

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of	)	
<b>BAK COMMUNICATIONS, LLC</b> , for a license	)	
to provide basic local exchange service within	)	Case No. U-13784
the exchanges served by SMB Ameritech Michigan	)	
and Verizon North Inc. and Contel of the South,	)	
Inc., d/b/a Verizon North Systems.	)	
_____	)	

At the July 23, 2003 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 DISMISSING APPLICATION**

On May 2, 2003, BAK Communications, LLC, (BAK filed an application seeking a license to provide basic local exchange service within the exchanges served by SBC Ameritech Michigan and Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems.

On May 23, 2003, after several unsuccessful attempts to contact BAK by telephone to apprise it of several deficiencies in its application, the Commission Staff (Staff) did succeed in making contact with Anthony Manzilla, BAK's designated contact person. However, the Staff now reports that its May 23, 2003 telephone call yielded no action on the part of the applicant and that all subsequent efforts to contact Mr. Manzilla have failed.

Given BAK's failure to cooperate with the Staff in the prosecution of its application, the Commission is persuaded that its application should be dismissed with prejudice.

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. BAK's May 2, 2003 application should be dismissed with prejudice.

THEREFORE, IT IS ORDERED that the May 2, 2003 application filed by BAK Communications, LLC, for a license to provide basic local exchange service within the exchanges served by SBC Ameritech Michigan and Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, is dismissed with prejudice.

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 E A L )

/s/ Laura Chappelle  
Chairman

By its action of July 23, 2003.

/s/ David A. Svanda  
Commissioner

/s/ Robert W. Kehres  
Its Acting Executive Secretary

/s/ Robert B. Nelson  
Commissioner

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MICHIGAN PUBLIC SERVICE COMMISSION

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Chairman

By its action of July 23, 2003.

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Case No. U-13784

Suggested Minute:

“Adopt and issue order dated July 23, 2003 dismissing with prejudice the May 2, 2003 application filed by BAK Communications, LLC, for a license to provide basic local exchange service within the exchanges served by SBC Ameritech Michigan and Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, as set forth in the order.”