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December 5, 2014

VIA MESSENGER

Hon. Mary M. Kuhnmuench
Milwaukee County Courthouse
901 N. 9th St., Room 402
Milwaukee, WI 53233

Re: *City of Milwaukee v. Public Service Commission of Wisconsin, et al.*
Case No. 14-CV-009797

Dear Judge Kuhnmuench:

Enclosed for filing in the above-referenced matter please find an original and one copy of the following:

1. Notice of Appearance and Statement of Position of AT&T Wisconsin;
2. Affidavit of Service of Suzanne K. Trotter; and
3. Affidavit of Service of Stacey L. Lorenz.

Kindly have your clerk file the originals and return the file-stamped copies to the awaiting messenger. Please contact me with any questions.

MICHAEL BEST

& FRIEDRICH LLP

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Sincerely,

MICHAEL BEST & FRIEDRICH LLP



Thomas Janczewski

TJ:sll

Enclosures

cc: Anita T. Gallucci (via U.S. Mail, w/o enc.)
Thomas D. Miller (via U.S. Mail, w/o enc.)
Public Service Commission of Wisconsin (via U.S. Mail, w/o enc.)
Attorney General J.B. Van Hollen (via U.S. Mail, w/o enc.)
Richard M. Esenberg (via U.S. Mail, w/o enc.)
David J. Gilles (via U.S. Mail, w/o enc.)
Kira E. Loehr (via U.S. Mail, w/o enc.)
Peter L. Gardon (via U.S. Mail, w/o enc.)
Jeffrey L. Vercauteren (via U.S. Mail, w/o enc.)
Steve Bass (via U.S. Mail, w/o enc.)
Earl Gustafson (via U.S. Mail, w/o enc.)
Steven A. Heinzen (via U.S. Mail, w/o enc.)
Curt Witynski (via U.S. Mail, w/o enc.)
Catherine Phillips (via U.S. Mail, w/o enc.)

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CITY OF MILWAUKEE, a Municipal Corporation)
200 East Wells Street)
Milwaukee, Wisconsin 53202,)

Petitioner,)

vs.)

PUBLIC SERVICE COMMISSION)
OF WISCONSIN)
610 North Whitney Way)
Madison, Wisconsin 53705, and)

WISCONSIN BELL, INC. d/b/a)
AT&T WISCONSIN,)
722 N. Broadway)
Milwaukee, Wisconsin 53202)

Respondents.)

Case No. 14-CV-9797

Case Code: 30607
Administrative Agency Review

**NOTICE OF APPEARANCE AND STATEMENT OF POSITION
OF AT&T WISCONSIN**

PLEASE TAKE NOTICE that pursuant to Wis. Stat. § 227.53(2), Wisconsin Bell, Inc., d/b/a AT&T Wisconsin (“AT&T Wisconsin”) appears in this proceeding by its undersigned attorneys, and asks that copies of all papers subsequent to the Petition for Judicial Review of Petitioner City of Milwaukee (“City”) be served on David J. Chorzempa and Jordan J. Hemaidan at the addresses indicated below.

The position of AT&T Wisconsin with respect to each material allegation of the Petition is as follows:

ALLEGATIONS CONCERNING PARTIES

1. Upon information and belief, AT&T Wisconsin admits the allegations of paragraph 1.
2. Upon information and belief, AT&T Wisconsin admits the allegations of paragraph 2.
3. Upon information and belief, AT&T Wisconsin admits the allegations of paragraph 3.
4. AT&T Wisconsin admits that it was a petitioner in the PSC proceeding, and that it is a regulated public utility with the address listed in paragraph 4. Upon information and belief, AT&T Wisconsin admits the remaining allegations of paragraph 4.
5. Upon information and belief, AT&T Wisconsin admits the allegations of paragraph 5.
6. Upon information and belief, AT&T Wisconsin admits the allegations of paragraph 6.

ALLEGATION CONCERNING VENUE

7. Paragraph 7 states a legal conclusion to which no answer is required.

**ALLEGATIONS CONCERNING PETITIONER'S INTEREST AND FACTS SHOWING
PETITIONER IS AGGRIEVED**

8. AT&T Wisconsin lacks sufficient information to admit or deny the allegations in paragraph 8, and accordingly denies same.
9. Upon information and belief, AT&T Wisconsin admits the allegations of paragraph 9.
10. AT&T Wisconsin admits that the planned Streetcar Project would require AT&T Wisconsin and certain other utilities to relocate and/or modify existing utility structures located

in the public rights-of-way, that AT&T Wisconsin has not begun design engineering for such relocation and/or modification, and that AT&T Wisconsin and other utilities have estimated that such utility relocations and modifications would cost millions of dollars collectively. AT&T Wisconsin lacks sufficient information to admit or deny the allegation in paragraph 10 regarding the status of design engineering by other utilities. Except as admitted, AT&T Wisconsin denies any remaining allegations in paragraph 10.

11. AT&T Wisconsin admits the allegations of the first sentence of paragraph 11. As to the second sentence, AT&T Wisconsin lacks sufficient information to admit or deny the City's characterization of the City's rationale for omitting such funding from its Streetcar Project budget. AT&T Wisconsin further states that Wis. Stat. § 182.017(2) speaks for itself, and denies that the City's characterization of that statute is complete or accurate.

12. AT&T Wisconsin denies the allegations of paragraph 12. AT&T Wisconsin further states that the Commission's Final Decision speaks for itself.

13. AT&T Wisconsin admits that the City's cost of the Streetcar Project will be higher if the City bears the costs of relocating and/or modifying the facilities of AT&T Wisconsin and other utilities, than if the City did not bear those costs. AT&T Wisconsin further states that the Commission's Final Decision speaks for itself.

ALLEGATIONS CONCERNING GROUNDS FOR REVERSAL PURSUANT TO WIS. STAT. § 227.57(5)

14. AT&T Wisconsin denies the allegations of paragraph 14, and denies that the Commission committed any of the errors or illegalities alleged by Petitioner.

15. AT&T Wisconsin denies the allegations of paragraph 15, and denies that the Commission committed any of the errors or illegalities alleged by Petitioner.

16. AT&T Wisconsin denies the allegations of paragraph 16, and denies that the Commission committed any of the errors or illegalities alleged by Petitioner.

ALLEGATIONS CONCERNING GROUNDS FOR REVERSAL PURSUANT TO WIS. STAT. § 227.57(9)

17. AT&T Wisconsin denies the allegations of paragraph 17, denies that the Commission's declaratory order is null and void, and denies that 2013 Wisconsin Act 20 or the cited provisions thereof violate the Wisconsin Constitution.

18. AT&T Wisconsin denies the allegations of paragraph 18, and denies that 2013 Wisconsin Act 20 or the cited provisions thereof lack a rational basis or violate the Wisconsin Constitution.

RESPONSE TO REQUEST FOR RELIEF

19. AT&T Wisconsin denies that Petitioner is entitled to the declaration requested in paragraph 19, and denies that Petitioner is entitled to have this Court reverse, set aside, vacate, and/or remand the Commission's decision.

20. AT&T Wisconsin denies that Petitioner is entitled to the declaration requested in paragraph 20, and denies that Petitioner is entitled to have this Court reverse, set aside, vacate, and/or remand the Commission's decision.

21. AT&T Wisconsin denies that Petitioner is entitled to the declaration requested in paragraph 21, and denies that Petitioner is entitled to have this Court reverse, set aside, vacate, and/or remand the Commission's decision.

22. AT&T Wisconsin denies that Petitioner is entitled to the declaration requested in paragraph 22.

23. AT&T Wisconsin denies that Petitioner is entitled to any relief in this proceeding.

Respectfully submitted this 5th day of December, 2014

MICHAEL BEST & FRIEDRICH LLP

By: 

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AT&T Wisconsin*