

File Name: 12a0082p.06

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 07-2469
MICHIGAN BELL TELEPHONE COMPANY,
Plaintiff-Appellee,

v.

COVAD COMMUNICATIONS COMPANY; TALK
AMERICA, INC.; XO COMMUNICATIONS
SERVICES, INC.,
Intervenors Defendants-Appellants,

MCLEODUSA TELECOMMUNICATIONS
SERVICES, INC.; TDS METROCOM, LLC,
Intervenors,
J. PETER LARK, Commissioner; LAURA
CHAPPELLE; MONICA MARTINEZ,
Defendants.

Nos. 07-2469/2473

No. 07-2473
MICHIGAN BELL TELEPHONE COMPANY,
Plaintiff-Appellee,

v.

LAURA CHAPPELLE; J. PETER LARK; MONICA
MARTINEZ,
Defendants-Appellants,

COVAD COMMUNICATIONS COMPANY; TALK
AMERICA, INC.; MCLEODUSA
TELECOMMUNICATIONS SERVICES, INC.; TDS
METROCOM, LLC; XO COMMUNICATIONS
SERVICES, INC.,
Intervenors.

On Remand from the United States Supreme Court.
No. 06-11982—Julian A. Cook, Jr., District Judge.

Argued: December 10, 2008

Decided and Filed: March 26, 2012

Before: BATCHELDER, Chief Judge; GILMAN and SUTTON, Circuit Judges.

COUNSEL

ARGUED: Bill Magness, CASEY, GENTZ & MAGNESS, L.L.P., Austin, Texas, Michael A. Nickerson, OFFICE OF THE MICHIGAN ATTORNEY GENERAL, Lansing, Michigan, for Appellants. William Julius Champion III, DICKINSON WRIGHT PLLC, Ann Arbor, Michigan, for Appellee. Scott H. Angstreich, KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, PLLC, Washington, D.C., for Amici Curiae. **ON BRIEF:** Bill Magness, CASEY, GENTZ & MAGNESS, L.L.P., Austin, Texas, Michael A. Nickerson, OFFICE OF THE MICHIGAN ATTORNEY GENERAL, Lansing, Michigan, Michael S. Ashton, FRASER, TREBILCOCK, DAVIS & DUNLAP, P.C., Lansing, Michigan, Steven D. Hughey, OFFICE OF THE MICHIGAN ATTORNEY GENERAL, Lansing, Michigan, for Appellants. William Julius Champion III, Jeffery V. Stuckey, DICKINSON WRIGHT PLLC, Ann Arbor, Michigan, for Appellee. Scott H. Angstreich, KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, PLLC, Washington, D.C., Laurel R. Bergold, FEDERAL COMMUNICATIONS COMMISSION, Washington, D.C., for Amici Curiae.

OPINION

ALICE M. BATCHELDER, Chief Judge. On appeal of this case to the United States Supreme Court, the Court reversed our prior holding and held that the incumbent local exchange carrier, Michigan Bell, must lease its existing entrance facilities for interconnection at cost-based rates. *Talk Am., Inc. v. Mich. Bell Tel. Co.*, 564 U.S. --, 131 S. Ct. 2254, 2260 (2011).

Consequently, we REVERSE the district court's judgment to the contrary and REMAND this case to the district court with instructions to enter an Order consistent with the Supreme Court's opinion.