

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)	
Telecommunications Act of 1996.)	
_____)	

At the November 25, 2003 meeting of the Michigan Public Service Commission in Lansing, Michigan.

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

OPINION AND ORDER

By order dated February 9, 2000, the Commission commenced this proceeding to establish a procedural framework for determining compliance by SBC Michigan, f/k/a Ameritech Michigan, (SBC) with the competitive checklist set out in Section 271 of the federal Telecommunications Act of 1996, 47 USC 271, which sets forth the conditions that SBC had to meet to obtain authorization from the Federal Communications Commission (FCC) to provide in-region interLATA services.¹

By a minute action issued January 13, 2003, the Commission approved a report on SBC's compliance with Section 271. As described more fully in the report, the Commission found that SBC had demonstrated compliance with Section 271. Notwithstanding that conclusion, the Commission also found that there were aspects of SBC's performance that could be improved.

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

Moreover, SBC proposed to make improvements in some areas. Accordingly, the Commission issued an order in this proceeding on January 13, 2003 to address certain areas in which the Commission concluded that SBC should continue to improve its performance.

One of the areas covered by the January 13 order involved SBC's proposal to implement a compliance plan that would include actions designed to improve certain aspects of its operations support systems (OSS). For certain circumstances, SBC proposed to retain a third-party contractor to validate its assertions that its corrective actions were as successful as claimed. SBC proposed to review its audit plan with the Commission Staff (Staff), to implement corrective actions, and to have the third-party contractor verify that those actions have been taken.

Several competitive local exchange carriers (CLECs) proposed that if compliance or improvement plans were determined to be appropriate, the plans should be developed collaboratively with the input of the CLECs, as has been the case for other third-party testing.

Ultimately, the Commission determined that any outstanding exceptions and observations open as of January 13, 2003 should continue to be addressed by SBC until satisfactory results had been achieved as determined by the third-party tester or were closed as determined by the Commission and its Staff. Upon completion of actions relating to open observations and exceptions in the transactions and procedures tests, the third-party tester, BearingPoint, Inc., f/k/a KPMG Consulting (BearingPoint), was directed to submit to the Commission an addendum to the October 30, 2002 report that addresses only the test criteria that were indeterminate or not satisfied at the time of the earlier report. The Commission reserved the right to determine what further action, if any, should be taken with respect to those portions of BearingPoint's tests and directed BearingPoint to periodically report on the progress of its testing.

On November 7, 2003, SBC filed a request seeking to have the Commission order BearingPoint to issue a final report with regard to the current status of the Performance Metrics Review (PMR) portion of the OSS testing conducted in this docket.² Citing a November 7, 2003 letter jointly issued by SBC and BearingPoint, SBC asserted that activities involved with the completion of the PMR testing are about to be concluded. According to SBC, it would be appropriate for the Commission to establish a schedule for all interested parties to bring this matter to a close.

The Commission finds that the parties should file comments on SBC's November 10 application as follows:

1. On December 5, 2003, BearingPoint shall submit a final report on PMR testing.
2. On December 15, 2003, SBC shall submit its comments and supporting affidavits.
3. On January 15, 2004, other interested persons may file responses to BearingPoint's and SBC's filings.

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. BearingPoint should be directed to issue a final report with regard to the PMR portion of the OSS testing conducted in this docket by December 5, 2003.

c. SBC should be directed to submit its comments and supporting affidavits on BearingPoint's final report by December 15, 2003.

²While BearingPoint and SBC have designated this to be BearingPoint's final report, the Commission will withhold its determination until the comment cycle listed below is completed.

d. Other interested persons should be given an opportunity to submit comments on BearingPoint's final report by January 15, 2004.

THEREFORE, IT IS ORDERED that:

A. BearingPoint, Inc., f/k/a KPMG Consulting, shall issue a final report by December 5, 2003, with regard to the current status of the Performance Metrics Review portion of the operations support systems testing conducted in this docket.

B. SBC Michigan, f/k/a Ameritech Michigan, shall submit its comments and supporting affidavits by December 15, 2003 on the final report submitted by BearingPoint, Inc., f/k/a KPMG Consulting.

C. Other interested persons shall be given until January 15, 2004 to submit comments on the final report filed by BearingPoint, Inc., f/k/a KPMG Consulting.

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

MICHIGAN PUBLIC SERVICE COMMISSION

(S E A L)

/s/ J. Peter Lark
Chair

By its action of November 25, 2003.

/s/ Robert B. Nelson
Commissioner

/s/ Robert W. Kehres
Its Acting Executive Secretary

/s/ Laura Chappelle
Commissioner

d. Other interested persons should be given an opportunity to submit comments on BearingPoint's final report by January 15, 2004.

THEREFORE, IT IS ORDERED that:

A. BearingPoint, Inc., f/k/a KPMG Consulting, shall issue a final report by December 5, 2003, with regard to the current status of the Performance Metrics Review portion of the operations support systems testing conducted in this docket.

B. SBC Michigan, f/k/a Ameritech Michigan, shall submit its comments and supporting affidavits by December 15, 2003 on the final report submitted by BearingPoint, Inc., f/k/a KPMG Consulting.

C. Other interested persons shall be given until January 15, 2004 to submit comments on the final report filed by BearingPoint, Inc., f/k/a KPMG Consulting.

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

MICHIGAN PUBLIC SERVICE COMMISSION

Chair

By its action of November 25, 2003.

Commissioner

Its Acting Executive Secretary

Commissioner

In the matter, on the Commission's own motion,)
to consider **SBC MICHIGAN's f/k/a, AMERITECH**)
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Case No. U-12320

Suggested Minute:

“Adopt and issue order dated November 25, 2003 directing BearingPoint, Inc., f/k/a KPMG Consulting, to issue a final report with regard to the current status of the Performance Metrics Review portion of the operations support systems testing conducted in this docket by December 5, 2003, and providing for the filing of comments and reply comments, as set forth in the order.”