

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion,)
for establishing a policy on switched access rates)
pursuant to Section 310(2) of the Michigan)
Telecommunications Act, MCL 484.2310.)
_____)

Case No. U-14175

At the May 10, 2006 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. J. Peter Lark, Chairman
Hon. Laura Chappelle, Commissioner
Hon. Monica Martinez, Commissioner

ORDER

On December 9, 2003, AT&T Michigan, f/k/a SBC Michigan (AT&T Michigan), filed an application requesting that the Commission set intrastate toll access rates based on SBC Michigan's (SBC) total service long run incremental cost.¹ Intrastate access rates at that time were set using a "mirroring" method such that the usage-based components of the intrastate switched access rates were the same as the interstate access rates that it filed with the Federal Communications Commission (FCC). AT&T Michigan failed to meet its burden of proof, and the Commission dismissed its application on June 29, 2004. However, in the June 29, 2004 order, the Commission also opened this proceeding to reconsider the above-referenced, long-standing

¹The Commission designated this matter as Case No. U-13977.

mirroring policy.² The Commission requested interested parties to submit comments by September 17, 2004, and reply comments by October 1, 2004.³

Comments were filed on September 17, 2004 by the Michigan Exchange Carriers Association, Inc., Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems (Verizon), MCImetro Access Transmission Services LLC (MCI), AT&T Communications of Michigan, Inc. (AT&T), Sprint Communications Company, L.P., TDS Metrocom, LLC, and SBC. Verizon, AT&T, SBC, and MCI filed reply comments on October 1, 2004.

Subsequently, the Michigan Legislature amended Section 310 of the Michigan Telecommunications Act (MTA), MCL 484.2310. Providers of toll access services have authority to set just and reasonable rates for toll services without Commission review, so long as their access service rates and charges do not exceed the rates allowed for the same interstate services by the federal government. The Legislature maintained the ability of providers to agree to a rate that is less than the rate allowed by the federal government. The Legislature also provided the Commission with authority to review an intrastate switched toll access rate to ensure that a provider who receives a reduced toll access service rate lowers its rate to its customers by an equal amount.⁴ Further, MCL 484.2310(5) requires that access services shall be offered by a provider under the same pricing, terms, and conditions to all providers without discrimination.

As the Commission now has diminished authority to review switched access rates, the public interest would best be served by closing this docket.

²See, June 29, 2004 order, pg. 2

³See, June 29, 2004 order, p. 8.

⁴See, Section 310(6) of the MTA, MCL 484.2310(6).

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 *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 docket in Case No. U-14175 should be closed.

THEREFORE, IT IS ORDERED that the docket in Case No. U-14175 is closed.

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

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, pursuant to MCL 484.2203(12).

MICHIGAN PUBLIC SERVICE COMMISSION

(S E A L)

/s/ J. Peter Lark
Chairman

By its action of May 10, 2006.

/s/ Laura Chappelle
Commissioner

/s/ Mary Jo Kunkle
Its Executive Secretary

/s/ Monica Martinez
Commissioner

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 *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 docket in Case No. U-14175 should be closed.

THEREFORE, IT IS ORDERED that the docket in Case No. U-14175 is closed.

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

By its action of May 10, 2006.

Commissioner

Its Executive Secretary

Commissioner