

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the petition of)	
LEVEL 3 COMMUNICATIONS, LLC , for)	
arbitration pursuant to Section 252 of the)	Case No. U-12460
federal Telecommunications Act of 1996 to)	
establish an interconnection agreement with)	
SBC MICHIGAN.)	
_____)	

At the October 23, 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

ORDER EXTENDING BRIEFING SCHEDULE

In orders dated October 24, 2000 and February 5, 2001, the Commission approved an arbitration agreement between Level 3 Communications, LLC, (Level 3) and SBC Michigan (SBC).

SBC appealed to the United States District Court for the Eastern District of Michigan.

In an order issued on September 10, 2002, the Honorable Arthur J. Tarnow affirmed the Commission on four of the issues appealed by SBC. However, Judge Tarnow remanded the case to the Commission to decide if SBC was required to provide unbundled dedicated transport between its facilities and those of a third party under the existing Federal Communications Commission Rule 319(d)(1), rather than the superseded regulation, which was relied upon in the

initial order. The Commission directed the parties to file written briefs on this issue by September 25, 2003 and reply briefs by October 9, 2003.

On September 23 and October 9, 2003, the parties filed joint motions to extend the briefing schedule. The motions indicate that the parties are discussing a proposed stipulation to settle the matter. In fact, the motions indicate that an interconnection agreement has been proposed, but the parties need more time to review the proposal and complete a stipulation.

The motions indicate that the Commission Staff does not object to an extended briefing schedule.

The Commission finds that a settlement between the parties should be encouraged. However, the Commission does not want this case delayed indefinitely. Therefore, an extension of the briefing schedule should be granted, but the parties will have to demonstrate exigent circumstances to justify further requests to extend the schedule.

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, 1999 AC, R 460.17101 et seq.
- b. An extension of the briefing schedule should be granted.

THEREFORE, IT IS ORDERED that the parties to this proceeding shall file briefs by November 10, 2003. Reply briefs shall be filed by November 24, 2003.

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

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ J. Peter Lark

Chair

(S E A L)

/s/ Robert B. Nelson

Commissioner

/s/ Laura Chappelle

Commissioner

By its action of October 23, 2003.

/s/ Robert W. Kehres

Its Acting Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

Chair

Commissioner

Commissioner

By its action of October 23, 2003.

Its Acting Executive Secretary

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Suggested Minute:

“Adopt and issue order dated October 23, 2003 granting the parties’ motion to extend the briefing schedule, as set forth in the order.”