

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of	)	
PENINSULA FIBER NETWORK, LLC,	)	
for the issuance of a temporary and permanent	)	Case No. U-14829
license to provide basic local exchange service.	)	
_____	)	

At the June 15, 2006 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. J. Peter Lark, Chairman
Hon. Laura Chappelle, Commissioner
Hon. Monica Martinez, Commissioner

OPINION AND ORDER

On March 17, 2006, Peninsula Fiber Network, LLC (Peninsula), filed an application, pursuant to the Michigan Telecommunications Act (MTA), MCL 484.2101 *et seq.*, for a license to provide basic local exchange service in the Amasa, Bark River, Bergland, Bessemer, Big Bay, Brevort, Calumet, Champion, Channing, Cornell, Crystal Falls, Curtis, Engadine, Escanaba, Gladstone, Gwinn, Hermansville, Houghton, Iron Mountain, Iron River, Ironwood, Ishpeming, Keweenaw, Lake Linden, Mackinac Island, Marquette, Michigamme, Menominee, Negaunee, Newberry, Norway, Perkins, Powers, Rapid River, Republic, Rock, Sault Ste. Marie, Stephenson, St. Ignace, Trout Lake, Wakefield, and Watersmeet exchanges served by AT&T Michigan. Peninsula received a temporary license on May 25, 2006.

At a hearing on May 23, 2006, Peninsula presented the testimony and exhibits of James P. Brogan III, Secretary. At the close of the hearing, the parties waived compliance with the provisions of Section 81 of the Michigan Administrative Procedures Act, MCL 24.281.

After a review of the application and testimony, the Commission finds that approval of the application is in the public interest. On numerous occasions, the Commission has found that competition can be advantageous to the citizens of this state. Approval of the request for a license to provide basic local exchange service will expand the opportunities for competition. Accordingly, the application should be approved. The grant of a license is conditioned on full compliance with the provisions of the MTA, as well as the anti-slamming procedures adopted in Case No. U-11900 and the number reclamation process adopted in Case No. U-12703. Failure to comply fully may result in revocation of the license or other penalties. Further, the grant of a license is conditioned upon the provision of service to customers within a reasonable time. Failure to do so may result in revocation of the license. Finally, the Commission notes that any numbers obtained by the applicant are a public resource and are not owned by the applicant. Consequently, if the applicant fails to provide service or goes out of business, any numbers assigned to it are subject to reclamation.

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. Peninsula possesses sufficient technical, financial, and managerial resources and abilities to provide basic local exchange service to all residential and commercial customers within the

geographic area of the license and intends to provide service within one year from the date of this order.

c. Granting Peninsula a license to provide basic local exchange service in the requested areas will not be contrary to the public interest.

THEREFORE, IT IS ORDERED that:

A. Peninsula Fiber Network, LLC, is granted a license to provide basic local exchange service in the Amasa, Bark River, Bergland, Bessemer, Big Bay, Brevort, Calumet, Champion, Channing, Cornell, Crystal Falls, Curtis, Engadine, Escanaba, Gladstone, Gwinn, Hermansville, Houghton, Iron Mountain, Iron River, Ironwood, Ishpeming, Keweenaw, Lake Linden, Mackinac Island, Marquette, Michigamme, Menominee, Negaunee, Newberry, Norway, Perkins, Powers, Rapid River, Republic, Rock, Sault Ste. Marie, Stephenson, St. Ignace, Trout Lake, Wakefield, and Watersmeet exchanges served by AT&T Michigan.

B. Peninsula Fiber Network, LLC, 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, Peninsula Fiber Network, LLC, shall submit its tariff reflecting the services that it will offer and identifying the 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 by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, pursuant to MCL 484.2203(12).

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ J. Peter Lark

Chairman

(S E A L)

/s/ Laura Chappelle

Commissioner

/s/ Monica Martinez

Commissioner

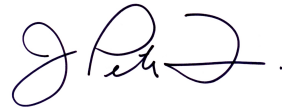
By its action of June 15, 2006.

/s/ Mary Jo Kunkle

Its Executive Secretary

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, pursuant to MCL 484.2203(12).

MICHIGAN PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

By its action of June 15, 2006.



Its Executive Secretary

P R O O F O F S E R V I C E

STATE OF MICHIGAN)

Case No. U-14829

County of Ingham)

Patricia A. Fronta being duly sworn, deposes and says that on June 15th 2006, A.D. she served a copy of the attached Commission order by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.

Patricia
A. Fronta

Digitally signed by
Patricia A. Fronta
DN: CN = Patricia A.
Fronta, C = US, O = Case
Management, OU =
MPSC
Date: 2006.06.16
14:33:17 -04'00'

Patricia Fronta

Subscribed and sworn to before me
this 15th day of June 2006

Sharron A.
Allen

Digitally signed by Sharron A. Allen
DN: cn=Sharron A. Allen, c=US,
o=MPSC, ou=Case Management,
email=saallen@michigan.gov
Date: 2006.06.16 12:36:00 -04'00'

Notary Public, Ingham County, Michigan
My Commission expires August 16, 2011

SERVICE LIST FOR DOCKET # U – 14829 CASE #
DATE OF PREPARATION: 05/26/2006

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