

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion,)
to consider **SBC MICHIGAN'S f/k/a AMERITECH**)
MICHIGAN, compliance with the competitive) Case No. U-12320
checklist in Section 271 of the federal Telecommuni-)
cations Act of 1996.)
_____)

At the September 30, 2003 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. J. Peter Lark, Chair
Hon. Robert B. Nelson, Commissioner

ORDER RESTARTING COLLABORATIVE PROCESS

By order dated February 9, 2000, the Commission commenced a collaborative process and established a procedural framework for determining compliance by SBC Michigan (SBC) f/k/a Ameritech Michigan with the competitive checklist set out in Section 271 of the federal Telecommunications Act of 1996 (the federal Act), 47 USC 271. That section sets out the conditions that SBC must meet if it is to obtain authorization from the Federal Communications Commission (FCC) to provide in-region interLATA services.¹ The February 9 order provided a mechanism by which the parties could bring an issue, for which consensus was not forthcoming, on a joint petition seeking Commission resolution.

¹ On September 17, 2003, the FCC authorized SBC to provide in-region interLATA services.

On December 20, 2001, the Commission issued an order in this case concerning line sharing,² line splitting,³ and migration between those two. In so doing, the Commission found that SBC's position with regard to those issues might not meet the requirements of the checklist. The Commission directed SBC to collaborate with the competitive local exchange carriers (CLECs) on proposed ordering and pricing processes. In its order dated March 29, 2002, the Commission denied Ameritech Michigan's request for rehearing related to line sharing and line splitting. In that order, the Commission reiterated that "ordering and provisioning scenarios be discussed by interested parties and the specifics of unresolved issues be brought to the Commission for resolution." *Id.*, p. 7. The Commission required the parties to file a report on discussions occurring to date to resolve the issues in this proceeding, and directed the parties to work with the Commission Staff (Staff) to frame specific scenarios.

In its October 3, 2002 order in this proceeding, the Commission modified a proposal by SBC regarding line sharing and line splitting and required SBC to file a compliance plan. SBC filed a plan on November 4, 2002 and an amended plan on December 12, 2002 based on input from the Staff and various CLECs. In so doing, SBC asserted that the amended compliance plan was in full compliance with the Commission's October 3 order and prior Commission orders. SBC also stated that its plan fully complied with the FCC requirements and Section 271(c)(2)(B)(iv).

In an order issued on January 13, 2003, the Commission indicated that it had concluded in its Section 271 report that SBC's amended compliance plan was in compliance with the

² Line sharing occurs when SBC provides voice service over the low frequency portion of the loop (LFPL) and a data local exchange carrier (DLEC) provides data service over the high frequency portion of the loop (HFPL).

³ Line splitting is essentially the same as line sharing, but a voice CLEC provides the voice service over the LFPL, with a separate data CLEC providing service over the HFPL.

Commission's October 3, 2002 order. The pricing was determined to be appropriate, and the ordering processes were found to assure that the customer would be protected while providing a workable, albeit not ideal, process for line sharing and line splitting transactions.

However, in so doing, the Commission noted that other possible scenarios for line sharing/line splitting may occur that have not been envisioned or addressed in SBC's plan. In particular, the Commission was concerned about the process to replace an SBC affiliate splitter with that of a DLEC in a line splitting situation. Therefore, the Commission directed that the collaborative discussion scheduled for March 4, 2003 should include discussion of line sharing/line splitting issues that exist at that time.

On February 20, 2003, the Federal Communications Commission (FCC) announced that it was adopting rules in its Triennial Review proceeding⁴ that will affect how incumbent local exchange carriers meet their statutory obligations to make unbundled network elements available to new entrants. However, the FCC did not release a written decision at that time.

Subsequently, the Staff and the parties participating in the line sharing/line splitting collaborative agreed that they should postpone further discussions until release of the FCC's written Triennial Review Order (TRO).

On August 21, 2003, the FCC released the text of its TRO, which was published in the Federal Register on September 2, 2003 and which will become effective on October 2, 2003. Among the topics addressed by the TRO are line sharing and line splitting issues.

⁴ Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147.

Accordingly, the Commission finds that the Staff should be directed to restart the line sharing/line splitting collaborative process in keeping with the requirements of the TRO, Sections 251 and 271 of the federal Act, and applicable state authority. The Staff shall do so by providing each participant in this proceeding a notice of the date and time for the collaborative discussions to begin again.

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.; the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.; and 47 USC 251 and 271.

b. The Staff should be directed to restart the line sharing/line splitting collaborative process.

THEREFORE, IT IS ORDERED that:

A. The Commission Staff is directed to restart the line sharing/line splitting collaborative process.

B. The Commission Staff shall provide a notice to each participant in this proceeding identifying the date and time that the collaborative discussions will begin again.

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 issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ J. Peter Lark
Chair

(S E A L)

/s/ Robert B. Nelson
Commissioner

By its action of September 30, 2003.

/s/ Robert W. Kehres
Its Acting Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

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Case No. U-12320

Suggested Minute:

“Adopt and issue order dated September 30, 2003 directing the Commission Staff to restart the collaborative process with regard to line sharing and line splitting issues, as set forth in the order.”