

SUPREME COURT OF WISCONSIN

CASE No.: 02-3163

COMPLETE TITLE:

Wisconsin Bell, Inc., (d/b/a Ameritech Wisconsin), a Wisconsin corporation,
Petitioner-Respondent-Cross-Appellant-Petitioner,
v.
Public Service Commission of Wisconsin,
Respondent-Appellant-Cross-Respondent,
Sprint Telecommunications, Inc., Excel Telecommunications, Inc., and AT&T Communications of Wisconsin L.P.,
Co-Appellants-Cross-Respondents.

REVIEW OF A DECISION OF THE COURT OF APPEALS
2004 WI App 8
Reported at: 269 Wis. 2d 409, 675 N.W.2d 242
(Ct. App. 2003-Published)

OPINION FILED: March 17, 2005
SUBMITTED ON BRIEFS:
ORAL ARGUMENT: October 26, 2004

SOURCE OF APPEAL:

COURT: Circuit
COUNTY: Milwaukee
JUDGE: Michael P. Sullivan

JUSTICES:

CONCURRED:
DISSENTED:
NOT PARTICIPATING: ABRAHAMSON, C.J., did not participate.

ATTORNEYS:

For the petitioner-respondent-cross-appellant-petitioner there were briefs by *John E. Flanagan, Jordan J. Hemaïdan* and *Michael Best & Friedrich, LLP*, Madison, and oral argument by *John E. Flanagan*.

For the respondent-appellant-cross-respondent there was a brief by *Diane M. Ramthun, Steven Levine* and the *Public Service Commission of Wisconsin*, Madison, and oral argument by *Diane M. Ramthun*.

For the co-appellants-cross-respondents there was a brief by *Peter L. Gardon, Stephen J. Liccione* and *Reinhart Boerner Van Deuren, S.C.*, Madison (on behalf of Excel Telecommunications and Sprint Communications, Inc., L.P.); and by *Arthur J. LeVasseur* and *Fischer, Franklin & Ford*, Detroit, MI (on behalf of AT&T Communications of Wisconsin, L.P.), and oral argument by *Stephen J. Liccione*.

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NOTICE

This opinion is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 02-3163
(L.C. No. 01 CV 11870)

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FILED

MAR 17, 2005

Cornelia G. Clark
Clerk of Supreme Court

REVIEW of a decision of the Court of Appeals. *Affirmed.*

¶1 PER CURIAM. The court is equally divided on the question of whether the published decision of the court of appeals, Wisconsin Bell, Inc. v. Public Service Commission of Wisconsin, 2004 WI App 8, 269 Wis. 2d 409, 675 N.W.2d 242, should be affirmed or reversed. JUSTICE ANN WALSH BRADLEY, JUSTICE DAVID T. PROSSER, AND JUSTICE LOUIS B. BUTLER, JR. would

affirm; JUSTICE JON P. WILCOX, JUSTICE N. PATRICK CROOKS, AND JUSTICE PATIENCE D. ROGGENSACK would reverse. CHIEF JUSTICE SHIRLEY S. ABRAHAMSON did not participate.

¶2 Accordingly, the decision of the court of appeals is affirmed.

