

**In this issue . . .**

page no.

**2 Features**

- *Michigan Attorney General opposes SBC/Ameritech merger; Ameritech asks for stay of MPSC dialing parity order; USF appeals process announced; MPSC pilot program on electron filing.*

**4 Pending Legislation**

**4 Public Acts**

**5 Orders**

**7 Proposals for Decision**

**7 Arbitration Panel Decisions**

**8 Notices of Hearing**

**9 PSC Hearings**

**10 Applications and Complaints**

**12 Opportunities for Comment**

**12 PSC Meetings**

**13 MTR Subscription Information**

**14 Status of Selected PSC Cases**

**MICHIGAN TELECOMMUNICATIONS REPORT**

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***Index of cases highlighted***

Orders

- U-11743:** MCI v Ameritech: access service/dialing parity
- U-11759:** AT&T v GTE: toll access rates
- U-11832:** Commission's Own Motion: GTE TSLRICs
- U-11851:** Ameritech/GTE: boundary alterations
- U-11857:** Ameritech/GTE: boundary alterations

Decision of Arbitration Panel

- U-11839:** NEXTLINK: interconnection with Ameritech

Notices of Hearing

- U-11877:** Mutual Information Exchange: license application

Applications and Complaints

- U-11877:** Mutual Information Exchange: license application
- U-11884:** L&P Mackall v Ameritech: consumer complaint
- U-11885:** CCCMI: interconnection with Ameritech
- U-11888:** Nextel/GTE: interconnection

Notices of Opportunity to Comment

- U-11880:** Bloomingdale Telco et al.: interim intrastate toll access rates

## FEATURES

### ***MICHIGAN ATTORNEY GENERAL OPPOSES AMERITECH/SBC MERGER***

Michigan Attorney General Jennifer Granholm, joining a broad range of state and national consumer groups, announced on January 20, 1999 her opposition to the merger between SBC Communications, Inc. and Ameritech Corporation. Granholm said, "Claims of the competitive benefits of the SBC-Ameritech merger ring hollow when one considers that despite the concerted efforts of the Michigan Legislature, the Michigan Public Service Commission and my office to foster competition, Ameritech Michigan still serves over 96 percent of the access lines in its service territory. Clearly, approval of the merger would be a significant setback in our effort to bring real competition to the telecommunications market in Michigan." Granholm and Rick Gamber, Michigan Consumer Federation executive director, were Michigan's representatives in a large national coalition of consumer advocates who gathered in Washington and released a jointly prepared white paper entitled, *The Consumer Case Against the SBC-Ameritech Merger*. The report is available on Web at <[www.ag.state.mi.us](http://www.ag.state.mi.us)> or at <[www.consunion.org](http://www.consunion.org)>.

\* \* \*

### ***AMERITECH MICHIGAN ASKS COURT OF APPEALS TO STAY MPSC ORDER REQUIRING DIALING PARITY***

Ameritech Michigan, in a press release issued January 22, 1999 said it has asked the Michigan Court of Appeals to stay the Michigan Public Service Commission's ("MPSC") January 19, 1999 order requiring Ameritech to implement dialing parity in all its Michigan exchanges. Bob Cooper, President of Ameritech Michigan, says the MPSC order "defies the law, ignores the Court's previous ruling on this issue and creates an environment in which regulators, not customers, pick winners and losers in the marketplace." Cooper says that the Michigan Telecommunications Act ("ACT") "clearly links opening the local toll market with our entry into the long-distance business." He added that the Court of Appeals issued a ruling last year "on the very same issue and concluded that it was the legislature's intent to link further dialing parity with long-distance authority." The Commission order concludes that the Act provides for no such linkage. (See Orders, Case No. U-11743, this issue).

\* \* \*

***UNIVERSAL SERVICE FUND  
APPEALS PROCESS ANNOUNCED***

On January 11, 1999, the Schools and Libraries Division (“SLD”) (formerly known as the Schools and Libraries Corporation) announced an appeals process for schools and libraries to follow if they disagree with the Universal Service Fund (E-Rate) discount awarded to their school or libraries made by the Schools and Libraries Division. If a school disagrees with the decision of the SLD they may take one of two actions to appeal that decision. The school may either appeal the decision directly to the SLD through a letter of appeal notifying the SLD why the district disagrees with the amount they were awarded or they may appeal directly to the Federal Communications Commission (FCC). An appeal must be received by either the SLD or the FCC no later than 30 days after the SLD issued the school or library funding commitment decision letter. Appeals may be sent to either, Letter of Inquiry, Schools and Libraries Division, Box 125-Correspondence Unit, 1000 South Jefferson Road, Whippany, NJ 07981 or Federal Communications Commission, Common Carrier Bureau, 1919 M Street N.W., Washington DC 20554.

In an appeal letter, schools and libraries must provide contact information; identify the funding commitment decision letter in question including the applicant name, the form 471 application number, and the billed entity number; identify the particular funding request number from the form 471; and, explain your reason for disagreeing with the fund administrator’s decision. Roderick Coy and Haran Rashes of Clark Hill P.L.C. are available to assist school districts with funding decision appeals. To date there have been five waves of funding commitment decision letters. According to Linda Schatz, director of the Michigan Information Network, Michigan’s total USF funding commitments now reach \$15,298,023.68. It is expected that there will be several more waves before all 1998-1999 universal service fund discount commitments have been awarded.

\* \* \*

***MPSC PILOT PROGRAM ON ELECTRONIC FILING***

On January 15, 1999, the Michigan Public Service Commission Staff hosted a meeting to apprise law firms and utilities, that are presently involved with cases before the Michigan Public Service Commission, of the Commission’s plans to hold a pilot program of electronic case filing. This pilot program will begin in the second quarter of 1999 and will involve select cases filed by Ameritech Michigan and several electric and gas utilities. Under the pilot program all Commission filings in the selected cases will be filed in electronic format through the Commission’s web site. All documents in the case will be submitted in Abode Portable Document Format (PDF). Once a document is filed, it will be available for the general public to review on the Commission’s web site.

\* \* \*

## PENDING LEGISLATION

The following is a list of active telecommunications bills that have been introduced during the current legislative session. Copies of bills and public acts referred to in this column may be obtained by contacting your state senator or representative or from the Legislative Service Bureau Document Room at (517) 373-0169.

<b>Bill No. Sponsor</b>	<b>Date Introduced</b>	<b>Description</b>	<b>Status</b>
SB 6 Rogers	01/13/99	Prohibits telecommunications providers from charging for certain services without customers' consent; adds section 507 to MTA	To Senate Technology & Energy Committee

## PUBLIC ACTS OF 1998

<b>PA No.</b>	<b>Date Effective</b>	<b>Description</b>	<b>Bill Number Sponsor</b>
PA 234	91 days after sine die adjournment	Requires message to terminate when consumer hangs up telephone for automated tape recorded messages	HB 4694 DeHart
PA 253	91 days after sine die adjournment	Prohibits businesses blocking their telephone number when soliciting a product or service during certain hours	HB 5387 Crissman
PA 259	10/01/98	Requires consent of customer for telephone companies switching local or long distance services	SB 837 tie bar with HB 5280 Rogers
PA 260	10/01/98	Requires customer consent for telephone companies switching local or long distance service	HB 5280 tie bar with SB 837 Dobronski

\* \* \*

## ORDERS

**Case No. U-11743**

**MCI Telecommunications Corp v Ameritech Michigan  
(access service)**

Reaffirming previous decisions, the Michigan Public Service Commission (“Commission”) on January 19, 1999 adopted the recommendation of the Proposal for Decision (“PFD”) issued by Administrative Law Judge Daniel E. Nickerson, Jr. (“ALJ”) and ordered Ameritech Michigan to “immediately implement dialing parity in all exchanges to all customers” and to “discount its intraLATA switched access rates by 55% for each interexchange carrier that passes along all of the discount to its customers by reducing its per minute charges for all calls initiated without dialing parity.” MCI Telecommunications Corporation (“MCI”), in an application and complaint filed July 23, 1998, requested that the Commission take such action in order to open the intraLATA market to full competition.

The Commission rejects Ameritech’s argument that dialing parity should be linked with authority to provide interLATA authority, and states that the MTA provides for no such linkage. Ameritech also argued that a competitive market already exists in its entire service area via dial-around service (10-10-XXX), but the Commission concluded “that dialing parity is necessary for effective competition”, and therefore “the lack of dialing parity is adverse to the public interest.” Further, the Commission was not persuaded that the full implementation of dialing parity will wreak havoc on Ameritech’s financial condition, as Ameritech has claimed from the beginning. The Commission states, “That has clearly not happened as a result of implementing dialing parity for 70% of its access lines in Michigan and has not happened in the other Ameritech states.” Further, the Commission points out that the Michigan Telecommunications Act “does not express a policy that competition is to go forward only as long as the incumbents do not experience a reduction in revenues.”

Ameritech had also requested that if the Commission adopted the recommendations of the PFD, it stay the effectiveness of the order until the Supreme Court rules on the appeal of the May 19, 1998 decision of the Court of Appeals which overturned two earlier Commission orders directing Ameritech Michigan to provide intraLATA toll dialing parity across the state and reduce its access charges by 55 percent. The Commission, however, denied the motion for stay, concluding that it does not agree that the Court’s May 19, 1998 decision “controls this case and, consequently does not agree that Ameritech Michigan is likely to prevail upon appeal of this order.”

**Case No. U-11759**

**AT&T Communications of Michigan Inc v  
GTE Systems of Michigan  
(toll access rates)**

The Michigan Public Service Commission (“Commission”), on January 19, 1999, approved the partial settlement agreement, which settled some of the disputed issues, and the final settlement agreement, which settled the remaining disputed issues, in the matter of the complaint of AT&T Communications of Michigan, Inc. (“AT&T”), which sought to resolve a dispute over the intrastate primary interexchange carrier charge (PICC) and certain other intrastate access rates of GTE North Incorporated and Contel of the South, Inc., d/b/a GTE Systems of Michigan (collectively, “GTE”).

The Commission ordered GTE to submit, within 30 days, revised tariff sheets in substantially the same form as those attached to the settlement agreements.

**Case No. U-11832**

**Commission's Own Motion  
(GTE North Incorporated: TSLRIC)**

The Michigan Public Service Commission ("Commission") on January 19, 1999, granted, with modification, the request of AT&T Communications of Michigan, Inc. ("AT&T") to extend the schedule in the matter on the Commission's own motion to consider the total service long run incremental costs for all access, toll, and local exchange services provided by GTE North Incorporated ("GTE"). The Commission issued an order in November 1998 establishing identical schedules for examining the biennial cost studies of both GTE and Ameritech Michigan. AT&T, however, asserted that the identical scheduling would have "the unintended consequence of unnecessarily burdening participating parties and further complicating already complex proceedings" and asked that the Commission amend the schedule by extending the deadline for filing initial comments by two weeks, and extending the deadlines for filing responses and replies to responses by one week. GTE objected to the modification which would reduce the amount of time it would have to respond to the initial comments. While concluding that AT&T's request was reasonable, the Commission also found that GTE's response times should not be shortened and revised the schedule as follows:

January 21, 1999	GTE shall file comprehensive TSLRIC and resale cost studies concerning, at a minimum, all of its access, toll, and local exchange services provided in Michigan. These cost studies should specifically indicate which, and to what extent, the various cost components are being assigned to each of the myriad access, toll, and local exchange service charges imposed by GTE.
January 25, 1999	Interested persons shall file notice of intent to participate
February 4, 1999	Prehearing conference
April 8, 1999	Parties shall file initial comments regarding GTE's filing
April 29, 1999	Parties shall file responses to the April 8, 1999 filings
May 13, 1999	Parties shall file replies to the April 29, 1999 filings

**Case No. U-11851**

**Ameritech Michigan and GTE North Incorporated  
(boundary alterations)**

The Michigan Public Service Commission on January 19, 1999 approved the joint application of Ameritech Michigan and GTE North Incorporated (“GTE”) to alter the geographic areas of their licenses to provide basic local exchange service by transferring certain territory from GTE’s Grass Lake Exchange to Ameritech Michigan’s Jackson Exchange. Applicants had asserted that the transfer was necessary in order to provide service to a new subdivision in the most economical and uniform manner. The Commission order the parties to file within 30 days revised tariffs and new maps reflecting the transfer.

**Case No. U-11857**

**Ameritech Michigan and GTE North Incorporated  
(boundary alterations)**

The Michigan Public Service Commission on January 19, 1999 approved the joint application of Ameritech Michigan and GTE North Incorporated (“GTE”) to alter the geographic areas of their licenses to provide basic local exchange service by transferring certain territory from Ameritech Michigan’s Flint Exchange to GTE’s Rankin Exchange. Applicants had asserted that the transfer was necessary in order to provide service to a new subdivision in the most economical and uniform manner. The Commission order the parties to file within 30 days revised tariffs and new maps reflecting the transfer.

\* \* \*

**PROPOSALS FOR DECISION**

No Proposals for Decision were issued during the previous two-week period.

\* \* \*

**ARBITRATED INTERCONNECTION AGREEMENTS**

**Case No. U-11839**

**NEXTLINK Michigan Inc  
(interconnection agreement with Ameritech Michigan)**

An appointed Arbitration Panel (“Panel”), consisting of Commission employees Ann R. Schneidewind, Robin P. Ancona and Theodora M. Mace, issued a decision on January 14, 1999 in the matter of the petition of NEXTLINK Michigan, Inc. (“NEXTLINK”) for arbitration of an interconnection agreement with Ameritech Michigan, recommending that NEXTLINK be allowed to adopt the terms and conditions of the Commission approved interconnection agreement between MCI and Ameritech Michigan in its entirety. NEXTLINK claimed that its efforts to reach an agreement with Ameritech over adoption of the MCI agreement failed because Ameritech insisted on a

modification to the reciprocal compensation provision which would not allow for payment of reciprocal compensation for the exchange of Internet Service Provider (ISP) traffic. Ameritech argued that the Sec 252 of the Federal Telecommunications Act of 1996 ("ACT") only requires an incumbent local exchange provider ("ILEC") to allow adoption of the provisions of existing agreements related to interconnection, network elements, and service (resale), and that all other terms and conditions, including reciprocal compensation, must be negotiated. Further, Ameritech asserts that reciprocal compensation and interconnection are governed by two separate sections of the Act (Section 251(b)(5) and 251(c), respectively) and thus, the terms and conditions of each are separate. In its decision, the Panel states that "the purpose of the Act to promote competition is better served by NEXTLINK's adoption of the MCI Agreement in its entirety." The Panel finds "Ameritech's definition of interconnection is too narrow" and points out that Ameritech's arguments ignore the fact that "all of Section 251 is entitled "Interconnection." The Panel states that, "To adopt Ameritech's approach would open up the possibility of rampant discrimination against CLECs in determining the terms and conditions of interconnection agreements." Further, the Panel notes that Ameritech has already allowed whole adoption of the MCI agreement by LCI and that "Ameritech's resistance to allowing NEXTLINK to do so may indeed constitute an attempt to circumvent the Commission's recent order requiring reciprocal compensation to be paid for ISP traffic."

\* \* \*

### **NOTICES OF HEARING**

**Case No. U-11877**

**Mutual Information Exchange Inc  
(license application)**

The January 12, 1999 application of Mutual Information Exchange, Inc. for a license to provide basic local exchange service in selected areas currently served by Ameritech Michigan is set for a prehearing conference at 9:00 a.m. on January 27, 1999 at the offices of the Michigan Public Service Commission, 6545 Mercantile Way, Lansing, Michigan. Interventions are due on January 25, 1999.

\* \* \*

## PSC HEARINGS

### **Hearings Scheduled for This Week** (week ending January 22, 1999)

Jan. 19, 1999, 9:00 a.m.

Case No. U-11885

Qwest Communications Corporation (license application)

Prehearing conference

Jan. 19, 1999, 9:00

Case No. U-11821

Bierman v CenturyTel of Michigan (consumer complaint)

Cross-exam all parties

Jan. 20-22, 1999

Case No. U-11757

Commission's Own Motion (procedures to prohibit slamming)

Cross-exam all parties

Jan. 21, 1999, 9:00 a.m.

Case No. U-11854

Gerry Rzeppa v GTE North Incorporated (consumer complaint)

Public hearing

Jan. 22, 1999, 9:00 a.m.

Case No. U-11831

Commission's Own Motion (Ameritech Michigan: TSLRICs)

Motion hearing

### **Future Hearings Scheduled**

Jan. 26, 1999, 9:00 a.m.

Case No. U-11828

Lucre, Inc. (license application)

Cross-exam all parties

Jan. 27, 1999, 9:00 a.m.

Case No. U-11832

Commission's Own Motion (GTE: TSLRICs)

Motion hearing

**Future Hearings Scheduled** (continued)

Jan. 27, 1999, 9:00 a.m.

Case No. U-11877

Mutual Information Exchange Inc (license application)

Prehearing conference

Jan. 28, 1999, 9:00 a.m.

Case No. U-11838

LDM Systems, Inc. (license application)

Cross-exam all parties

Feb. 4, 1999, 9:00 a.m.

Case No. U-11831

Commission's Own Motion (Ameritech Michigan: TSLRICs)

Prehearing conference

Feb. 4, 1999, 1:30 p.m.

Case No. U-11832

Commission's Own Motion (GTE's TSLRICs)

Prehearing conference

**APPLICATIONS AND COMPLAINTS**

**Case No. U-11877**

**Mutual Information Exchange Inc  
(license application)**

Mutual Information Exchange, Inc. ("MIE") filed an application with the Michigan Public Service Commission on January 12, 1999 for a license to provide both resold and facilities-based basic local exchange service in all zones of the Grand Rapids District Exchange, which are currently served by Ameritech Michigan. MIE is a privately-held registered Michigan corporation with offices in Grand Rapids and claims to have the financial, managerial and technical resources and abilities to provide the proposed services.

**Case No. U-11884**

**Lelia and Perry Mackall v Ameritech Michigan**

**(consumer complaint)**

On January 7, 1999 Lelia and Perry Mackall (“Complainants”) of Belleville, Michigan, filed a complaint with the Michigan Public Service Commission against Ameritech Michigan for failure to properly address reported service problems and to properly bill for services. Complainants state that Ameritech has not satisfactorily responded to their reports of interference on their phone line and other unusual phone activity caused by Ameritech’s automated testing equipment, or to their requests to have linebacker coverage deleted from their bill. Complainants request a formal hearing be held.

**Case No. U-11885**

**CCCMI Inc, d/b/a Connect!  
(interconnection agreement with Ameritech Michigan)**

On January 11, 1999, CCCMI, Inc., d/b/a Connect!, (“Connect!”) filed an application requesting Michigan Public Service Commission (“Commission”) approval of an interconnection agreement with Ameritech Michigan. Connect! states that on October 30, 1998, it notified Ameritech that it had elected to enter an interconnection agreement with Ameritech “on the same terms and conditions” contained in the interconnection agreement between Ameritech and Brooks Fiber Communications of Michigan, Inc. and approved by the Commission in Case No. U-11178. Connect! states that Ameritech “has failed to promptly process Connect!’s request” to enter the agreement, but that Connect! has nonetheless prepared and executed an interconnection agreement adopting that agreement. Connect! asserts that Ameritech is “deemed to have executed the Interconnection Agreement” by operation of federal law. CCCMI, Inc is a Michigan corporation with offices in Little Rock, Arkansas.

**Case No. U-11888**

**Nextel West Corp and  
GTE North Incorporated and Contel of the South Inc  
(interconnection agreement)**

Nextel West Corp. (“Nextel”) and GTE North Incorporated and Contel of the South, Inc. (collectively, “GTE”) jointly applied to the Michigan Public Service Commission on January 12, 1999 for approval of an Interconnection Agreement (“Agreement”). Nextel is a commercial mobile radio service (“CMRS”) provider, providing cellular telecommunications services in Michigan. The Agreement has an initial term of one year and establishes financial and operation terms for the interconnection between Nextel and GTE, including the mutual exchange an termination of traffic and provides for compensation. The Applicants state that the Agreement is consistent with public interest and is not discriminatory.

\* \* \*

**NOTICES OF OPPORTUNITY TO COMMENT**

On January 4, 1999, Bloomington Telephone Company, Carr Telephone Company, Hiawatha Telephone Company, Midway Telephone Company, Ogden Telephone Company, Ontonagon County Telephone Company, Peninsula Telephone Company, Upper Peninsula Telephone Company, Waldron Telephone Company, and Westphalia Telephone Company filed an application with the Michigan Public Service Commission (“Commission”) for certain determinations regarding their proposal to implement interim intrastate toll access rates.

The Commission directs the joint applicants to mail a Notice of Opportunity to Comment by February 1, 1999 to the State of Michigan Attorney General and to all access customers of each applicant. The deadline for written comments is March 4, 1999. Affidavits of mailing must be filed with the Commission within 14 days of mailing. See Applications and Complaints, **MTR**, Vol. 15, No. 1, January 8, 1999).

\* \* \*

**SCHEDULED PSC MEETINGS**

February 2, 1999	Tuesday	4:00 p.m.
February 17, 1999	Wednesday	4:00 p.m.

**SUBSCRIPTION INFORMATION**

Mail to Circulation Mgr., Clark Hill, PLC, 2455 Woodlake Circle, Okemos, MI 48864-5941 or phone (517) 381-9193.

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## STATUS OF SELECTED TELECOMMUNICATIONS CASES BEFORE MICHIGAN PUBLIC SERVICE COMMISSION

Case No.	MPSC or Utility	Description	Application or Complaint	Hearing	Briefs or Comments	Reply Brief or Comments	ALJ or Staff Report	Report or Order	Request for Rehearing or Appeal
U-11743	MCI	Complaint v Ameritech: access service	8/18	●	●	●	●		
U-11755	Mid-American	Application: license to provide basic local exchange service	8/19	●				11/18	
U-11756	MPTA	Complaint v Ameritech: payphone rates and services	8/10	●	12/9	12/23			
U-11757	Commission	Procedures to prohibit slamming (Public Acts 259 & 260)	8/20	1/21 x-exam	2/12	3/5			
U-11759	AT&T	Complaint v GTE: access charges	8/13	12/17 x-exam	12/29	1/5			
U-11783	JAS	Application: license to provide basic local exchange service	9/28	12/15 x-exam	1/6	1/18		●	
U-11810	CallUP	Application: license to provide basic local exchange service	10/6	1/5 x-exam	1/19	1/26			
U-11815	TDS	Application: for TSLRIC study	10/8					●	
U-11817	BILAN	Application: license to provide basic local exchange service	10/12	12/14 x-exam	1/20	1/27		●	
U-11821	Bierman	Complaint v CenturyTel re toll charges	10/16	1/19 x-exam	2/2	2/16			
U-11825	NEXTLINK	Complaint v Ameritech: reciprocal compensation	10/29	12/3					
U-11828	Lucre	Application: license to provide basic local exchange service	11/4	1/26 x-exam	2/18	2/25			
U-11830	Ameritech	Proposal on performance measurements	11/2						
U-11831	MPSC	Review of Ameritech's January 1999 biennial cost study	11/5	2/4 x-exam					
U-11832	MPSC	Review of GTE North's January 1999 biennial cost study	11/5	2/4 x-exam					
U-11838	LDM	Application: licenses to provide basic local exchange service	11/6	1/28 x-exam	2/11	2/18			
U-11839	NEXTLINK	Petition: arbitration of interconnection agreement w/Ameritech	11/6	12/17 x-exam					
U-11840	Prein & Newhof	Complaint v Business Discount Plan: slamming	11/10						
U-11841	Accelerated Connections	Joint Application: interconnection agreement w/Ameritech	11/12						

U-11845	Pigeon Telco	Application: rate restructuring	11/24						
U-11848	Navigator	Application: license to provide basic local exchange service	11/20	2/8 x-exam	2/28	3/8			
U-11850	Ameritech	Notice: rate increase	11/16						
U-11851	Ameritech & GTE North	Joint application: boundary alterations	11/25						
U-11855	NOS	Application: to provider basic local exchange service	12/3	12/21					
U-11857	Ameritech & GTE North	Joint application: boundary alteration	12/2						
U-11859	US Xchange	Application: to hold certification in abeyance	12/4					●	
U-11872	Allegiance	Application: license to provide basic local exchange service	12/21	1/7					
U-11873	CoreComm	Application: license to provide basic local exchange service	12/18	12/30					
U-11880	Bloomingdale Telco, et al.	Joint application: interim intrastate toll access rates	1/4						
U-11874	Navigator	Joint application: interconnection agreement w/Ameritech	12/23						
U-11885	Qwest	Application: license to provide basic local exchange service	1/4						