

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.

The petitions for rehearing object to R 484.551(1), which states:

A facilities-based provider shall adopt and implement a maintenance program designed to achieve efficient operation of its system consistent with the rendering of safe, adequate, and continuous service in compliance with applicable codes, including the national electric safety code and other state and local codes.

In the September 18, 2007 order the Commission stated the following concerning this rule:

TAM and the Union argue that the Commission should remove the proposed added language for Rule 51(1), which includes the national electric safety code and other state and local codes to the rule requiring maintenance programs designed to achieve efficient operation of the system consistent with the rendering of safe, adequate, and continuous service in compliance with applicable codes. TAM argues that the language is superfluous because providers are already required to meet applicable codes. The Union argues that adding this rule could cause confusion.

The Commission rejects these objections, as the amendment merely makes clear that applicable codes includes the national electric safety code and other state and local codes. Providers are expected to comply with all applicable codes when establishing and maintaining their lines. Failure to do so may subject the company to penalties for violation of these rules.
Order, p. 14.

AT&T Michigan and Verizon assert that the Commission failed to consider AT&T Michigan's views stated in its July 11, 2007 comments and those of Comcast Phone of Michigan LLC (Comcast). The petitions follow those assertions with quotes or summaries of the comments that these parties believe the Commission missed related to this provision. The Union supports the position taken by AT&T Michigan.

Contrary to AT&T Michigan's comments, the Commission considered the arguments raised by these two parties, even though the order did not specifically identify AT&T Michigan and Verizon in the summarized arguments concerning this rule.

The only amendment to rule 51(1) was inclusion of a reference to the national electric safety code, which was intended simply to clarify what codes the rule was referencing. The Commission reiterates that the amendment does not change the meaning of the rule, but fleshes out the type of codes that may be applicable. This rule does not make any code, whether federal, state, or local, applicable to any particular wiring that is not already applicable and demanding of compliance. It merely requires compliance with applicable codes. The Commission assures the industry that it will not enforce the rule any differently than it did prior to the amendment. The Commission's enforcement of the prior rule did not cause the great confusion envisioned by Comcast, or cause the problems argued by AT&T Michigan, and nothing in the quoted comments alters the Commission's position with regard to this rule 51(1). Therefore, the Commission again declines to eliminate all reference in the rule to complying with applicable codes, as suggested by AT&T Michigan and Verizon.

In addition to concerns about Rule 51(1), Verizon raises arguments concerning every rule adopted in the September 18, 2007 order that has a penalty provision in it. Verizon raises no arguments that are either new or persuasive. The Commission discussed the issues Verizon raises here in the September 18 order and rejected Verizon's position then. *See*, Order, p.p. 19-23. The Commission reiterates that 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. The Commission declines to grant Verizon rehearing on these rules.

Verizon argues that the provisions of R 484.535(4), which requires a provider to ensure that information provided to customers and others is accurate and in compliance with Commission rules and the provider's tariff. It also prohibits a provider from making a statement to a customer that it knows to be untrue. Verizon argues that this rule is overbroad and does not limit itself to basic local exchange service. Verizon also argues that this rule has nothing to do with the rule's catch phrase: "Business offices."

The Commission is not persuaded that adopting the rule as provided in the September 18 order should be altered. Verizon did not raise these objections to R 484.535(4) in its comments. Challenging this rule first in a request for rehearing is not appropriate. Even if Verizon had raised these arguments before the September 18 order, the Commission would have rejected them then, and it does so now.

The relationship between the objected-to provision and business offices is neither tangential nor obscure. Information provided to customers is generally done from a business office, and ensuring that information is accurate relates closely to a provider's efforts to staff its business offices with adequately trained and equipped personnel.

The Commission is not persuaded that the rule is overbroad. R 484.519, which was neither rescinded nor amended in this proceeding, limits the application of these rules to services regulated by the Commission. Verizon's objections are without merit.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1991 PA 179, MCL 484.2101 *et seq.*; 1969 PA 306, MCL 24.201 *et seq.*; and the Commission's Rules of Practice and Procedure, 1999 AC, R 460.17101 *et seq.*

b. AT&T Michigan and Verizon have not met the standard for granting rehearing of the Commission's September 18, 2007 order.

THEREFORE, IT IS ORDERED that the petitions for rehearing filed by AT&T Michigan and Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems are denied.

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

MICHIGAN PUBLIC SERVICE COMMISSION

Orjiakor N. Isiogu, Chairman

Monica Martinez, Commissioner

Steven A. Transeth, Commissioner

By its action of December 18, 2007.

Mary Jo Kunkle, Executive Secretary