

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of)	
TALK AMERICA INC. to expand the geographic)	
scope of its license to provide local exchange)	Case No. U-14311
service in the local exchanges currently serviced)	
by SBC Michigan and Verizon North Inc. and Contel)	
of the South, Inc., d/b/a Verizon North Systems.)	
_____)	

At the November 9, 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 October 13, 2004, Talk America Inc. 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 exchanges currently served by SBC Michigan and Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems. It also requested a temporary license.

MCL 484.2301(2) states, "Pending the determination of an application for a license, the commission without notice and hearing may issue a temporary license for a period not to exceed 1 year." Talk America indicates that it is undertaking a substantial investment in Michigan to provide facilities-based competitive local exchange service and that the grant of a temporary

license will significantly assist in those efforts. After a review of the record, the Commission finds that approval of the application is in the public interest.

The temporary license is conditioned upon 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 temporary license, or other penalties. Further, Talk America's temporary 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 temporary 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. Granting Talk America a temporary license to provide basic local exchange service is in the public interest.

THEREFORE, IT IS ORDERED that:

A. Talk America Inc. is granted a temporary license to provide basic local exchange service in all exchanges currently served by SBC Michigan and Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems. The temporary license shall expire upon issuance of the final order granting or denying its application for a permanent license.

B. Talk America Inc. 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 under the temporary license, Talk America Inc. shall submit its tariff identifying the additional 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 November 9, 2004.

/s/ Mary Jo Kunkle
Its Executive Secretary

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 under the temporary license, Talk America Inc. shall submit its tariff identifying the additional 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

Chair

Commissioner

Commissioner

By its action of November 9, 2004.

Its Executive Secretary