

# MICHIGAN TELECOMMUNICATIONS REPORT™

A CLARK HILL P.L.C. Publication, Roderick S. Coy\*, Editor

Vol. 15, No. 19, September 17, 1999

## In this issue . . .

### page no.

- 2 Features**
  - New area codes coming to Michigan
  - Commission may face prospect of over 8,000 interconnection agreement
  - Ameritech appeals MPSC decision ordering CLEC access to unbundled loops
  - MPSC Consumer Forums Continue
- 5 Public Acts of 1999**
- 6 Pending Legislation**
- 9 Orders**
- 11 Notices of Hearing**
- 13 PSC Hearings**
- 15 Applications and Complaints**
- 17 Slamming Complaints**
- 18 Opportunities for Comment**
- 19 PSC Meetings**
- 19 MTR Subscription Information**
- 20 Status of Selected PSC cases**

**MICHIGAN TELECOMMUNICATIONS REPORT** (ISSN 08980357) is published every other week by Clark Hill P.L.C., 2455 Woodlake Circle, Okemos, Michigan 48864-5941. Although considerable care is exercised in reporting critical information (filing and hearing dates, etc.), such information should be confirmed with the original source. This newsletter should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult a lawyer concerning your own situation and any specific legal questions you may have. Editor, Roderick S. Coy; Assistant Editor, Kristine M. Clements; Contributor, Haran C. Rashes; Circulation Manager, Julie A. Wood. Annual Subscription \$375.00.

**\*MR. COY IS A MEMBER  
IN THE CLARK HILL P.L.C. LAW FIRM  
DETROIT \* BIRMINGHAM \* LANSING**

COPYRIGHT © 1999

## INDEX OF CASES HIGHLIGHTED

### Orders

- U-11830:** Ameritech: performance measures
- U-11619:** KMC Telecom/Ameritech: interconnection
- U-11660:** AT&T v Ameritech: access charges
- U-11987:** Berry v Excel: slamming
- U-11992:** TC3 Telecom: license
- U-12044:** MIX/Ameritech: interconnection
- U-12046:** Cincinnati Bell: license

### Notices of Hearing - see page 9

### Applications and Complaints

- U-12105:** Midwest Telcom: license
- U-12108:** MVX.COM: license
- U-12109:** Comm South: license
- U-12110:** Coast to Coast/Ameritech: interconnection
- U-12113:** Londo v Hiawatha: consumer complaint
- U-12130:** MECA: rate restructuring

### Slamming Complaints

- U-12031:** Canales v Qwest
- U-12104:** Moore v MCI WorldCom
- U-12114:** Martinez v Qwest

### Notices of Opportunity to Comment

- U-12049:** Frontier: TSLRIC study

**CLARK HILL P.L.C.  
2455 WOODLAKE CIRCLE  
OKEMOS, MICHIGAN 48864-5941  
(517) 381-9193  
<http://www.clarkhill.com>**

## FEATURES

### *NEW AREA CODES COMING TO MICHIGAN*

Michigan's 517 area code will split at the boundary between the Lansing and Saginaw LATAs and four new overlay codes will be implemented in other Michigan area codes within the next 18 months. According to the Communications Industry Services group of Lockheed Martin IMS, which serves as the North American Numbering Plan Administration (NANPA), the 517 area code split is needed "due to an increase in competition in the local phone service market, the growing demand by the public for additional telephone numbers, and a technical requirement in the phone network that allocates phone numbers in blocks of 10,000." Phone customers in the north central area of 517, including Alpena, Bay City, Midland, Mt. Pleasant, and Saginaw, will get the new 989 area code, while phone customers in the south central/Lansing area will retain the 517 area code. An optional dialing period for the new 989 code will begin on August 19, 2000; required dialing will begin on January 21, 2001.

Michigan will also implement its first overlay area code next year. The 810 area code has been assigned the 586 overlay code and optional dialing will begin February 5, 2000. In an overlay area code, a second area code is added to the same geographic area as the existing area code. All existing numbers retain the current area code, while new telephone customers for local phone service, cellular and paging services, and alarms may be assigned a telephone number in the new overlay area code.

This means that all telephone calls made in an overlay area code must utilize 10-digit (area code + seven digit phone number) or 1+10-digit (1+area code +seven digit phone number) dialing. This requirement applies to all calls currently dialed with seven digits in the existing area code and even those within the same area code. The new dialing requirements for Michigan's overlay area codes vary among the different telephone service providers, who will educate their customers to the specific dialing plan, whether it is 10-digits or 1+10 digits. An optional dialing period will occur for three to four months so that customers have an opportunity to become familiar with the new dialing patterns. At the end of the optional dialing period, callers who fail to use the new dialing pattern will receive a recorded message reminding them to use either the 10-digit or 1+10 digit dialing to complete their calls, and will be required to redial. The price of telephone calls, however, will not be affected by the new overlay area codes. According to NANPA, "Local calls will remain local calls regardless of the area code dialed."

Additionally, area code relief plans were recommended in July for southeastern Michigan and include three new overlay codes for the existing 734, 313 and 248 area codes, as shown below.

<i>Existing area code</i>	<i>Split: new code</i>	<i>Overlay: new code</i>	<i>Optional Dialing Begins</i>	<i>Required Dialing Begins</i>
517	989		August 19, 2000	January 21, 2001
810		586	February 5, 2000	May 6, 2000
734		278	July 8, 2000	November 4, 2000
313		679	November 4, 2000	February 3, 2001
248		947	February 3, 2001	May 5, 2001

### **COMMISSION MAY FACE PROSPECT OF OVER 8,000 INTERCONNECTION AGREEMENTS**

On August 18, 1999 Coast to Coast Telecommunications, Inc. (“Coast to Coast”) filed an application with the Michigan Public Service Commission for a Resolution of a Dispute with GTE North Incorporated and Contel of the South, d/b/a GTE Systems of Michigan, (collectively, “GTE”) alleging that rates for reciprocal compensation for termination of local traffic in interconnection between local exchange carriers may be accomplished by tariff, pursuant to various sections of the Michigan Telecommunications Act. GTE responded by saying that the federal Telecommunications Act prescribes “the negotiation, arbitration and adoption of Interconnection Agreements” and without an agreement negotiated or adopted pursuant to Sections 251 and 252 of the federal Telecommunications Act, there is no “basis for the recovery of inter-carrier compensation.”

Coast to Coast’s application further alleges that if, as GTE asserts, every telecommunications provider in the state must enter into a negotiated or arbitrated Interconnection Agreement with each and every other telecommunications provider in the state, “the Commission would be faced with the prospect of having to approve 8,778 interconnection agreements within any 2 or 3 year agreement term period.” If only 5 % of these Interconnection Agreements result in an arbitration pursuant to Section 252 of the federal Act, “the Commission would be faced with 439 arbitrations within a 2 or 3 year term of agreement period.” Since the passage of the federal Telecommunications Act in 1996, the Commission has approved less than 100 Interconnection Agreements, 12 of which were the result of arbitration. None of the existing Approved Interconnection Agreements are between competitive local exchange carriers (CLECs).

### ***AMERITECH APPEALS MPSC DECISION ORDERING***

## **CLEC ACCESS TO UNBUNDLED LOOPS**

Ameritech Michigan has appealed the order of the Michigan Public Service Commission in Case No. U-11735, in the matter of the complaint of BRE Communications L.L.C., d/b/a Phone Michigan, ("BRE") to both the Michigan Court of Appeals (Docket No. 218107) and the U.S. District Court for the Eastern District of Michigan (Docket No. 99-71180). Both appeals are currently being briefed by the parties. The Commission order, issued February 9, 1999, fined Ameritech Michigan \$170,000 and directed the company to cease and desist from violating its interconnection agreement with BRE and the Michigan Telecommunications Act by imposing special construction charges against BRE for unbundled loops. In that order the Commission chastised Ameritech for its "flawed understanding of its obligation to provide nondiscriminatory treatment of competing providers." The Commission noted that, "Ameritech's view of nondiscrimination suggests that any type of treatment is appropriate so long as Ameritech Michigan applies such treatment equally to all CLECs, irrespective of how it treats itself or its end-user customers. This is certainly not what was envisioned by the drafters of the FTA and MTA."

## **CONSUMER FORUMS SCHEDULED-TALK TO THE PSC**

Upcoming statewide Consumer Forums presented by the Michigan Public Service Commission ("Commission") are scheduled as follows:

### **Traverse City**

Tuesday, September 21, 1999 at 6:00 p.m.  
Traverse Area District Library - Meeting Room  
610 Woodmere Avenue

### **Grand Rapids**

Thursday, September 23, 1999 at 6:00 p.m.  
Gerald R. Ford Museum - Auditorium  
303 Pearl Street NW

### **Pontiac**

Monday, September 27, 1999 at 6:00 p.m.  
City Hall - Council Chambers (2<sup>nd</sup> Floor)  
450 East Wide Track Drive

### **Westland**

Thursday, September 30, 1999 at 6:00 p.m.

City Hall - Council Chambers (2<sup>nd</sup> Floor)  
36601 Ford Road

**Detroit**

Tuesday, October 5, 1999 at 6:30 p.m.  
Coleman A. Young Community Center  
Gymnasium (2<sup>nd</sup> Floor)  
2751 Robert Bradby Drive  
(near Chene Street and Lafayette Street-East)

These forums provide utility users the opportunity to participate and meet “face-to-face with an MPSC Commissioner who makes decisions about utility services in Michigan.” Changes in the telephone industry resulting from deregulation—the continual introduction of new services, features, and charges—will be discussed, along with electric and natural gas restructuring.

\* \* \*

**PUBLIC ACTS OF 1999**

Public Act #	Effective Date	Description	Bill Number and Sponsor
PA 32 (immediate effect)	06/01/99	Amends Section 316 of the Michigan Telecommunications Act (1991 PA 179, as amended by 1997 PA 183) by repealing the June 1, 1999 sunset on lifeline services	Enrolled HB 4418 Gilbert II (R-Algonac)
PA 38 (immediate effect)	06/09/99	Provides restrictions on certain Internet access to or for persons under 18 years of age	Enrolled HB 4020 Cassis (R-Nov) )
PA 40 (immediate effect)	06/09/99	Includes felony provisions for Internet use to commit or attempt certain crimes against minors in sentencing guidelines	Enrolled HB 4405 Howell (R-Brant)

PA 78 (immediate effect)		Emergency Telephone Service Enabling Act; includes wireless emergency telephone service	Enrolled HB 4658 Scranton (R-Brighton)
PA 79 (immediate effect)		Emergency Telephone Service Enabling Act; includes wireless emergency telephone service	Enrolled HB 4659 Middaugh (R-Paw Paw)
PA 80 (immediate effect)		Establishes training standards for emergency telephone services	Enrolled SB 492 Van Regenmorter (R-Hudsonville)
PA 81 (immediate effect)		Includes wireless emergency telephone service	Enrolled SB 493 Goschka (R-Saginaw)

### PENDING LEGISLATION

The following is a list of active telecommunications bills that have been introduced during the current legislative session. Copies of bills and public acts referred to in this column may be obtained by contacting your state senator or representative or from the Legislative Service Bureau Document Room at (517) 373-0169.

<b>Senate Bill # Senator</b>	<b>Date Introduced</b>	<b>Description</b>	<b>Status</b>
SB 6 Rogers	01/13/99	Prohibits telecommunications providers from charging for certain services without customers' consent; adds section 507 MTA	To Senate Committee on Technology/Energy
SB 7 Rogers Tie-barred with HB 4345	01/13/99	Provides for increased penalties for use of Internet to commit or attempt certain crimes against minors	Passed House 4/15/99 107-0 Immediate Effect
SB 117 Hammerstrom	01/27/99	Prohibits sexually explicit material furnished to children over the Internet	Passed House 4/15/99 77-30 Immediate Effect

SB 121 Steil	01/27/99	Regulates certain commercial sales solicitations made by telephone and provides for the Attorney General to maintain a "do not call" list	To Senate Committee on Technology/Energy
SB 167 Hart	01/28/99	Provides for increased penalties for use of Internet to commit or attempt certain crimes against minors	To Senate Committee on Judiciary
SB 184 Byrum	02/02/99	Prohibits telephone companies from charging for certain services without customer consent	To Senate Committee on Judiciary
SB 286 Van Regenmorter	02/09/99	Eliminates the exemption for telecommunications providers under the Michigan antitrust reform act	To Senate Committee on Technology/Energy

<b>House Bill # Representative</b>	<b>Date Introduced</b>	<b>Description</b>	<b>Status</b>
HB 4171 Bogardus	02/09/99	Establishes the Internet privacy act	To House Committee on Energy/ Technology
HB 4191 Cassis	02/09/99	Provides for restricting certain Internet access to persons under 18 years of age	Passed House 4/15/99 106-0 To Senate Judiciary Committee
HB 4250 DeHart	02/11/99	Allows means for consumers, upon request, to stop receiving junk telephone calls	To House Committee on Energy/Technology
HB 4252 DeHart	02/11/99	Requires the notification of long distance charges to customers using pay telephones	To House Committee on Energy/Technology

HB 4255 Brater	02/11/99	Prohibits employer monitoring of employee communications unless employer establishes an employee policy and discloses that policy to employees	To House Committee on Employment Relations, Training and Safety
HB 4345 Howell Tie-barred with SB 7	02/25/99	Includes in sentencing guidelines felony provisions for Internet use to commit or attempt certain crimes against minors	Passed House 4/15/99 103-0 To Senate
HB 4376 Vear	03/04/99	Implements requirement for oversight of primary interexchange carrier charges	To House Committee on Energy and Technology
HB 4385 Sanborn	03/09/99	Amends definition of "end user" in sec. 505 of MTA to prohibit the unauthorized switching of a business as well as a residential retail subscriber's long distance carrier	To House Committee on Energy and Technology
HB 4406 Mortimer	03/10/99	Authorizes the transmission, receipt, and storage of information and signatures by electronic means	To House Committee on Insurance and Financial Services
HB 4506 Brewer	04/20/99	Provides for penalties for certain unauthorized revisions to residential telephone customers' services	To House Committee on Energy and Technology
HB 4562 Stallworth	04/22/99	Provides for a 5-member public service commission and prohibits more than 3 members from same political party	To House Committee on Energy and Technology
HB 4804 Shulman	06/17/99	Recodification of Michigan Telecommunications Act	To House Committee on Energy and Technology

\* \* \*

## ORDERS

*Issued September 3, 1999*

**Case No. U-11830**

**Ameritech Michigan  
(performance measures)**

The Michigan Public Service Commission, at a special meeting held September 3, 1999, issued an order granting in part and denying in part Ameritech Michigan's petition for rehearing and clarification of the Commission's May 27, 1999 order which required Ameritech to implement certain performance measurements and to provide reports regarding its success at meeting the Commission-approved standards.

Ameritech argued in its petition that the Commission should alter its findings or delay implementation of the May 27 order due to the pending proposed merger of SBC Communications, Inc. ("SBC") and Ameritech Corporation. According to Ameritech, both Ohio's and Texas' state commission have adopted performance measures for the merged companies different from those adopted by the Michigan Commission, and other Ameritech subsidiaries have agreed to implement performance measures that are consistent in large part with those approved in Texas. Further, Ameritech expects that the Federal Communications Commission ("FCC") will adopt a set of performance measures that may be part of the approval process for the merger, thus implementing uniform requirements over a regional area. The Commission, however, finds that Ameritech's request to defer implementation of the Commission's performance measurements should be denied because, "[t]here is no sound reason to wait for another state or federal agency to act before Ameritech Michigan should begin implementation of the adopted performance measurements. If, after the pending proceedings have concluded, Ameritech Michigan should desire alterations in some of the performance measures, it may seek approval for such changes by petition to this Commission or to the body enacting conflicting measurements." The Commission placed Ameritech on notice "that the Commission will not approve alternatives that fail to adequately address competitive concerns" and that Ameritech "bears the burden of demonstrating how the change better measures critical elements or provides a less burdensome alternative that delivers the same or better information aimed at assisting competition that the measurement adopted by the Commission." Further, the Commission notes that there "is no indication that the FCC will adopt performance measurements that will preempt the Commission's jurisdiction on these issues."

Ameritech also argued in its petition that it cannot implement certain requirements within the Commission-mandated 60 days, and that the company needs additional time. The Commission finds that Ameritech failed to sufficiently support this argument with "specific, identified problems and their solutions", and that Ameritech's further delay in implementation could disadvantage the Commission's position to comment on Ameritech's performance for the company's next FCC

application for approval to provide interLATA service.

The Commission does admit that its adoption of the disaggregation set out in the FCC's Notice of Proposed Rulemaking (CC Docket No. 98-56 (NPRM) issued April 17, 1998) "may have inadvertently required the company to disaggregate dispatch from non-dispatch orders on measurements for which the distinction has no meaning" and has modified its order accordingly. The Commission states that "any requirement to disaggregate orders, other than completion notices, based on whether a dispatch is required is modified to exclude those electronic operations that occur prior to the event being identified as requiring a dispatch."

***Issued September 14, 1999***

**Case No. U-11619**

**KMC Telecom Inc and Ameritech Michigan  
(interconnection)**

The Michigan Public Service Commission ("Commission"), on September 14, 1999, approved the joint application of KMC Telecom II, Inc. ("KMC II"), KMC Telecom III, Inc. ("KMC III") and Ameritech Michigan to amend their Interconnection Agreement ("Agreement"). The Agreement was approved by the Commission on February 25, 1998 and was also amended on April 12, 1999. The parties subsequently negotiated to add KMC III, an affiliate of KMC II, as a party to the agreement.

**Case No. U-11660**

**AT&T Communications of Michigan Inc v  
Ameritech Michigan**

Pursuant to the order filed September 14, 1999 by the Michigan Public Service Commission, parties wishing to respond to AT&T Communications of Michigan, Inc.'s ("AT&T") petition to compel compliance (filed August 17, 1999) will have until September 21, 1999. AT&T alleged in its petition that Ameritech Michigan has implemented a new PICC tariff that is in violation of the Commission's October 26, 1998 order in this docket. MCI WorldCom and Sprint Communications Company L.P. have already filed responses.

**Case No. U-11987**

**Janice Berry v Excel Telecommunications Inc  
(slamming)**

On September 14, 1999, the Michigan Public Service Commission approved the settlement agreement between Janice Berry ("Complainant") and Excel Telecommunications, Inc. ("Excel") and dismissed the complaint with prejudice. Complainant alleged that Excel had switched her toll service without her authorization. The settlement agreement provides for Excel to credit Complainant's account for the disputed charges and fees incurred for switching carriers and to pay her \$500 in restitution.

**Case No. U-11992**

**TC3 Telecom Inc  
(license)**

On September 14, 1999, the Michigan Public Service Commission granted to TC3 Telecom, Inc. ("TC3") a license to provide basic local exchange service in the following exchanges currently served by Frontier: Addison, Adrian, Blissfield, Britton, Clinton, Hillsdale, Hudson, Morenci, Ogden Center, Onsted, Sand Creek, Tecumseh, and Tipton. TC3 is a newly established Michigan corporation and is located in Adrian, Michigan.

**Case No. U-12044**

**Mutual Information Exchange Inc and Ameritech Michigan  
(interconnection)**

On September 14, 1999, the Michigan Public Service Commission approved the Interconnection Agreement ("Agreement") jointly submitted by Mutual Information Exchange, Inc. ("MIX") and Ameritech Michigan. The Agreement has an initial term expiring on July 16, 2000, and establishes financial and operation terms for physical interconnection between the two companies' networks, mutual and reciprocal compensation for the exchange of traffic originated on their respective networks, unbundled access to Ameritech Michigan's network elements, physical collocation, number portability, resale, access to databases, and a variety of other business relationships. The Agreement results from MIX's decision to adopt the agreement between Us Xchange L.L.C., which was approved by the Commission on February 25, 1998 in Case No. U-11618. MIX, a Michigan corporation with offices located in Kentwood, Michigan, was granted a license to provide basic local exchange service on April 23, 1999 in Case No. U-11877.

**Case No. U-12046**

**Cincinnati Bell Long Distance Inc  
(license)**

The Michigan Public Service Commission, on September 14, 1999, granted Cincinnati Bell Long Distance, Inc. ("CBLD") a license to provide basic local exchange service in the exchanges currently served by Ameritech Michigan. CBLD presently resells long distance service and products, voice mail and paging service mainly in Ohio, Indiana, Michigan, Kentucky and Pennsylvania. CBLD is a subsidiary of Cincinnati Bell, Inc., an Ohio Corporation, which also controls Cincinnati Bell Telephone Company, the local exchange service provider in the Cincinnati, Ohio metropolitan area.

\* \* \*

**NOTICES OF HEARING**

**Note:** All the following hearings will be held in the offices of the Michigan Public Service Commission, 6545 Mercantile Way, Suite 7, Lansing.

**Case No. U-12080**

**Preferred Carrier Services, d/b/a/ Phones for All  
(license)**

The August 31, 1999 application of Preferred Carrier Services, d/b/a Phones for All, d/b/a Teléfonos Para Todos, for a license to provide basic local exchange service throughout Michigan in LATA exchanges currently served by Ameritech Michigan is set for a prehearing conference at 9:00 a.m. on September 16, 1999. Interventions are due on or before September 14, 1999. (See also **MTR**, Applications and Complaints, Vol. 15, No. 18, September 3, 1999).

**Case No. U-12082**

**One Stop Telecommunications Inc  
(license)**

The August 31, 1999 application of One Stop Telecommunications, Inc. for a license to provide basic local exchange service throughout Michigan in LATA exchanges currently served by Ameritech Michigan is set for a prehearing conference at 10:00 a.m. on September 16, 1999. Interventions are due on or before September 14, 1999. (See also **MTR**, Applications and Complaints, Vol. 15, No. 18, September 3, 1999).

**Case No. U-12084**

**Atlas Communications Ltd  
(license)**

The August 31, 1999 application of Atlas Communications, Ltd. for a license to provide basic local exchange service throughout Michigan in LATA exchanges currently served by Ameritech Michigan is set for a prehearing conference at 11:00 a.m. on September 16, 1999. Interventions are due on or before September 14, 1999. (See also **MTR**, Applications and Complaints, Vol. 15, No. 18, September 3, 1999).

**Case No. U-12090**

**Coast to Coast Telecommunications Inc v  
GTE North Incorporated and Contel of the South  
(local traffic termination compensation)**

A prehearing conference in the matter of the August 18, 1999 complaint filed by Coast to Coast Telecommunications, Inc. against GTE North Incorporated and Contel of the South, d/b/a GTE Systems of Michigan, is scheduled for September 13, 1999 at 9:00 a.m. (See also **MTR**, Applications and Complaints, Vol. 15, No. 17, August 20, 1999).

**Case No. U-12105**

**Midwest Telecom Company  
(license)**

The September 2, 1999 application of Midwest Telecom Company for a license to provide local exchange telecommunications services in the Detroit LATA exchanges in areas currently

served by Ameritech Michigan and GTE North Incorporated is set for a prehearing conference at 9:00 a.m. on September 20, 1999. Interventions are due on or before September 16, 1999. (See also **MTR**, Applications and Complaints, Vol. 15, No. 19, September 17, 1999).

**Case No. U-12108**

**MVX.COM Communications Inc  
(license)**

The September 7, 1999 application of MVX.COM Communications, Inc. for a license to provide, on both a resale and facilities-based basis, basic local exchange service throughout Michigan in the zone and exchange areas in which GTE North Incorporated, Contel of the South, Inc., d/b/a GTE Systems, and Ameritech Michigan are the incumbent local exchange carriers is set for a prehearing conference at 9:00 a.m. on September 24, 1999. Interventions are due on or before September 22, 1999. (See also **MTR**, Applications and Complaints, Vol. 15, No. 19, September 17, 1999).

**Case No. U-12109**

**Comm South Companies Inc  
(license)**

The September 7, 1999 application of Comm South Companies, Inc. for a license to provide local exchange telecommunications service in all of the exchanges currently served by Ameritech Michigan and GTE North Incorporated is set for a prehearing conference at 9:00 a.m. on September 24, 1999. Interventions are due on or before September 22, 1999. (See also **MTR**, Applications and Complaints, Vol. 15, No. 19, September 17, 1999).

\* \* \*

**PSC HEARINGS**

<p><b>Hearings Scheduled for Last Week</b> (ending September 10, 1999)</p>
--

September 7, 1999, 9:00 a.m.  
Case No. U-12031/motion hearing  
Canales v Qwest (slamming)

September 8, 1999, 1:30 p.m.  
Case No. U-12047/prehearing  
CyberZone v Ameritech et al. (billing procedures)

September 9, 1999, 9:00 a.m.  
Case No. U-11940/prehearing and motion hearing  
Saubier, Siegan & Sanfield PC v  
MCI WorldCom, AT&T Communications of  
Michigan Inc, and Ameritech Michigan  
(consumer complaint)

September 10, 1999, 9:00 a.m.  
Case No. U-11976/cross-exam all parties  
Martinez v Qwest (slamming)

**Hearings Scheduled for This Week (ending September 17, 1999)**

September 13, 1999, 9:00 a.m.  
Case No. U-12090/prehearing  
Coast to Coast Telecommunications v GTE North  
Incorporated and Contel of the South, d/b/a GTE  
Systems of Michigan (local traffic termination  
compensation)

September 14, 1999, 10:00 a.m.  
Case No. U-12041  
Bob Miller's Shore Optical Inc v  
Advantage Telecom (slamming)

September 15, 1999, 9:00 a.m.  
Case No. U-12019  
Midwest Door and Window Co. v Ameritech  
(consumer complaint)

September 15, 1999, 1:30 p.m.  
Case No. U-12042  
Thomas C. DeWard v Ameritech (consumer  
complaint)

September 16, 1999, 9:00 a.m.  
Case Nos. U-12061- U-12066/prehearing  
Hoay Ha, et al. v Qwest (slamming)

September 16, 1999, 9:00 a.m.  
Case No. U-12080/prehearing  
Preferred Carrier Services (license)

September 16, 1999, 10:00 a.m.  
Case No. U-12082/prehearing  
One Stop Telecommunications (license)

September 16, 1999, 11:00 a.m.  
Case No. U-12084/prehearing  
Atlas Communications (license)

**Future Hearings Scheduled**

*The Michigan Public Service Commission hearings listed below are subject to cancellation. Interested persons should confirm with the Commission all hearing information on the day before the hearing. Additional hearings not listed here may also be scheduled.*

September 20, 1999, 9:00 a.m.  
Case No. U-12105/prehearing  
Midwest Telcom (license)

September 24, 1999, 9:00 a.m.  
Case No. U-12109/prehearing  
Comm South Companies (license)

September 24, 1999, 9:00 a.m.  
Case No. U-12108/prehearing  
MVX.COM Communications (license)

**APPLICATIONS AND COMPLAINTS**

**Case No. U-12105****Midwest Telecom Company  
(license)**

On September 2, 1999, Midwest Telecom Company (“Midwest”) applied to the Michigan Public Service Commission for a license to provide basic local exchange service on a resale basis only in the Detroit LATA exchanges served by Ameritech Michigan and GTE North Incorporated. Midwest states that it is a Michigan corporation and that it plans to market its services to the Chaldean and Arab business communities of southeastern Michigan, in which Midwest’s principal, Mr. Kevin Bahri, is active. Midwest intends to “provide opportunity to members of these communities for the purchase of telecommunication services which presently does not exist.” Midwest states, however, that it is “committed to offering the same services to all on a non-discriminatory basis”, and claims to have the requisite managerial, financial and technical resources and abilities. (See also **MTR**, Notices of Hearing, Vol. 15, No. 19, September 17, 1999).

**Case No. U-12108****MVX.COM Communications Inc  
(license)**

On September 7, 1999, MVX.COM Communications, Inc. (“MVX.COM Communications”) applied to the Michigan Public Service Commission for a license to provide, on both a resale and facilities-based basis, basic local exchange service throughout Michigan in the zone and exchange areas in which GTE North Incorporated, Contel of the South, Inc., d/b/a GTE Systems, and Ameritech Michigan are the incumbent local exchange carriers. MVX.COM Communications states that it is a California corporation with offices located in Novato, California, and that it is a wholly-owned operating subsidiary of MVX.COM, also a California corporation. Further, MVX.COM Communications states that it possesses sufficient technical, financial, and managerial resources and abilities to provide the proposed services, and that it intends to mirror the exchange boundaries of the incumbent providers.

**Case No. U-12109****Comm South Companies, Inc  
(license)**

On September 7, 1999, Comm South Companies, Inc. (“Comm South”) applied to the Michigan Public Service Commission for a license to provide basic local exchange service in all of the exchanges currently served by Ameritech Michigan and GTE North Incorporated. Comm South states that it is a Texas corporation located in Dallas. Comm South expects to become a wholly-owned subsidiary of Topp Telecom, Inc. (“Topp”) when Topp completes its purchase of the balance of Comm South’s stock sometime this month. “Comm South proposes to offer, on a prepaid basis, resold flat rate, basic local exchange services” and “will market its service to persons who are unable to obtain or qualify for service from the traditional local exchange service providers . . . .” Comm South states that its service will be priced higher than that of other providers “due to the risks associated with serving customers with credit and payment problems and the limited market.”



**(rate restructuring)**

On September 13, 1999, the Michigan Exchange Carriers Association, Inc. (“MECA”), on behalf of Ace Telephone Company of Michigan, Inc., Allendale Telephone Company, Barry County Telephone Company, Blanchard Telephone Association, Inc., Bloomingdale Telephone Company, Carr Telephone Company, CenturyTel of Michigan, CenturyTel Midwest, CenturyTel of Northern Michigan, CenturyTel of Upper Michigan, Chapin Telephone Company, Drenthe Telephone Company, Ogden Telephone Company, Sand Creek Telephone Company, Springport Telephone Company, and Waldron Telephone Company (collectively, the “Telephone Companies”), filed an application with the Michigan Public Service Commission for approval to restructure their basic local exchange rates pursuant to Section 304a of the Michigan Telecommunications Act (“MTA”). Each of the Telephone Companies is a licensed basic local exchange service provider in Michigan and is a member of MECA. MECA indicates that six of these telephone companies request approval to restructure their rates, and that the other ten companies propose no rate change, but “are participating to ensure compliance with statutory requirements.” Those companies proposing to restructure their rates are Allendale Telephone Company, Barry County Telephone Company, CenturyTel of Michigan, CenturyTel of Northern Michigan, Ogden Telephone Company and Sand Creek Telephone Company. MECA states that its application is supported by the joint TSLRIC study of MECA, which was filed under confidential cover in Case No. U-11448; by the proxy cost study of GTE North Incorporated, which was filed under confidential cover in Case No. U-11281, and by attachments to the instant application. According to MECA, the rate restructuring proposals set forth in this application “are the final step for these companies in moving rates to TSLRIC by January 1, 2000, as required by the MTA. Although the Telephone Companies propose no changes to their access service rates as part of this application, they do “request a clarification whether they are allowed and/or required to raise their access rates above the corresponding federal rates, or whether their current access rates that are below TSLRIC will be deemed to be lawful so that each company is in compliance with the rate requirement of the MTA.”

\* \* \*

**SLAMMING COMPLAINTS**

**Case No. U-12031**

**Dagaberto and Mary Canales v Qwest  
(slamming)**

On September 13, 1999, the Michigan Public Service Commission Staff (“Staff”) filed an appeal of the Administrative Law Judge’s ruling compelling Staff’s response to certain of Qwest’s interrogatories. Staff claims that the interrogatories “bear no relevance to either the claim or the defense in this case and clearly exceed the permissible scope of discovery.” Further, Staff asserts that the challenged responses are “unduly burdensome” and “appear solely intended to harass the

Staff.” Staff states that the compilation and production of the requested information necessitated “approximately 21 labor hours of needless work”, and given the approximately 30 formal slamming complaints which have been filed to date, does not have the resources to perform this type of “discovery” search for all formal cases. Staff argues that “Qwest’s disingenuous theories of alleged ‘selective enforcement’ or alleged ‘subsequent remedial measures’ bear no relevance to (1) whether Qwest slammed the Complainant’s telephone service or (2) whether the Commission imposed ‘any and all’ of the remedies available to it. Qwest should not be permitted to conduct open-ended fishing expeditions in an attempt to deflect attention from the real issues in this case.”

**Case No. U-12104**

**Brian and Darlene Moore v MCI WorldCom  
(slamming)**

On September 2, 1999, Brian and Darlene Moore (“Complainants”) of Lansing, Michigan, filed a formal complaint with the Michigan Public Service Commission alleging that they were notified by MCI WorldCom (“MWC”) that their telephone service would be disconnected on September 4, 1999 unless they paid an outstanding balance of \$1,606.64. Complainants state that MWC “has been sent numerous documents by us, my attorney and the U.S. Bankruptcy Court showing this to be discharged” under a Chapter 7 proceeding, but MWC “has yet to acknowledge and accept this.” Further, Complainant states that MWC “put a block on our phone number which was never authorized.”

**Case No. U-12114**

**Enrique G. Martinez v Qwest Communications  
(slamming)**

On September 10, 1999, Enrique G. Martinez (“Complainant”) of Kalamazoo, Michigan, filed a formal complaint with the Michigan Public Service Commission alleging that Qwest Communications (“Qwest”) had switched his long distance telephone service without his authorization. Complainant is requesting reimbursement of out-of-pocket expenses totaling at least \$528, the imposition of fines of at least \$10,000 and the entry of a Cease and Desist Order against Qwest.

\* \* \*

### **NOTICES OF OPPORTUNITY TO COMMENT**

**Case No. U-12049**

**Frontier Communications of Michigan Inc  
(TSLRIC study)**

On July 27, 1999, Frontier Communications of Michigan, Inc. (“Frontier”) filed an application with the Michigan Public Service Commission (“Commission”) for approval of a total

service long run incremental cost study. The Commission directed Frontier to issue a Notice of Opportunity by August 6, 1999 to the State of Michigan Attorney General and to all licensed local exchange companies and facility-based interexchange companies operating in Michigan as of August 6, 1999. The deadline for written comments is September 27, 1999. Reply comments are due on October 6, 1999. (See **MTR**, Applications and Complaints, Vol. 15, No. 16, August 6, 1999).

\* \* \*

### **SCHEDULED PSC MEETINGS**

September 28, 1999	Tuesday	4:00 p.m.
--------------------	---------	-----------

\* \* \*

### **SUBSCRIPTION INFORMATION**

Mail orders to Circulation Mgr., Clark Hill, PLC, 2455 Woodlake Circle, Okemos, MI 48864-5941 or phone (517) 381-9193. Annual subscription rates: single subscription: \$375 (U.S. currency); \$175 (each additional subscription within the same firm). Please make checks payable to Clark Hill PLC.

\* \* \*

## STATUS OF SELECTED TELECOMMUNICATIONS CASES BEFORE MICHIGAN PUBLIC SERVICE COMMISSION

Case No.	MPSC or Utility	Description	Application, Complaint or Order	Hearing	Briefs or Comments	Reply Brief or Comments	ALJ or Staff Report	Report or Order	Request for Rehearing or Appeal
U-11831	MPSC	Review of Ameritech's January 1999 biennial cost study	11/5/98	●					
U-11832	MPSC	Review of GTE North's January 1999 biennial cost study	11/5/98	●					
U-11899	TAM	Michigan universal service mechanism	2/5	●	8/18	9/1			
U-11940	Saubier et al.	Complaint v AT&T and MCI WorldCom: transfer of service	5/7	9/9					
U-11964	MCTA	and Harron Cablevision: Complaint v Detroit Edison: pole attachment	4/19	7/20					
U-11981	MPSC	Investigation of AT&T and MCI procedures for transferring service	5/11						
U-12003	Range	Application: license to provide basic local exchange service	6/7	9/14 x-exam	9/28	10/12			
U-12010	Hyperion	Application: license to provide basic local exchange service	6/9	9/15 x-exam	9/29	10/12			
U-12013	AT&T	Objections to 1999 Public Utility Assessment	6/14	8/11					
U-12014	CONNECT!	Application: license to provide basic local exchange service	6/15	9/28 x-exam	10/12	10/26			
U-12029	JATO	Application: license to provide basic local exchange service	6/30	10/6 x-exam	10/13	10/20			
U-12030	GTEL	Application: license to provide basic local exchange service	6/30	9/14 x-exam	9/22	10/5			
U-12035	MCImetro	Complaint v Ameritech: resale services	7/6	8/16					
U-12039	AT&T	Complaint v Ameritech: interconnection	7/8	10/21 x-exam	11/5	11/12			
U-12040	Omniplex	Application: license to provide basic local exchange service	7/8	9/20 x-exam	10/7	10/14			
U-12043	Coast	Complaint v Ameritech: interconnection	7/14	10/28 x-exam	11/8	11/19			
U-12047	CyberZone	Complaint v Ameritech: billing procedures	7/22	9/8					

U-12048	NET-Tel	Application: license to provide basic local exchange service	7/29	10/26 x-exam	11/2	11/16			
U-12049	Frontier	Application: TSLRIC study	7/27		9/27				
U-12053	Allegiance	Joint application: interconnection agreement with Ameritech	8/2						
U-12054	Coast to Coast	Application: intraLATA toll dialing parity plan	8/17						
U-12055	Ntegrity	Application: license to provide basic local exchange service	8/10	10/14 x-exam	10/28	11/04			
U-12056	The Free Network	Application: license to provide basic local exchange service	7/23	10/21 x-exam	11/4	11/8			
U-12057	Zenk Grp	Application: license to provide basic local exchange service	8/10	10/14 x-exam	10/20	11/11			
U-12058	CommcoTec	Application: license to provide basic local exchange service	7/27	9/30	10/14	10/21			
U-12070	DSLnet	Joint application: interconnection agreement with Ameritech	8/9						
U-12071	Ace Telco et al.	Services for hearing impaired	8/18						
U-12072	MCI WorldCom	Complaint v Ameritech Michigan: provisioning of dedicated unbundled local transport	8/11	9/21					
U-12077	Ameritech	Application: license to provide basic local exchange service	8/25						
U-12080	PCS	Application: license to provide basic local exchange service	8/31	9/16					
U-12082	One Stop	Application: license to provide basic local exchange service	8/31	9/16					
U-12084	Atlas	Application: license to provide basic local exchange service	8/31	9/16					
U-12085	Frontier	Application: intraLATA toll dialing parity plan	8/18						
U-12090	Coast	Complaint v GTE: local traffic termination compensation	8/18	9/13					
U-12105	Midwest	Application: license to provide basic local exchange service	9/2						

U-12108	MVX.COM	Application: license to provide basic local exchange service	9/7						
U-12109	Comm South	Application: license to provide basic local exchange service	9/7						
U-12130	MECA	Application: rate restructuring	9/13						