

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application and complaint of )  
AT&T COMMUNICATIONS OF MICHIGAN, INC., )  
against AMERITECH MICHIGAN seeking ) Case No. U-11660  
resolution of a dispute concerning toll access rates. )  
\_\_\_\_\_ )

At the November 5, 1998 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

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

**ORDER**

On March 13, 1998, AT&T Communications of Michigan, Inc., filed a complaint against Ameritech Michigan's primary interexchange carrier charge. On October 26, 1998, the Commission issued its final order within the time allowed by Section 203(6) of the Michigan Telecommunications Act, MCL 484.2203(6); MSA 22.1469(203)(6). On October 28, 1998, Ameritech Michigan filed a motion for stay and request for immediate consideration.

Rule 335 of the Commission's Rules of Practice and Procedure, 1992 ACCS, R 460.17335, does not provide for such motions. Rule 335, by its terms, applies to motions filed "in a pending proceeding." With issuance of the final order on October 26, 1998, this case was no longer pending. The motion should therefore be dismissed. Ameritech Michigan remains free to seek rehearing of the order upon compliance with Rule 403, 1992 AACS, R 460.17403.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1991 PA 179, as amended, 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. The motion for stay should be dismissed.

THEREFORE, IT IS ORDERED that the October 28, 1998 motion for stay is dismissed.

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; MSA 22.45.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ John G. Strand  
Chairman

( S E A L )

/s/ David A. Svanda  
Commissioner

By its action of November 5, 1998.

/s/ Dorothy Wideman  
Its Executive Secretary

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b. The motion for stay should be dismissed.

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MICHIGAN PUBLIC SERVICE COMMISSION

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Chairman

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Commissioner

By its action of November 5, 1998.

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Suggested Minute:

“Adopt and issue order dated November 5, 1998 dismissing Ameritech Michigan’s October 28, 1998 motion for stay of the October 26, 1998 order, as set forth in the order.”