

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of)
GLOBAL CROSSING TELEMAGEMENT, INC.,)
for an order confirming its exemption pursuant to) Case No. U-12835
Section 310 of the Michigan Telecommunications)
Act.)
_____)

In the matter of the application of)
NOW COMMUNICATIONS, INC., for an order) Case No. U-12840
confirming its exemption pursuant to Section 310)
of the Michigan Telecommunications Act.)
_____)

In the matter of the application of)
FOCAL COMMUNICATIONS CORPORATION OF)
MICHIGAN for an order confirming its exemption) Case No. U-12842
pursuant to Section 310 of the Michigan Telecom-)
munications Act.)
_____)

In the matter of the application of)
Z-TEL COMMUNICATIONS, INC., for an order) Case No. U-12843
confirming its exemption pursuant to Section 310)
of the Michigan Telecommunications Act.)
_____)

In the matter of the application of)
BORDERLAND COMMUNICATIONS, LLC,)
for an order confirming its exemption pursuant to) Case No. U-12851
Section 310 of the Michigan Telecommunications)
Act.)
_____)

In the matter of the application of)
TC3 TELECOM, INC., for an order confirming) Case No. U-12852
its exemption pursuant to Section 310 of the)
Michigan Telecommunications Act.)
_____)

In the matter of the application of)
XO MICHIGAN, INC., for an order confirming) Case No. U-12854
its exemption pursuant to Section 310 of the)
Michigan Telecommunications Act.)
_____)

In the matter of the application of)
AMERIVOICE TELECOMMUNICATIONS, INC.,)
for an order confirming its exemption pursuant to) Case No. U-12857
Section 310 of the Michigan Telecommunications)
Act.)
_____)

In the matter of the application of)
SPRINT COMMUNICATIONS COMPANY, L.P.,)
for an order confirming its exemption pursuant to) Case No. U-12858
Section 310 of the Michigan Telecommunications)
Act.)
_____)

In the matter of the application of)
RHYTHMS LINKS, INC., for an order confirming) Case No. U-12859
its exemption pursuant to Section 310 of the)
Michigan Telecommunications Act.)
_____)

In the matter of the application of)
KMC TELECOM II, INC., for an order confirming) Case No. U-12865
its exemption pursuant to Section 310 of the)
Michigan Telecommunications Act.)
_____)

In the matter of the application of)
KMC TELECOM III, INC., for an order confirming)
its exemption pursuant to Section 310 of the)
Michigan Telecommunications Act.)
_____)

Case No. U-12868

At the April 17, 2001 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Laura Chappelle, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

ORDER CONFIRMING EXEMPTION

In the February 2, 2001 order in Cases No. U-12515 and U-12528, the Commission resolved certain issues regarding the implementation of the local calling area provisions of the Michigan Telecommunications Act, MCL 484.2101 et seq.; MSA 22.1469(101) et seq. Among other things, the Commission found that any provider desiring to obtain a Commission order confirming its exemption pursuant to Section 304(10), MCL 484.2304(10); MSA 22.1469(10), should file an application for that purpose.

By March 9, 2001, the following providers had filed applications for confirmation of exemption pursuant to Section 304(10): Global Crossing Telemanagement, Inc., NOW Communications, Inc., Focal Communications Corporation of Michigan, Z-Tel Communications, Inc., Borderland Communications, LLC, TC3 Telecom, Inc., XO Michigan, Inc., AmeriVoice Telecommunications, Inc., Sprint Communications Company, L.P., Rhythms Links, Inc., KMC Telecom II, Inc., and KMC Telecom III, Inc. Each application is accompanied by an affidavit verifying that the applicant's operations satisfy the findings required for an exemption pursuant to Section 304(10).

After reviewing the applications and the accompanying materials, the Commission finds that each of these providers meets the requirements for an exemption. Each provider's exemption shall be effective only as long as its operations continue to comply with the conditions set forth in Section 304(10).

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 AACRS, R 460.17101 et seq.

b. The operations of Global Crossing Telemanagement, Inc., NOW Communications, Inc., Focal Communications Corporation of Michigan, Z-Tel Communications, Inc., Borderland Communications, LLC, TC3 Telecom, Inc., XO Michigan, Inc., AmeriVoice Telecommunications, Inc., Sprint Communications Company, L.P., Rhythms Links, Inc., KMC Telecom II, Inc., and KMC Telecom III, Inc., meet the requirements for an exemption pursuant to Section 304(10).

THEREFORE, IT IS ORDERED that exemptions pursuant to Section 304(10) of the Michigan Telecommunications Act are confirmed for Global Crossing Telemanagement, Inc., NOW Communications, Inc., Focal Communications Corporation of Michigan, Z-Tel Communications, Inc., Borderland Communications, LLC, TC3 Telecom, Inc., XO Michigan, Inc., AmeriVoice Telecommunications, Inc., Sprint Communications Company, L.P., Rhythms Links, Inc., KMC Telecom II, Inc., and KMC Telecom III, Inc.

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/ Laura Chappelle
Chairman

(S E A L)

/s/ David A. Svanda
Commissioner

/s/ Robert B. Nelson
Commissioner

By its action of April 17, 2001.

/s/ Dorothy Wideman
Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

By its action of April 17, 2001.

Its Executive Secretary

In the matter of the application of)
GLOBAL CROSSING TELEMAGEMENT, INC.,)
for an order confirming its exemption pursuant to)
Section 310 of the Michigan Telecommunications)
Act.)
_____)

Case No. U-12835 et al.

Suggested Minute:

“Adopt and issue order dated April 17, 2001 granting the requests of Global Crossing Telemanagement, Inc., NOW Communications, Inc., Focal Communications Corporation of Michigan, Z-Tel Communications, Inc., Borderland Communications, LLC, TC3 Telecom, Inc., XO Michigan, Inc., AmeriVoice Telecommunications, Inc., Sprint Communications Company, L.P., Rhythms Links, Inc., KMC Telecom II, Inc., and KMC Telecom III, Inc., for confirmation of exemption pursuant to Section 304(10) of the Michigan Telecommunications Act, MCL 484.2304(10); MSA 22.1469(304)(10), as set forth in the order.”