

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the complaint of )  
**MCI TELECOMMUNICATIONS CORPORATION** )  
against **AMERITECH MICHIGAN** and **GTE NORTH** )  
**INCORPORATED** relative to their not making )  
intraLATA equal access available to MCI in the )  
State of Michigan. )  
\_\_\_\_\_ )

Case No. U-10138

In the matter of the application and complaint of )  
**MCI TELECOMMUNICATIONS CORPORATION** )  
against **MICHIGAN BELL TELEPHONE COM-** )  
**PANY, d/b/a AMERITECH MICHIGAN**, seeking )  
(i) a 55% discount on intrastate switched access )  
service where intraLATA dialing parity is not )  
provided and (ii) an order requiring implementation )  
of intraLATA dialing parity on an expedited basis )  
now that July 1, 1997 has passed. )  
\_\_\_\_\_ )

Case No. U-11743

At the December 16, 1999 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

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

**ORDER ESTABLISHING SCHEDULE**

On October 11, 1999, Ameritech Michigan filed a motion requesting that the Commission establish a  
schedule for a contested case proceeding to address unresolved issues related to the Michigan Supreme

Court's decision in *In re MCI Telecommunications Complaint*, 460 Mich 396; 596 NW2d 164 (1999), which, among other things, upheld the Commission's authority to apply a 55% discount on intraLATA access charges for areas where intraLATA dialing parity had not been effectuated.

On October 18, 1999, AT&T Communications of Michigan, Inc. (AT&T), filed a response to Ameritech Michigan's motion. On November 19, 1999, Ameritech Michigan filed a reply to AT&T's response.

According to the motion, subsequent to the Supreme Court's decision, Ameritech Michigan attempted to resolve all issues related to the amounts owing between itself and various interexchange carriers (IXCs) as a result of application of the 55% discount on intraLATA access charges ordered by the Commission's various orders in Case No. U-10138 and the January 19, 1999 order in Case No. U-11743. Ameritech Michigan maintains that the parties have been unable to agree on several issues, including the process that parties claiming entitlement to the 55% discount on intraLATA access charges should follow to establish the legitimacy of their claims. Ameritech Michigan also maintains that the parties have been unable to resolve the issue of Ameritech Michigan's entitlement to collect undiscounted access charges from January 1, 1996 through June 30, 1997 in the absence of an express Commission order that implements the Supreme Court's decision.

In response, AT&T acknowledges that attempts to resolve the matters referenced in the Supreme Court's decision have not been successful. However, AT&T insists that the process proposed by Ameritech Michigan will not expedite a final resolution of the dispute. Rather, AT&T argues that

Commission should focus its attention on two purely legal issues<sup>1</sup> before addressing any related factual disputes.

In its reply, Ameritech Michigan criticizes AT&T's suggested methodology for resolving the remaining issues as being unworkable, inadequate, and a waste of resources. According to Ameritech Michigan, AT&T's proposal would burden the parties with multiple proceedings and would require the Commission to issue three or four orders.

The Commission finds that a contested case proceeding should be commenced to allow interested parties to address the unresolved issues regarding intraLATA dialing parity and the 55% discount. Accordingly, the Commission remands the matter for further proceedings before an administrative law judge. In so doing, the Commission directs that all interested persons shall file statements that identify all the issues that they believe need to be resolved. The statement should include not only the interested party's position with regard to each of the unresolved issues, but also all necessary calculations and supporting documentation that will be relied upon at the evidentiary hearing. The filing deadline for the position statements and supporting documentation shall be January 6, 2000. Interested parties shall file an original and 15 copies of their statements and supporting documentation and shall serve copies of these pleadings on all parties of record in Cases Nos. U-10138 and U-11743. In addition, any interested person who is not already a party to either Case No. U-10138 or Case No. U-11743 may seek to intervene in the further proceedings in these dockets by filing a petition for leave to intervene, a statement of position, and the required documentation.

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<sup>1</sup>AT&T identifies these issues as (1) the scope and effect of prior orders from the Supreme Court and the Commission, and (2) the extent to which the prohibition on retroactive ratemaking affects Ameritech Michigan's claims for money or offsets.

Further, the parties are advised that a prehearing conference in these matters has been scheduled for 9:00 a.m. on January 13, 2000 before an administrative law judge at its Lansing offices, 6545 Mercantile Way, Lansing, Michigan 48911. At the prehearing conference, the administrative law judge shall be responsible for determining the scope of the proceedings and for establishing a schedule for the contested case hearing. Finally, in the absence of a settlement agreement signed by all parties or the waiver of Section 81 of the Administrative Procedures Act of 1969, 1969 PA 304, as amended, MCL 24.281; MSA 3.560(181), the administrative law judge shall prepare and issue a proposal for decision.

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. This matter should be remanded to an administrative law judge for further proceedings.

THEREFORE, IT IS ORDERED that this matter is remanded to an administrative law judge for further proceedings.

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

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ John G. Strand

Chairman

( S E A L )

/s/ David A. Svanda

Commissioner

/s/ Robert B. Nelson

Commissioner

By its action of December 16, 1999.

/s/ Dorothy Wideman

Its Executive Secretary

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

MICHIGAN PUBLIC SERVICE COMMISSION

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Chairman

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Commissioner

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Commissioner

By its action of December 16, 1999.

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Case No. U-11743

Suggested Minute:

“Adopt and issue order dated December 16, 1999 establishing a schedule for a contested case proceeding to address unresolved issues related to Ameritech Michigan’s provision of intraLATA dialing parity, as set forth in the order.”