

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the petition of	)	
BRE COMMUNICATIONS, L.L.C. , for	)	
arbitration of interconnection terms, conditions,	)	Case No. U-11551
and prices from GTE NORTH INCORPORATED	)	
and CONTEL OF THE SOUTH, INC. , d/b/a	)	
GTE SYSTEMS OF MICHIGAN.	)	
_____	)	

DISSENTING OPINION OF COMMISSIONER JOHN C. SHEA

(Submitted on January 28, 1998 concerning order issued on same date.)

I am not able to join in the approval of the accompanying order. As I have stated previously, see, November 1, 1996 Dissenting Opinion in Case No. U-11138, the means to reach the result embodied in the accompanying order cannot, as the majority states, arise under federal law. Rather, the Michigan Telecommunications Act, 1991 PA 179, as amended by 1995 PA 216, MCL 484.2101 et seq.; MSA 22.1469(101) et seq., (the "MTA") is the only authority that should control this proceeding.

Based on this reasoning, questions about this Commission's authority and jurisdiction have not been resolved for me. Accordingly, I dissent.

MICHIGAN PUBLIC SERVICE COMMISSION



John C. Shea, Commissioner