

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion, to)
consider Ameritech Michigan's compliance with)
the competitive checklist in Section 271 of the) Case No. U-12320
federal Telecommunications Act of 1996.)
_____)

At the March 29, 2005 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

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

ORDER DENYING REHEARING

On August 31, 2004, the Commission vacated its December 20, 2001 and March 29 and
October 3, 2002 orders in this proceeding that dealt with SBC Michigan's (SBC) obligation to
provision line sharing¹ and line splitting.²

¹Line sharing is an arrangement in which an incumbent local exchange carrier (ILEC) uses the low-frequency portion of the loop to provide voice service to a customer while a competitive local exchange carrier providing data services (data CLEC) uses the high-frequency portion of the loop to provide high-speed data services such as digital subscriber line services to the same customer.

²Line splitting is an arrangement in which a CLEC, rather than an ILEC, provides voice services over the low-frequency portion of the loop while a data CLEC (which may also be the voice service CLEC) provides data services over the high-frequency portion of the loop.

On September 23, 2004, Covad Communications Company, MCImetro Access Transmission Services LLC, AT&T Communications of Michigan, Inc., and TCG Detroit, and Talk America, Inc.(collectively, the Petitioners), filed a petition for clarification or rehearing.

On October 14, 2004, SBC filed a response in opposition to the petition for clarification or rehearing.

Rule 403 of the Commission's Rules of Practice and Procedure, 1999 AC, R 460.17403, provides that a petition for rehearing may be based on claims of error, newly discovered evidence, facts or circumstances arising after the hearing, or unintended consequences resulting from compliance with the order. A petition for rehearing is not merely another opportunity for a party to argue a position or to express disagreement with the Commission's decision. Unless a party can show the decision to be incorrect or improper because of errors, newly discovered evidence, or unintended consequences of the decision, the Commission will not grant a rehearing.

Today, in orders issued in Cases Nos. U-14303, U-14305, U-14327, and U-14463 and in Case No. U-14382, the Commission has declined to rely on Section 355 of the Michigan Telecommunications Act to require SBC to provision unbundled network elements for which the Federal Communications Commission has found no impairment to new customers of CLECs. In light of these determinations, the Commission is not persuaded that the Petitioners' request for clarification or rehearing meets the standards set forth in Rule 403.³

The Commission FINDS that:

a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 *et seq.*; the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 USC 151

³Nevertheless, the Commission has determined that the collaborative established by the February 28, 2005 order in Case No. U-14447 should be available for resolution of any line sharing and line splitting issues that remain unresolved.

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. The September 23, 2004 petition for clarification or rehearing should be denied.

THEREFORE, IT IS ORDERED that the September 23, 2004 petition for clarification or rehearing filed by Covad Communications Company, MCImetro Access Transmission Services LLC, AT&T Communications of Michigan, Inc. and TCG Detroit, and Talk America, Inc., is denied.

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 issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ J. Peter Lark

Chairman

(S E A L)

/s/ Robert B. Nelson

Commissioner

/s/ Laura Chappelle

Commissioner

By its action of March 29, 2005

/s/ Mary Jo Kunkle

Its Executive Secretary

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. The September 23, 2004 petition for clarification or rehearing should be denied.

THEREFORE, IT IS ORDERED that the September 23, 2004 petition for clarification or rehearing filed by Covad Communications Company, MCImetro Access Transmission Services LLC, AT&T Communications of Michigan, Inc. and TCG Detroit, and Talk America, Inc., is denied.

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

Chairman

Commissioner

Commissioner

By its action of March 29, 2005.

Its Executive Secretary

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Case No. U-12320

Suggested Minute:

“Adopt and issue order dated March 29, 2005 denying the September 23, 2004 petition for clarification or rehearing filed by Covad Communications Company, MCImetro Access Transmission Services LLC, AT&T Communications of Michigan, Inc., and TCG Detroit, and Talk America, Inc., as set forth in the order.”