

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of SBC MICHIGAN 's classification)	
of business local exchange service as competitive)	
pursuant to section 208 of the Michigan)	Case No. U-14323
Telecommunications Act.)	
_____)	

In the matter of SBC MICHIGAN 's classification)	
of residential local exchange service as competitive)	
pursuant to section 208 of the Michigan)	Case No. U-14324
Telecommunications Act.)	
_____)	

At the November 9, 2004 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

On October 26, 2004, SBC Michigan (SBC) filed notices with the Michigan Public Service Commission (Commission) claiming that a competitive market exists for business and residential local exchange services in all exchanges served by SBC in Access Areas A and B pursuant to Section 208 of the Michigan Telecommunications Act, MCL 484.2208.

In support of its filings, SBC argues that all of the following statutorily-prescribed indicia of a competitive market exist:

- “(a) Actual competition, including facilities-based competition, exists within the local exchange, group of exchanges, or geographic area;
- (b) Both residential and business end users have service alternatives available from more than one unaffiliated provider

or service reseller; (c) Competition and end-user usage has been demonstrated and measured by independent and reliable methods; (d) Rates and charges for the service have changed within the previous 12-month period; and (e) There is a functionally equivalent service, reasonably available to end users from an unaffiliated provider or supplier.” MCL 484.2208.

The Commission finds that interested parties should be given an opportunity to comment on SBC’s classification of residential and business basic local exchange service as competitive. Comments on the competitive classification should be filed with the Commission on or before November 30, 2004. Reply comments should be filed with the Commission on or before December 10, 2004.

The Commission has selected this case for participation in its Electronic Filings Program. The Commission recognizes that all filers may not have the computer equipment or access to the Internet necessary to submit documents electronically. Therefore, filers may submit documents in the traditional paper format and mail them to the: Executive Secretary, Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909. Otherwise, all documents filed in this case must be submitted in both paper and electronic versions. An original and four paper copies and an electronic copy in the portable document format (PDF) should be filed with the Commission. Requirements and instructions for filing electronic documents can be found in the Electronic Filings Users Manual at:

<http://efile.mpsc.cis.state.mi.us/efile/usersmanual.pdf>. The application for account and letter of assurance are located at <http://efile.mpsc.cis.state.mi.us/efile/help>. You may contact Commission Staff at (517) 241-6170 or by e-mail at mpscfilecases@michigan.gov with questions and to obtain access privileges prior to filing.

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. Comments on the competitive market classification should be filed with the Commission on or before November 30, 2004. Reply comments should be filed with the Commission on or before December 10, 2004. Thereafter, the Commission will determine whether a hearing under Section 203 of the MTA will be required.

THEREFORE, IT IS ORDERED that interested parties shall file comments with the Commission on or before November 30, 2004. Reply comments shall be filed with the Commission on or before December 10, 2004.

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 of 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

/s/ Laura Chappelle
Commissioner

By its action of November 9, 2004.

/s/ Mary Jo Kunkle
Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

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Suggested Minute:

“Adopt and issue order dated November 9, 2004 soliciting public comments and reply comments in the matter of SBC Michigan’s proposed classification of residential and business local exchange services as competitive, as set forth in the order.”