

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the complaint and request for) emergency relief filed by TDS METROCOM, LLC,) against SBC AMERITECH MICHIGAN.) <hr style="width:100%; border: 0.5px solid black; margin-top: 5px;"/>)	Case No. U-13789
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At the June 2, 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 SETTING HEARING

On May 13, 2003, TDS Metrocom, LLC, (TDS) filed a complaint and request for emergency relief against SBC Ameritech Michigan (SBC), pursuant to MCL 484.2203(2). As required by statute, TDS hand-delivered the complaint and request for emergency relief to SBC the same day.

On May 20, 2003, SBC filed an answer to TDS's request for emergency relief in which SBC denies that TDS meets the statutory standard for granting that request.

MCL 484.2203(203)(3) provides:

An order for emergency relief may be granted under subsection (2) if the commission finds all of the following:

- (a) That the party has demonstrated exigent circumstances that warrant emergency relief.
- (b) That the party seeking relief will likely succeed on the merits.
- (c) That the party will suffer irreparable harm in its ability to serve customers if emergency relief is not granted.
- (d) That the order is not adverse to the public interest.

After a review of the complaint, the accompanying documents and testimony, and SBC's response to the complaint, the Commission is persuaded that a hearing should be held to determine whether emergency relief should be granted prior to issuance of a final order in this case. To that end, a hearing will be held on June 9, 2003 at 9:00 a.m. At that time, the parties will be permitted to present live testimony and oral arguments related to whether emergency relief is warranted. The burden will be on TDS to establish the need and propriety of granting any emergency relief.

The Commission will arrange for daily transcript service for the hearing. Thereafter, the Commission will render a decision as to whether emergency relief should be granted based on its review of the filings to date and the record made at the June 9 hearing.

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 AACCS, R 460.17101 et seq.

b. A hearing should be held on June 9, 2003 at 9:00 a.m. at the Commission's offices at 6545 Mercantile Way, Lansing, MI to provide the parties an opportunity to present evidence and arguments addressing whether the Commission should grant TDS's request for emergency relief.

THEREFORE, IT IS ORDERED that a hearing shall be held on June 9, 2003 at 9:00 a.m. at the Commission's offices at 6545 Mercantile Way, Lansing, MI to provide the parties an opportunity to address whether the Commission should grant the request by TDS Metrocom, LLC, for emergency relief.

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

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 June 2, 2003.

/s/ Robert W. Kehres

Its Acting Executive Secretary

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

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

By its action of June 2, 2003.

Its Acting Executive Secretary

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emergency relief filed by **TDS METROCOM, LLC,**)
against **SBC AMERITECH MICHIGAN.**)
_____)

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Suggested Minute:

“Adopt and issue order dated June 2, 2003 setting a hearing for June 9, 2003, on the request of TDS Metrocom, LLC, for emergency relief, as set forth in the order.”