

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the complaint of)
LUCRE, INC., against SBC MICHIGAN.) Case No. U-14374
_____)

In the matter of the complaint of SBC)
MICHIGAN against LUCRE, INC., for refusal)
to pay certain charges lawfully assessed and) Case No. U-14384
for other violations of duties under law.)
_____)

At the December 12, 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 DENYING SECOND MOTION FOR REHEARING

This order denies the second motion for rehearing filed by Lucre, Inc. since the Commission issued its August 1, 2005 order in this dispute over interconnection charges involving Lucre and AT&T Michigan (formerly SBC Michigan).

The Commission reviewed the history of this dispute and the arguments of the parties in its August 1, 2005 order and then again when denying Lucre’s two identical rehearing motions in an order issued on September 12, 2006.¹

¹ Lucre filed its initial rehearing motions on August 11, 2005. On November 10, 2005, because of Lucre’s bankruptcy filing, the Commission stayed these proceedings until receiving notice that the automatic stay in the bankruptcy case had been lifted in August 2006.

On October 12, 2006, Lucre again moved for rehearing of the August 1, 2005 order, claiming that the Commission's order denying rehearing had only addressed the grounds cited by Lucre in its original motions but "failed to address the two reasons [for granting a rehearing] provided in its June 8, 2006, Supplement to Motion for Rehearing" (sic). Lucre claims the Commission failed to address newly discovered evidence that the company had cited in the supplemental rehearing motion and that "the Commission's failure to address the supplemental grounds is an error of law."

Thus, in its October 12, 2006 motion, Lucre attempts to incorporate by reference a "Supplement to Motion for Rehearing," dated June 8, 2006 and filed June 12, 2006. In it, Lucre asserted that the Commission ruled in favor of AT&T Michigan without the benefit of "newly discovered evidence," unearthed by Lucre in January 2006, which was that "two sections of the trunking at issue connected the third party's (Verizon's) end offices to Verizon's switch, for which Lucre has been billed over \$580,000 by [AT&T Michigan]."

Under Commission Rule 403,² "petition[s] for rehearing after a decision or order of the commission shall be filed with the commission within 30 days after service of the decision or order of the commission." The Commission order in question was issued August 1, 2005. Lucre filed two timely rehearing motions on August 11, 2005. However, Lucre did not further supplement, revise, or otherwise amend those motions before September 1, 2005. The bankruptcy stay of proceedings was not in effect in August 2005. Therefore, Lucre's June 8, 2006 filing was untimely and it was not error for the Commission to disregard it in the September 12, 2006 order.

² 1999 AC, R 460.17403.

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. Lucre's October 12, 2006 petitions for rehearing should be denied.

THEREFORE IT IS ORDERED that Lucre, Inc.'s October 12, 2006 motion for rehearing is denied.

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/ J. Peter Lark

Chairman

(S E A L)

/s/ Laura Chappelle

Commissioner

/s/ Monica Martinez

Commissioner

By its action of December 12, 2006.

/s/ Mary Jo Kunkle

Its Executive Secretary

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

Chairman

Commissioner

Commissioner

By its action of December 12, 2006.

Its Executive Secretary