

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 Telecommunications Act of 1996.)
_____)

Case No. U-11104

At the August 28, 1996 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. John G. Strand, Chairman
Hon. John C. Shea, Commissioner
Hon. David A. Svanda, Commissioner

ORDER ESTABLISHING PROCEDURES

The federal Telecommunications Act of 1996 added Section 271 to the Communications Act of 1934, as amended, 47 USC 151 et seq. That section specifies the conditions under which a Bell operating company, such as Ameritech Michigan, may provide interLATA services. Subsection (c)(2)(B) sets forth a competitive checklist, which consists of the access and interconnection that a Bell operating company must provide or offer to other telecommunication carriers before the Federal Communications Commission (FCC) can authorize it to provide interLATA services. Subsection (d)(2)(B) requires the FCC to consult with state commissions with respect to the Bell operating company's compliance with the competitive checklist. Subsection (d)(2)(A) requires the FCC to consult also with the United States Attorney General.

On June 5, 1996, on its own initiative, the Commission opened this docket to prepare for its consultation with the FCC. As the time for that consultation nears, it is appropriate to provide additional structure to the process by which the Commission will evaluate Ameritech Michigan's compliance with the competitive checklist.

The federal act requires that a Bell operating company file an application with the FCC for authority to provide interLATA services originating in any in-region State. Subsection (d)(1). The FCC then has no more than 90 days to issue a written determination approving or denying that application. Subsection (d)(3). Within that period, the FCC is required to consult with the United States Attorney General and the respective State commission.

The Commission believes that it can best prepare for the consultation soon to be undertaken by the FCC by creating a public record designed to analyze Ameritech Michigan's compliance with the competitive checklist. After such a record is completed, the Commission will review it and consult with the FCC based on that record.

It would be useful for the Commission to identify the information that it believes would be helpful in evaluating whether Ameritech Michigan has met the requirements of the competitive checklist. Each party can then provide the information that it intends to rely on to support its position.

Attachments A and B to this order identify the specific information that the Commission believes to be useful. Attachment A is intended to elicit information that should describe the general market conditions, the extent of existing competition, and the potential for its development. Attachment B identifies the information by specific checklist item.

To expedite the review of this information and accelerate the introduction of full telecommunications competition in Michigan, the Commission prefers that Ameritech Michigan file information related to a checklist item as soon as it believes it has satisfied the requirements of the specific item. Interested parties may then respond. Furthermore, interested parties are not limited to filing responses to Ameritech Michigan. At any time, parties may file information related to specific checklist items or market conditions.

The Commission believes the following time lines are appropriate.

1. Within 21 days of this order, parties may file a notice of interest in this docket. Parties who have already filed interventions or similar pleadings will be considered to have satisfied this requirement. Interested persons who miss this deadline will be permitted to participate upon filing a notice, but their participation will be on a prospective basis; i.e., they will take the case as they find it.

2. When Ameritech Michigan believes that it has satisfied a particular competitive checklist item, the company should file with the Commission and serve on the interested parties a notice of intent to file information five business days prior to the actual filing.
3. Ameritech Michigan should file the information following established Commission procedures. It should serve the filing on all parties who have filed a notice of interest in this proceeding. In the event Ameritech Michigan believes that the information required to support its position is of a confidential nature, the company shall complete the necessary protective arrangements prior to filing the information.
4. Interested parties will have 14 business days to file replies or comments related to Ameritech Michigan's filing. Again, the filings should be made consistent with established Commission procedures and served on Ameritech Michigan and all other interested parties.
5. Parties may file other information, but the Commission advises the parties that it will be interested only in comments reflecting new or different data rather than a repetition of previous positions or arguments. The Commission stresses it is more interested in the quality of the information than the quantity.
6. Ameritech Michigan and other parties may file information related to general telecommunication market conditions in Michigan at any time in this docket. The Commission, however, encourages Ameritech Michigan to provide such information no later than 45 days prior to its filing with the FCC.
7. Interested parties may file such information as they believe necessary for the Commission's decision at any time during the pendency of this matter. The Commission cautions the parties to be cognizant of the severe time constraints of this process. Last minute filings may limit the ability of the Commission to give full, or any, consideration to the information in late filings.

Finally, the Commission encourages Ameritech Michigan to consult with the Commission Staff on matters related to content, timing, and protection of any information the company intends to file in this docket prior to any filings.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1991 PA 179, as amended by 1995 PA 216, MCL 484.2101 et seq.; MSA 22.1469(101) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, 1992 AACCS, R 460.17101 et seq.
- b. Procedures should be established to provide the information needed to permit the Commission to

consult with the FCC on Ameritech Michigan's compliance with the competitive checklist.

THEREFORE, IT IS ORDERED that the evaluation of Ameritech Michigan's compliance with the competitive checklist will be conducted according to the procedures described in this order.

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

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ John G. Strand
Chairman

(S E A L)

/s/ John C. Shea
Commissioner

/s/ David A. Svanda
Commissioner

By its action of August 28, 1996.

/s/ Dorothy Wideman
Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

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By its action of August 28, 1996.

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Suggested Minute:

Adopt and issue order dated August 28, 1996 establishing procedures to evaluate Ameritech Michigan's compliance with the competitive checklist in Section 271 of the Telecommunications Act of 1996, as set forth in the order.