

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of)
DAYSTARR, LLC, d/b/a DAYSTARR)
COMMUNICATIONS, to expand the geographic)
scope of its license to provide local exchange)
services in all zones and exchange areas in the)
state of Michigan.)
_____)

Case No. U-13993

At the March 16, 2004 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

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

OPINION AND ORDER

On December 29, 2003, DayStarr, LLC, d/b/a DayStarr Communications (DayStarr), filed an application, pursuant to the Michigan Telecommunications Act (MTA), MCL 484.2101 et seq., to amend its license to provide basic local exchange service to include all zones and exchange areas in the state of Michigan.

DayStarr served a notice of opportunity to comment on other local exchange carriers. No comments were filed with the Commission.

The Commission finds that approval of DayStarr’s application is in the public interest. The expansion of the license is conditioned on compliance with the anti-slamming procedures adopted in Case No. U-11900, the number portability provisions of the MTA, and the number reclamation process adopted in Case No. U-12703. Failure to comply fully with those

procedures may result in revocation of the license or other penalties. Further, the expansion of the license is conditioned upon the provision of service to customers in the added exchanges within a reasonable time. Failure to do so may result in revocation of the license.

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. Amending DayStarr's license to provide basic local exchange service is in the public interest.

THEREFORE, IT IS ORDERED that:

A. The license of DayStarr, LLC, d/b/a DayStarr Communications, to provide basic local exchange service is amended to include all zones and exchange areas in the state of Michigan.

B. DayStarr, LLC, d/b/a DayStarr Communications, shall provide basic local exchange service in accordance with the regulatory requirements specified in the Michigan Telecommunications Act, MCL 484.2101 et seq., including the number portability provisions of Section 358, the anti-slamming procedures adopted in Case No. U-11900, and the number reclamation process adopted in Case No. U-12703.

C. Before commencing basic local exchange service in the areas added to the license by this order, DayStarr, LLC, d/b/a DayStarr Communications, shall submit its tariff identifying the additional zones and exchanges in which it will offer service.

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

/s/ J. Peter Lark
Chair

(S E A L)

/s/ Robert B. Nelson
Commissioner

/s/ Laura Chappelle
Commissioner

By its action of March 16, 2004.

/s/ Mary Jo Kunkle
Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

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Suggested Minute:

“Adopt and issue order dated March 16, 2004 amending the license of DayStarr, LLC, d/b/a DayStarr Communications, to provide basic local exchange service, as set forth in the order.”