

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the complaint of)	
WILLIAM and SANDRA ROVAS against)	Case No. U-13079
AMERITECH MICHIGAN.)	
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At the October 3, 2002 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

OPINION AND ORDER

On February 25, 2002, the Commission issued an order (the February 25 order) granting in part and denying in part the complaint filed by William and Sandra Rovas against Ameritech Michigan. In the February 25 order, the Commission found that Ameritech Michigan violated Section 502(1)(a) of the Michigan Telecommunications Act, MCL 484.2502(1)(a), Rules 32 and 52(1)(c) of the Commission's rules concerning system maintenance and service quality, 1992 AACCS, R 484.32 and R 484.52(1)(c), and the Commission's December 20, 2000 order in Cases Nos. U-12571, U-12598, and U-12599. Therefore, among other things, the Commission (1) imposed fines totaling \$30,000, (2) established limitations on the imposition of Ameritech Michigan's \$71 per visit service charge, (3) awarded Mr. and Mrs. Rovas \$90.60 in additional out-of-service credits, and (4) and ordered Ameritech Michigan to pay restitution in the amount of \$1,782.

On March 27, 2002, Ameritech Michigan filed a petition for rehearing in which it asserted that the February 25 order was erroneous and would result in unintended negative consequences if it was not reversed. The Commission Staff filed a response in opposition to Ameritech Michigan's petition on April 17, 2002.

Rule 403 of the Commission's Rules of Practice and Procedure, 1992 AACS, R460.17403, provides that a petition for rehearing may be based on claims of error, newly discovered evidence, facts or circumstances arising after the hearing, or unintended consequences resulting from compliance with the order. A petition for rehearing is not merely another opportunity for a party to argue a position or to express disagreement with the Commission's decision. Unless a party can show the decision to be incorrect or improper because of errors, newly discovered evidence, or unintended consequences of the decision, the Commission will not grant a rehearing.

The Commission concludes that the petition for rehearing does not meet the standard of Rule 403. For the most part, the petition merely reasserts arguments offered earlier in the proceedings and expresses dissatisfaction with the Commission's decision. Moreover, notwithstanding Ameritech Michigan's assertions to the contrary, the February 25 order was not based on erroneous findings of fact or conclusions of law, support can be found in the record for each of the Commission's rulings, and no legitimate basis exists for concluding that those rulings will give rise to unintended consequences.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACS, R 460.17101 et seq.

b. The petition for rehearing should be denied.

THEREFORE, IT IS ORDERED that the petition for rehearing filed by Ameritech Michigan is denied.

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.

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 October 3, 2002.

/s/ Dorothy Wideman
Its Executive Secretary

THEREFORE, IT IS ORDERED that the petition for rehearing filed by Ameritech Michigan is denied.

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.

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

By its action of October 3, 2002.

Its Executive Secretary

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Suggested Minute:

“Adopt and issue order dated October 3, 2002 denying the petition for rehearing filed by Ameritech Michigan, as set forth in the order.”