

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the request for Commission approval of an interconnection agreement between SBC MICHIGAN and SAGE TELECOM, INC.)	
)	Case No. U-13513
)	
_____)	

In the matter, on the Commission’s own motion, to require SBC MICHIGAN and SAGE TELECOM, INC. , to submit their interconnection agreement for review and approval.)	
)	Case No. U-14121
)	
_____)	

At the June 3, 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

ORDER SOLICITING COMMENTS

On April 28, 2004, the Commission commenced this proceeding after receiving information indicating that the corporate parent of SBC Michigan (SBC) and Sage Telecom, Inc. (Sage), had entered into an interconnection agreement concerning the transaction of business between SBC and Sage in Michigan and several other states. The Commission directed SBC and Sage to file their interconnection agreement in its entirety with the Commission no later than 5:00 p.m. on May 5, 2004.

On May 4, 2004, SBC filed an emergency motion for stay of that order and a petition for rehearing and reconsideration. On May 5, 2004, Sage filed a memorandum in support of SBC’s

pleadings. Additionally, on May 5, 2004, SBC and Sage filed a confidential version of their “commercial agreement,” which was sealed and separated from the docket.

On May 6, 2004, SBC and Sage filed a joint motion for approval of the eighth amendment to their interconnection agreement in Case No. U-13513.

On May 7, 2004, MCImetro Access Transmission Services LLC filed a petition to intervene in the proceedings in both dockets. On May 14, 2004, similar petitions to intervene were filed in Case No. U-14121 by the Competitive Local Exchange Carriers Association of Michigan, Telnet Worldwide, Inc., Quick Communications, Inc., d/b/a Quick Connect USA, Superior Technologies, Inc., d/b/a Superior Spectrum, Inc., Grid 4 Communications, Inc., C.L.Y.K. Inc., d/b/a Affinity Telecom, and CompTel/ASCENT Alliance.

In other pleadings filed on various dates, SBC and Sage oppose intervention by any other entity. The purported interveners oppose SBC’s and Sage’s efforts to stay the proceedings and to seek rehearing of the April 28, 2004 order.

Finally, on May 18, 2004, SBC and Sage withdrew their requests for complete confidentiality of the agreement and submitted a redacted version of the agreement for public inspection. In so doing, SBC and Sage maintain that certain portions of their agreement must remain protected from public disclosure.

Given the amount of interest generated by this proceeding, the Commission finds that interested persons should be given an opportunity to submit written comments on whether the agreement between SBC and Sage comports with applicable state and federal statutory provisions. The Commission is also interested in receiving comments concerning whether approval of the agreement is in the public interest.

Such comments may be submitted by either those entities currently seeking to intervene or by entities that have not yet sought status as interveners. Comments by these entities shall be submitted in accordance with the electronic filing directions contained in the April 28, 2004 order and shall reference Case No. U-14121. Such initial comments shall be submitted no later than June 18, 2004.¹ Thereafter, only SBC and Sage shall be permitted to file reply comments, which shall be filed no later than July 1, 2004.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 et seq.; the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 USC 151 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. Interested persons should be given until June 18, 2004 to file written comments on the SBC/Sage interconnection agreement.
- c. SBC and Sage should be given until July 1, 2004 to file reply comments.

THEREFORE, IT IS ORDERED that:

- A. Interested persons shall be given until June 18, 2004 to file written comments on the interconnection agreement filed in this proceeding by SBC Michigan and Sage Telecom, Inc.
- B. SBC Michigan and Sage Telecom, Inc., shall be given until July 1, 2004 to file reply comments.

¹SBC and Sage are not allowed to submit initial comments.

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 June 3, 2004.

/s/ Mary Jo Kunkle

Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

Chair

Commissioner

Commissioner

By its action of June 3, 2004.

Its Executive Secretary