case No. U-11525

At the September 12, 1997 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. John G. Strand, Chairman
Hon. John C. Shea, Commissioner
Hon. David A. Svanda, Commissioner

ORDER COMMENCING INVESTIGATION

On March 21, 1997, Brooks Fiber Communications of Michigan, Inc., (Brooks Fiber) filed a complaint, docketed as Case No. U-11350, against Ameritech Corporation and Ameritech Michigan alleging that Ameritech Michigan had violated certain provisions of the Michigan Telecommunications Act, MCL 484.2101 et seq.; MSA 22.1469(101) et seq. (the Act) by refusing to continue providing intraLATA toll service to customers that switch to Brooks Fiber for basic local exchange service.

In the course of the proceedings in that case, MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc., (MCI) and the Commission Staff (Staff) intervened. Following negotiations, Brooks Fiber and MCI arrived at settlement agreements with Ameritech Michigan in which Ameritech Michigan agreed to continue providing intraLATA toll service to customers enrolled in its Value Link Plus calling plan that switch to either of these two competing local exchange companies for provision of basic local exchange service.

The Staff objected to the settlements because certain public interest questions raised by the complaint were not resolved. Specifically, the Staff asserted that the settlements did nothing to assure that all end users would be allowed to choose Ameritech Michigan for intraLATA toll service, independent of the basic local exchange service provider's identity. The Staff argued that Ameritech Michigan's failure to offer intraLATA toll service to all customers of competing local exchange service providers violates the Act.

In an order issued today in Case No. U-10350, the Commission granted the motion to withdraw the complaint filed by Brooks Fiber and found that the public interest concerns expressed by the Staff should be addressed in a separate proceeding. To that end, the Commission commences this case to address the issues raised by the Staff with regard to Ameritech Michigan's provision of intraLATA toll service. The central issue in this case is whether Ameritech Michigan's pattern of providing intraLATA toll services violates applicable law.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1991 PA 179, as amended by 1995 PA 216, MCL 484.2101 et seq.; MSA 22.1469(101) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACCS, R 460.17101 et seq.

b. An investigation into Ameritech Michigan's provision of intraLATA toll service should be commenced. Specifically, the investigation will address 1) the extent to which Ameritech Michigan provides intraLATA toll service to customers of competing and incumbent local exchange companies, and 2) whether Ameritech Michigan's pattern of providing intraLATA toll is consistent with applicable law and the public interest.

THEREFORE, IT IS ORDERED that:

A. A prehearing conference shall be held at 9:00 am on October 2, 1997 in the Lansing offices of the Commission, 6545 Mercantile Way, which will be held for the purpose of considering matters that will expedite this proceeding. The administrative law judge, in consultation with the parties, shall determine an appropriate schedule for this proceeding. Any interested parties may attend the prehearing conference and participate, subject to the Rules of Practice and Procedure before the Commission.

B. By October 1, 1997, Ameritech Michigan shall file testimony describing its provision of intraLATA toll service to customers of competing and incumbent basic local exchange providers. Other interested parties may file testimony or other evidence concerning the provision of intraLATA toll service pursuant to a schedule established by the administrative law judge.

C. Any person seeking to intervene in accordance with Rule 201 of the Rules of Practice and Procedure before the Commission, 1992 AACRS, R 460.17201, shall file with the Commission by October 2, 1997 an original and 15 copies of a petition to intervene together with proof of service upon the Commission Staff and Ameritech Michigan.

Subparagraph (2) of Rule 201 provides:

A petition for leave to intervene shall set out clearly and concisely the facts supporting the petitioner's alleged right or interest, the grounds of the proposed intervention, and the position of the petitioner in the proceeding to fully and completely advise the parties and the commission of the specific issue of fact or law to be raised or controverted.

The Commission will require strict compliance with the quoted rule.

D. By September 22, 1997, Ameritech Michigan shall publish a notice of hearing in the Lansing State Journal, the Grand Rapids Press, the Marquette Mining Journal, The Detroit Free Press, and the Michigan Chronicle. Affidavits of publication shall be filed with the Commission by the prehearing conference on October 2, 1997.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

John G. Strand
Chairman

(SEAL)

John C. Shea
Commissioner

David A. Svanda
Commissioner

By its action of September 12, 1997.

Dorothy Wideman
Executive Secretary

D. By September 22, 1997, Ameritech Michigan shall publish a notice of hearing in the Lansing State Journal, the Grand Rapids Press, the Marquette Mining Journal, The Detroit Free Press, and the Michigan Chronicle. Affidavits of publication shall be filed with the Commission by the prehearing conference on October 2, 1997.

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Suggested Minute:

“Adopt and issue order dated September 12, 1997 commencing an investigation of Ameritech Michigan's provision of intraLATA toll service to customers of competing basic local exchange service providers, as set forth in the order.”