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February 18, 2005

Ms. Mary Jo Kunkle
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way, Suite 7
Lansing, MI 48911

Re: Case No. U-12320
Erratum page 14 to Objections of MCI to SBC Accessible Letters Issued on 2/10-11/05 and Request for Immediate Commission Action

Dear Ms. Kunkle:

Enclosed please find original and four copies of revised page 14 to Objections of MCI to SBC Accessible Letters CLECAM05-037, CLECAM05-017, CLECAM05-018, CLECAM05-019 and CLECAM05-020 Issued on February 10 and 11, 2005 and Request for Immediate Commission Action and Proof of Service in the above-referenced matter. The erratum corrects a citation to Case No. U-12540 to the correct docket MPSC Case No. U-12622. The corrected citation is identified in bold in the attached corrected page. This revised page 14 will also be electronically filed.

If you have any questions or comments, do not hesitate to contact me.

Sincerely,

DYKEMA GOSSETT PLLC

Stewart A. Binke

Digitally signed by Stewart A. Binke
DN: CN = Stewart A. Binke, C = US, O = Dykema Gossett
Date: 2005.02.18 12:03:18 -05'00'

Stewart A. Binke

SAB:jmb
Enclosures
cc: James R. Denniston
Service List

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any such declaratory petition, and most certainly the FCC has not issued any declaratory ruling that the Michigan state law on unbundling is preempted.

There is also ample authority under Michigan state law for this Commission to order the UNEs and UNE combinations, which SBC seeks to avoid providing as set forth in the Accessible Letters. The Sixth Circuit has approved of the Commission's actions under state law as not being preempted by federal law. "According to the Federal Communications Commission, as long as state regulations do not prevent a carrier from taking advantage of sections 251 and 252 of the Act, state regulations are not preempted." *Michigan Bell Telephone Co. v. MCIMetro Access Transmission***,** 323 F.3d 348, 359 (6th Cir. 2003).

The Sixth Circuit also stressed that "[w]hen Congress enacted the federal Act, it did not expressly preempt state regulation of interconnection." *Michigan Bell Tel. Co. v. MCImetro Access Trans. Servs., Inc.*, 323 F.3d 348, 358 (6th Cir. 2003). To the contrary, Congress "expressly *preserved* existing state laws that furthered Congress's goals and authorized states to implement additional requirements that would foster local interconnection and competition, stating that the Act does not prohibit state commission regulations 'if such regulations are not inconsistent with the provisions of [the 1996 Act].'" *Id.* (quoting 47 U.S.C. § 261) (emphasis in original). Thus, state commissions have broad "latitude to exercise their expertise in telecommunications and needs of the local market." *Id.* at 352. *Accord Michigan Bell Tel. Co. v. Chappelle*, 222 F. Supp.2d 905, 918 (E.D. Mich. 2002), *aff'd* 93 Fed. Appx. 799 (6th Cir. 2004) (affirming the March 19, 2001 MPSC order in Case No. **U-12622** requiring SBC under state law to provide "transiting" services on the grounds that "[s]ince federal law does not preclude mandatory transiting, under the [1996 Act's]

DYKEMA GOSSETT·A PROFESSIONAL LIMITED LIABILITY COMPANY·124 W. ALLEGAN STREET, SUITE 800·LANSING, MICHIGAN 48933

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter, on the Commission's own motion, to consider **AMERITECH MICHIGAN's** compliance with the competitive checklist in Section 271 of the federal Telecommunications Act of 1996.	)))))	Case No. U-12320

PROOF OF SERVICE

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

Jeanne M. Beachnau, an employee of Dykema Gossett PLLC, being first duly sworn, deposes and says that on the 18th day of February, 2005, she served a copy of revised page 14 to Objections of MCI to SBC Accessible Letters CLECAM05-037, CLECAM05-017, CLECAM05-018, CLECAM05-019 and CLECAM05-020 Issued on February 10 and 11, 2005, and Request for Immediate Commission Action upon persons listed in the attached service list at their respective addresses, by enclosing copies of the same in an envelope properly addressed, and by depositing said envelope in the United States Mail with postage thereon having been fully prepaid and by electronic mail.

Jeanne Beachnau
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Jeanne M. Beachnau

Subscribed and sworn before
me this 18th day of February, 2005.

Trace Graham
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Date: 2005.02.18 10:37:52 -05'00'

Trace Graham, Notary Public, Ingham Co., MI
Acting in Ingham County, Michigan
My Commission Expires: 08/20/06

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