

# MICHIGAN TELECOMMUNICATIONS REPORT™

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## In this issue . . .

### page no.

- |           |                                                                                    |
|-----------|------------------------------------------------------------------------------------|
| <b>2</b>  | <b>Features</b>                                                                    |
|           | <i>P</i> MPSC Web site moves to new server                                         |
|           | <i>P</i> FCC authorizes Bell Atlantic to provide long distance service in New York |
| <b>3</b>  | <b>Public Acts of 1999</b>                                                         |
| <b>4</b>  | <b>Pending Legislation</b>                                                         |
| <b>6</b>  | <b>Orders</b>                                                                      |
| <b>13</b> | <b>Proposals for Decision</b>                                                      |
| <b>15</b> | <b>Notices of Hearing</b>                                                          |
| <b>15</b> | <b>PSC Hearings</b>                                                                |
| <b>16</b> | <b>Applications and Complaints</b>                                                 |
| <b>20</b> | <b>Slamming Complaints</b>                                                         |
| <b>21</b> | <b>Opportunities for Comment</b>                                                   |
| <b>22</b> | <b>PSC Meetings</b>                                                                |
| <b>22</b> | <b>MTR Subscription Information</b>                                                |

## MICHIGAN TELECOMMUNICATIONS

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DETROIT \* BIRMINGHAM \* LANSING

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## INDEX OF CASES HIGHLIGHTED

### Orders

- U-10138:** MCI v Ameritech/GTE: intraLATA toll access
- U-11743:** MCI v Ameritech: intraLATA dialing parity
- U-11704:** Level 3/Ameritech: interconnection
- U-11831:** Commission's Own Motion: Ameritech TSLRIC
- U-12031:** Canales v Qwest: slamming
- U-12042:** DeWard v Ameritech: consumer complaint
- U-12056:** Free Network: license
- U-12107:** AADSM/Ameritech: interconnection
- U-12146:** Lennon Telco: rate restructuring
- U-12149:** Chippewa County Telco: TSLRIC study
- U-12162:** Hiawatha Telco: rate restructuring
- U-12168:** Baraga Telco: rate restructuring
- U-12190:** GTE: rate restructuring
- U-12191:** Crawford v Ameritech: consumer complaint
- U-12194:** Timison v Vista: slamming
- U-12195:** Timison v ATS: slamming
- U-12207:** InterAccess/GTE: interconnection
- U-12212:** InterAccess/Ameritech: interconnection

### Applications and Complaints

- U-11340:** Climax/Ameritech: interconnection
- U-11467:** Sprint Spectrum/Ameritech: interconnection
- U-12234:** Suretel/Ameritech: resale agreement
- U-12238:** Baraga Telco/Ameritech: interconnection
- U-12239:** Cl<sup>2</sup>: license
- U-12244:** Sprint Spectrum/GTE: interconnection
- U-12246:** AT&T: objections to assessment
- U-12232:** NEXTLINK: amended license
- U-12248:** Ameritech: notice of rate increase
- U-12253:** BroadBand: license
- U-12254:** CTSI: license

### Slamming Complaints

- U-12159:** Camera v Qwest
- U-12242:** Alzheimers Assn v Communications Bill
- U-12245:** Sheree Pratt v Sprint Communications

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## FEATURES

### **MPSC WEB SITE MOVES TO NEW SERVER**

The Michigan Public Service Commission has announced that the MPSC Web site was moved to a new server on December 16, 1999 to provide a faster connection, quicker downloads and faster page loading. "Please only use the new URL to access the MPSC Web site. If you have saved pages on the MPSC Web site with "ermisweb" as part of the address (URL) as a "Favorite" or a "Bookmark", you will want to resave the page. If you do not resave the page you will see a message indicating the site has been moved and the new URL for the main page." The new URL is <<http://cis.state.mi.us/mpsc>>

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### **FCC AUTHORIZES BELL ATLANTIC TO PROVIDE LONG DISTANCE SERVICE IN NEW YORK**

On December 22, 1999, the Federal Communications Commission for the first time approved, 5-0, a Regional Bell Operating Company's ("BOC") application to provide long distance telephone service and thereby fulfilling "one of the key pro-competitive goals of the 1996 Telecommunications Act." The FCC says that the decision to allow Bell Atlantic into New York State's long distance market "promises substantial benefits for consumers in the form of new service providers, lower prices, tailored and bundled service packages, and better customer service." Elements that the FCC found particularly important to the success of the Section 271 process of opening New York's local markets to competition include:

- 1) full and open participation by all interested parties;
- 2) extensive independent third party testing of Bell Atlantic's operation support systems (OSS) offering;
- 3) development of clearly defined performance measures and standards; and,
- 4) adoption of performance assurance measures with substantial penalties that create a strong financial incentive for post-entry compliance with the section 271 checklist by Bell Atlantic.

The FCC stresses that "Bell Atlantic must continue to comply with the check list requirements, and that the Commission has a number of enforcement tools at its disposal, including imposing penalties or suspension of approval."

\* \* \*

**PUBLIC ACTS OF 1999**

Public Act #	Effective Date	Description	Bill Number and Sponsor
PA 31 (immediate effect)	05/28/99	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 32 (immediate effect)	08/01/99	Provides for increased penalties for use of Internet to commit or attempt certain crimes against minors	Enrolled SB 7 Rogers (R-26, Brighton)
PA 33 (immediate effect)	08/01/99	Prohibits sexually explicit material furnished to children over the Internet	Enrolled SB 117 Hammerstrom (R-17, Temperance)
PA 37 (immediate effect)	08/01/99	Provides for restricting certain Internet access to persons under 18 years of age	Enrolled HB 4191 Cassis (R-38, Novi)
PA 39 (immediate effect)	08/01/99	Includes in sentencing guidelines, felony of using the Internet to commit or attempt to commit certain crimes against minors	Enrolled HB 4345; Tie-barred with SB 7 (PA 32) Howell (R-94, St. Charles)
PA 78 (immediate effect)	06/28/99	Emergency Telephone Service Enabling Act; includes wireless emergency telephone service	Enrolled HB 4658; Tie-barred with HB 4659, SB 492, SB 493. Scranton (R-66, Brighton)
PA 79 (immediate effect)	06/28/99	Emergency Telephone Service Enabling Act; authorizes and regulates membership in a 9-1-1 emergency service district	Enrolled HB 4659; Tie-barred with HB 4658, SB 492, SB 493. Middaugh (R-80, Paw Paw)
PA 80 (immediate effect)	06/28/99	Emergency Telephone Service Enabling Act; Establishes training standards for emergency telephone services	Enrolled SB 492; Tie-barred with HB 4658, HB 4659, SB 493. Van Regenmorter (R-22, Hudsonville)

PA 81 (immediate effect)	06/28/99	Emergency Telephone Service Enabling Act; Includes wireless emergency telephone service	Enrolled SB 493; Tie-barred with HB 4658, HB 4659, SB 492. Goschka (R-33, Brant)
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### 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, on the Michigan Legislature Web site, <<http://www.michiganlegislature.org/>> or from the Legislative Service Bureau Document Room at (517) 373-0169.

Senate Bill # Senator	Date Introduced	Description	Status
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 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
SB 667 Dunaskiss	06/17/99	Provides equal access to broadband Internet access and provides for penalties	To Senate Committee on Technology/Energy
SB 886 Hammerstrom	11/10/99	Clarifies MPSC authority to investigate and create a state universal service fund	To Senate Committee on Technology/Energy

House Bill # Representative	Date Introduced	Description	Status
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HB 4171 Bogardus	02/09/99	Establishes the Internet privacy act	To House Committee on Energy/Technology
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 4376 Vear	03/04/99	Implements requirement for oversight of primary interexchange carrier charges	To House Committee on Energy/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/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/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/Technology
HB 4804 Shulman	06/17/99	Recodification of Michigan Telecommunications Act	To House Committee on Energy/Technology
HB 4948 Lemmons	10/05/99	Revises allowable charge for operator or toll service	To House Committee on Energy/Technology
HB 5116 Middaugh	11/09/99	Provides for a universal service fund	To House Committee on Energy/Technology
HB 5117 Middaugh	11/09/99	Clarifies MPSC's authority to investigate and create a state universal service fund and extends the deadline for carriers to restructure rates and implement restructured rates	To House Committee on Energy/Technology

## **ORDERS**

Orders issued December 16, 1999

**Case No. U-10138**

**MCI Telecommunications Corporation v  
Ameritech Michigan and GTE North Incorporated  
(interLATA toll access)**

**Case No. U-11743**

**MCI Telecommunications Corporation v  
Ameritech Michigan  
(intraLATA dialing parity)**

On December 16, 1999, the Michigan Public Service Commission (“Commission”) issued an order remanding for further proceedings before an administrative law judge the unresolved issues regarding intraLATA dialing parity and the 55% discount applied on intraLATA access charges in those areas where intraLATA dialing parity was not effectuated. On October 11, 1999, Ameritech Michigan filed a motion requesting a contested case proceeding to address the unresolved issues related to the Michigan Supreme Court’s decision in *In re MCI Telecommunications Complaint*, 460 Mich 396; 596 NW2d 164 (1999), which upheld the Commission’s authority to apply the 55% discount. Ameritech alleges that it has attempted to finalize the amounts owed to various interexchange carriers (IXCs), but that the parties have not been able to agree on several issues, including a process that would establish the legitimacy of the IXCs’ claims. Ameritech also maintains that the parties cannot agree on Ameritech’s entitlement to collect undiscounted access charges from January 1, 1996 through June 30, 1997. AT&T Communications of Michigan, Inc. responded that Ameritech’s proposed process will not expedite a final resolution of the dispute and that the Commission should first focus its attention on two purely legal issues: “the scope and effect of prior orders from the Supreme Court and the Commission; and, the extent to which the prohibition on retroactive ratemaking affects Ameritech’s claims for money or offsets.”

In its order, the Commission directs “all interested persons to file statements that identify all the issues that they believe need to be resolved. The statement should include not only the interested party’s position with regard to each of the unresolved issues, but also all necessary calculations and supporting documentation that will be relied upon at the evidentiary hearing.” The filing deadline is January 6, 2000. Any interested person who is not already a party may file a petition for leave to intervene, a statement of position, and the required documentation.

**Case No. U-11704**

**Level 3 Communications LLC and Ameritech Michigan  
(interconnection)**

On December 16, 1999, the Michigan Public Service Commission approved the amendment to the Interconnection Agreement (“Agreement”) between Level 3 Communications, L.L.C. and Ameritech Michigan. The amendment sets forth the interim rates, fees, and charges that will apply between the expiration of the Agreement approved by the Commission on July 24, 1998 and a successor agreement. The Commission “finds that the amendment is consistent with federal and state law and is in the public interest.”

**Case No. U-11831**

**Commission’s Own Motion  
(Ameritech Michigan’s TSLRIC)**

On December 16, 1999, the Michigan Public Service Commission (“Commission”) issued an order modifying the schedule for subsequent filings established in the Commission’s November 16, 1999 order in this proceeding. Ameritech sought additional time to implement certain of the Commission’s directives set forth in the November 16 order due to the complex and interrelated nature of the required filings. Ameritech proposed a revised schedule that would result in the submission of all necessary filings by February 14, 2000. The Commission “agrees with Ameritech’s assertion that the issues involved in the outstanding filings are relatively complex”, but concludes that Ameritech’s proposed schedule “should be modified to result in the submission of all outstanding filings no later than February 1, 2000.” The following schedule was adopted:

- (1) All nonrecurring cost studies concerning switched access, as well as all recurring cost studies regarding unbundled loops, entrance facilities for unbundled interoffice facility transport, special access, and switched access, should be filed by January 10, 2000.
- (2) All nonrecurring cost studies concerning other unbundled network elements, other basic local exchange, and other special access, as well as all recurring cost studies concerning other unbundled network elements, basic local exchange, other switched access, other special access, and toll service, should be filed by January 20, 2000.
- (3) All tariffs regarding collocation, unbundled network elements [M.P.S.C. Tariff 20R, Part 19], and interconnection [M.P.S.C. 20R, Part 23] should be filed by February 1, 2000.
- (4) All other filings necessitated by the November 16 order remain due by 5:00 p.m. today, December 16, 1999.

**Case No. U-12031**

**Dagaberto and Mary Canales v  
LCI International Telecom Corp., d/b/a Qwest Communications Services  
(slamming)**

The Michigan Public Service Commission (“Commission”), on December 16, 1999, issued an order concluding that LCI International Telecom Corp., d/b/a Qwest Communications Services, (“Qwest”) had switched the telephone service of Dagaberto and Mary Canales (“Complainants”) without authorization, and made false representations in connection with its provision of toll service. The Commission directs Qwest to pay a fine of \$21,000.00 to the State of Michigan, restitution of \$152.14 to Complainants, and to cease and desist from further violations of the Michigan Telecommunications Act (“MTA”) and the Commission’s anti-slamming procedures. The Commission also concludes that the Complainants and the Commission Staff are entitled to recover costs, including reasonable attorney fees, from Qwest and its counsel. The Commission finds that Qwest’s arguments that Mrs. Canales lacks standing and that reliance on a forged Letter of Authorization is a bona fide error are both unsupported by the MTA and therefore devoid of any arguable legal merit and frivolous under Section 209 of the MTA. The Commission states that it “does not reach this conclusion lightly”, but that from the beginning, “Qwest’s strategy appears to have been to delay and to increase the burden on the other parties.”

**Case No. U-12042**

**Thomas C. DeWard v Ameritech Michigan  
(consumer complaint)**

On December 16, 1999, the Michigan Public Service Commission (“Commission”), as recommended by the Administrative Law Judge (“ALJ”), dismissed with prejudice the complaint of Thomas C. DeWard (“Complainant”) against Ameritech Michigan regarding Ameritech’s practice of disclosing customer proprietary network information (“CPNI”). The Commission agreed with the ALJ’s determination that neither the Michigan Telecommunications Act (“MTA”) or the administrative rules adopted pursuant to the MTA, Privacy Standards for Telecommunications Services, make it illegal for Ameritech to use a customer’s CPNI without the express approval of the customer. Although Complainant’s exceptions acknowledged that the ALJ’s determination was correct, he requested that “the Commission convert his complaint proceeding into a rulemaking proceeding, which he maintains will provide the Commission with an opportunity to adopt additional rules to protect the privacy of customers.” The Commission, however, rejected that request, stating that “it is not appropriate to use a contested case proceeding commenced pursuant to the filing of a formal complaint for the purpose of adopting administrative rules. Rather, rules must be adopted in accordance with the rulemaking provisions of the Michigan Administrative Procedures Act.” Further, the Commission notes that in its December 6, 1999 order in Case No. U-12019, “the Commission observed that restrictions regarding the use of CPNI are contained in section 222 of the Federal Telecommunication Act of 1996 and regulations adopted by the Federal Communications Commission interpreting that section. Therefore, the Commission concludes that a complaint of this nature “falls under the auspices of federal, not state, law” and dismisses the complaint for failure to state a claim for relief under the MTA.

**Case No. U-12056**

**The Free Network LLC  
(license)**

On December 16, 1999, the Michigan Public Service Commission granted to The Free Network, L.L.C. (“TFN”) a license to provide basic local exchange service in all exchanges currently served by Ameritech Michigan and GTE North Incorporated. TFN is a Michigan limited liability company with headquarters in Troy, Michigan.

**Case No. U-12107**

**Ameritech Advanced Data Services of Michigan Inc and  
Ameritech Michigan  
(interconnection)**

The Michigan Public Service Commission, on December 16, 1999, approved the joint application for approval of an Interconnection Agreement between Ameritech Advanced Data Services of Michigan, Inc. (“AADSM”) and Ameritech Michigan, both wholly-owned subsidiaries of Ameritech Corporation. The Agreement has an initial term that expires on August 25, 2001 and establishes comprehensive financial and operational terms for unbundled access to Ameritech Michigan network elements, collocation, resale of certain telecommunications services, and a variety of other business relationships. AADSM indicates it will be utilizing the interconnection agreement with Ameritech Michigan “to provide frame relay service, switched multi-megabit data service, asynchronous transfer mode service, high speed access services, and other data and private line services.” AADSM represented that it is not licensed to provide basic local exchange service in Michigan and does not intend to seek such certification.

**Case No. U-12146**

**Lennon Telephone Company  
(rate restructuring)**

On December 16, 1999, the Michigan Public Service Commission (“Commission”) issued an order allowing Lennon Telephone Company (“Lennon”) to increase its rates for basic local exchange service. The Commission determined that the approved increases will put Lennon’s residential and business rates at or above the total service long run incremental cost of the services. The Commission approved a restructured residential basic local exchange rate of \$20.70 and a restructured business basic local exchange rate of \$22.44. However, the Commission did not approve the proposed new service offerings, stating that a Section 304a restructuring proceeding is not the proper forum in which to implement new service offerings, and that Lennon has not provided cost studies that support the new offerings. “The Commission cannot assume that a TSLRIC study done on an average cost basis provides an adequate basis for determining the TSLRIC of new services.” Lennon is a Michigan corporation located in Lennon, Michigan, and provides basic local exchange service to less than 250,000 end-users in the Durand, Gaines, Lennon, New Lothrop and Owosso exchanges.

**Case No. U-12149**

**Chippewa County Telephone Company  
(TSLRIC study)**

Subject to certain modifications, the Michigan Public Service Commission (“Commission”),

on December 16, 1999, approved the total service long run incremental cost (TSLRIC) study submitted by Chippewa County Telephone Company (“Chippewa”). Chippewa had previously relied on a cost study prepared by Michigan Exchange Carriers Association, Inc., but prepared its own cost study which it intended would serve as a basis for rate restructuring in a separate application to be filed later. In reply comments, Chippewa agreed to modify its study to incorporate the Commission Staff’s (and, in part, Ameritech Michigan’s) positions on fill factors, expense factors, common costs, and the MOU demand for switching costs. The Commission states that it “accepts these adjustments.” Further, the Commission expects, as it did of Frontier in its October 13, 1999 order in U-12049, that future TSLRIC filings will “identify forward-looking costs rather than simply relying on historical expenses.” Chippewa must file within 28 days its revised TSLRIC study consistent with the December 16, 1999 order. Chippewa, a Michigan corporation with its principal office located in Brimley, Michigan, provides service to approximately 1,500 end users in the Bay Mills and Brimley Exchanges.

**Case No. U-12162**

**Hiawatha Telephone Company  
(rate restructuring)**

On December 16, 1999, the Michigan Public Service Commission (“Commission”) issued an order authorizing Hiawatha Telephone Company (“Hiawatha”) to increase its basic local exchange service rates and nonrecurring charges, as modified by the order, but denied Hiawatha’s request to implement its access rate proposal. Hiawatha’s request to restructure its rates was based on the TSLRIC study submitted in Case No. U-11996, which the Commission approved with modifications. The Commission approves Hiawatha’s proposed restructured residential and business basic local exchange rates of \$15.74, and approved, as modified by this order, Hiawatha’s proposed nonrecurring charges. However, Hiawatha’s access rate proposal is denied by the Commission because Hiawatha “failed to provide a basis for the Commission to conclude which, if any, of Hiawatha’s mirrored access service rates are in fact below TSLRIC. Hiawatha’s TSLRIC study is flawed, and it has made the rate comparison on a category of service basis, which the Commission has previously rejected.” Hiawatha is a Michigan corporation located in Munising, Michigan, and provides service to approximately 6,000 end-users in the Deer Park, Eckerman, Grand Marais, Hiawatha Forest, Hulbert, Munising, Paradise, Seney and Shingleton Exchanges.

**Case No. U-12168**

**Baraga Telephone Company  
(rate restructuring)**

The Michigan Public Service Commission (“Commission”), on December 16, 1999, approved Baraga Telephone Company’s (“Baraga”) request to increase its rates for basic local exchange service but rejected Baraga’s proposed new service offerings, multi-line discount, and the increases in the nonrecurring charges. Baraga’s filing is based on the total service long run incremental cost (TSLRIC) study submitted by the Michigan Exchange Carriers Association, Inc. in Case No. U-11448, which the Commission approved with modifications on January 28, 1998. The Commission

approves a restructured residential basic local exchange rate of \$17.53 and a restructured business basic local exchange rate of \$20.11, and states that the rates will now “be at or above the TSLRIC of the services.” Baraga’s new service offerings were rejected by the Commission because “Section 304a restructuring is not the proper forum to implement new service offerings, and the company has not provided cost studies that support the new offerings. The Commission cannot assume that a TSLRIC study done on an average cost basis provides an adequate basis for determining the TSLRIC of new services.” Further, the Commission denies Baraga’s proposal to discount some business lines and its proposal to increase its nonrecurring charges. The Commission concludes that neither proposal is supported by Baraga’s TSLRIC study. Baraga, a Michigan corporation located in Baraga, Michigan, currently provides service to less than 250,000 end-users in the Alston, Baraga, Calumet, Houghton, Keewenaw, L’Anse, Lake Linden and Tapiola Exchanges.

**Case No. U-12190**

**GTE North Incorporated  
(rate restructuring)**

On December 16, 1999, the Michigan Public Service Commission dismissed without prejudice the application of GTE North Incorporated (“GTE”) to restructure its rates for basic local exchange service. On December 2, 1999, GTE filed a request to withdraw the application.

**Case No. U-12191**

**Kenneth L. and Jolynn Crawford v  
Ameritech Michigan  
(consumer complaint)**

On December 16, 1999, the Michigan Public Service Commission dismissed without prejudice the complaint of Kenneth L. and Jolynn Crawford (“Complainants”) against Ameritech Michigan. By letter dated November 15, 1999, the Complainants requested to withdraw the complaint.

**Case No. U-12194**

**John Timison v Vista Communications  
(slamming)**

The Michigan Public Service Commission (“Commission”), on December 16, 1999, dismissed with prejudice the complaint of John Timison (“Complainant”) against Vista Communications (“Vista”) alleging that Vista switched his telephone service provider in violation of the Michigan Telecommunications Act (“MTA”). The Commission approved the settlement agreement, submitted by the parties on December 2, 1999, in which Vista agrees to pay \$1,500.00 to Complainant and to give a full credit for all charges it imposed in full satisfaction of the complaint. The Commission notes, however, that payment of \$1,500.00 may not constitute “adequate compensation to the complainant in all slamming complaints” and that “cases may arise in which a telecommunications service provider’s alleged violation of the MTA (and its potential effect on the public as a whole) may warrant further proceedings and the imposition of additional penalties, notwithstanding the complainant’s agreement to settle its claims and dismiss the complaint.”

**Case No. U-12195**

**John Timison v American Telecommunications Systems Inc  
(slamming)**

On December 16, 1999, the Michigan Public Service Commission dismissed with prejudice the complaint of John Timison (“Complainant”) against American Telecommunications Systems, Inc. (“ATS”) alleging that his telephone service provider had been switched in violation of the Michigan Telecommunications Act. Complainant requested to withdraw the complaint with prejudice on November 24, 1999.

**Case No. U-12207**

**InterAccess Telecommunications Co and  
GTE North Incorporated and Contel of the South Inc,  
d/b/a GTE Systems of Michigan  
(interconnection)**

The Michigan Public Service Commission, on December 16, 1999, approved the Interconnection Agreement (“Agreement”) between InterAccess Telecommunications Co. (“InterAccess”) and GTE North Incorporated and Contel of the South, Inc., d/b/a GTE Systems of Michigan, (collectively, “GTE”). The Agreement results from the decision of InterAccess to adopt the agreement between GTE and BRE Communications, L.L.C., which was approved by the Commission on February 17, 1999 in Case No. U-11551. The Agreement between InterAccess and GTE will expire on March 3, 2002, and governs interconnection, resale, unbundling, and other services. InterAccess, an Illinois corporation located in Chicago, is licensed to provide both resold and facilities-based basic local exchange service in all zones and exchanges in the service areas presently served by Ameritech and GTE.

**Case No. U-12212**

**InterAccess Telecommunications Co and  
Ameritech Michigan  
(interconnection)**

The Michigan Public Service Commission, on December 16, 1999, approved the Interconnection Agreement (“Agreement”) between InterAccess Telecommunications Co. (“InterAccess”) and Ameritech Michigan. The Agreement results from the decision of InterAccess to adopt the terms and conditions of the interconnection agreement between US Xchange L.L.C. and Ameritech Michigan, which was approved by the Commission on February 25, 1998 in Case No. U-11618. The Agreement between InterAccess and Ameritech will expire on July 16, 2000, and establishes comprehensive financial and operational terms for the physical interconnection between Ameritech’s and InterAccess’s networks, mutual and reciprocal compensation for the exchange of traffic originated on their respective networks, unbundled access to Ameritech’s network elements, physical collocation, number portability, resale, access to databases, and a variety of other business relationships. InterAccess, an Illinois corporation located in Chicago, is licensed to provide both

resold and facilities-based basic local exchange service in all zones and exchanges in the service areas presently served by Ameritech and GTE.

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## **PROPOSALS FOR DECISION**

**Case No. U-12043**

**Coast to Coast Telecommunications Inc v  
Ameritech Michigan  
(interconnection dispute)**

On December 17, 1999, Administrative Law Judge James N. Rigas (“ALJ”) issued his Proposal for Decision (“PFD”) in the matter of Coast to Coast Telecommunications, Inc.’s (“Coast”) complaint against Ameritech Michigan regarding the rates, terms and conditions of certain services, application to resolve disputes between the parties, and request for declaratory rulings. The ALJ recommended that the Michigan Public Service Commission (“Commission”) enter an order dismissing the complaint and granting the application “to resolve disputes between the parties in accordance with the findings, recommendations and conclusions presented [in the PFD].” Coast, a Michigan corporation with principal offices located in Clarkston, Michigan, is licensed to provide basic local exchange services in Michigan. Coast purchases Ameritech’s Centrex service and then resells it to various unaffiliated end-users as a means of providing basic local exchange service to its customers. In the early 1990s, another reseller, Americom Telemanagement, also selling Centrex services under contracts with Ameritech, was involved in billing disputes and an arbitration proceeding with Ameritech. “Coast agreed to take over management of 13 Americom Centrex services” and was required by Ameritech to “pay a total of over \$2.5 million (payments of \$43,000.00 per month to be made for 60 months) to prevent Ameritech from enforcing its security interest in the Ameritech lines. As payments are made, Ameritech is to release its security interest in a corresponding percentage of the lines.” Payments have been made since July 1995 and there are now 47 total Centrex services contracts purchased or managed by Coast under this arrangement.

The Centrex Agreements at issue in this case were executed prior to the passage of the federal Telecommunications Act of 1996 and prior to the 1995 Amendments to the Michigan Telecommunications Act, and thus prior to the existence of Ameritech’s wholesale/resale Centrex offerings contained in Tariff M.P.S.C. No. 20R, Part 22, Section 5. Further, the retail Centrex offering has been grandfathered and is no longer available. Coast disputes and has withheld payments of certain amounts which Ameritech has billed to Coast. The ALJ notes that Coast and Ameritech “have agreed and represent that if the Commission resolves the overriding tariff, contract and legal issues in dispute, that the proper amounts can be determined outside this proceeding.”

Resale Discount. The ALJ in his PFD “is persuaded that the discounted rates in the resale tariffs

should not apply to regulated components of the service.” Since the tariff expressly permits the use of contracts for Centrex, and since the Centrex Agreements state that the rates to be charged by Ameritech for regulated Centrex services are fixed for the term of the contract, the ALJ finds no inconsistency in this case. Even though Ameritech’s Retail Centrex Tariff has experienced rate increases for the loops purchased by Coast, the rate increases were not passed on to Coast. The ALJ also finds that “the subsequent addition of a wholesale/resale Centrex offering is not mutually exclusive to Ameritech’s retail Centrex products and did not automatically change Coast’s existing Centrex agreements.” Further, the ALJ states that “Coast has the option of transitioning off its retail Centrex Agreements and purchasing Ameritech’s wholesale/resale Centrex offering out of the appropriate tariff or pursuant to the interconnection agreement.”

Unaffiliated End-User Restriction. Although Coast also argued that it had lost the ability to provide a volume discount to customers otherwise entitled to receive it by virtue of aggregating other unaffiliated end-users on the same Centrex system, the ALJ finds that the end-user restriction is not anti-competitive or contrary to requirements of the MTA or the federal Telecommunications Act of 1996.

Call Routing/Automatic Route Selection. Coast also stated that it paid for the Automatic Route Selection (ARS) feature in its Centrex agreements and directed Ameritech to route all intraLATA toll traffic from its end-users to Coast and all overflow to another carrier other than Ameritech to avoid having Ameritech handle any of the traffic. Coast claims, however, that Ameritech violated the routing instructions and then improperly imposed charges for toll service. The ALJ finds that Coast has “not shown Ameritech has failed to follow Coast’s routing instructions” and concludes that “Coast has an obligation to notify Ameritech, on a code by code basis, of how Coast wants Ameritech to route traffic to new MPA/NXX codes”, rather than expecting Ameritech to “apply some general rule of thumb for Coast’s routing preferences . . . .”

Long Distance Charges. Coast states that its end-users have engaged in casual usage of IXCs, for whom Ameritech is the billing agent, through such methods as dial-around and credit card calling. Coast objects to Ameritech’s billing Coast for this casual usage because it has no arrangements with either Ameritech or the IXCs for this traffic. Coast says that it would be willing to charge its end-users for this traffic, but has no system in place to do so and feels the IXCs could bill the end-users directly. Coast suggests that the best solution to this problem is for Ameritech to block the traffic and to implement procedures to advise the IXCs that casual calls will not be billed by Coast. Ameritech maintains that Coast is responsible for the bills and can collect from its end-users. The ALJ states that Coast failed to establish that Ameritech has a duty to block the calls in question and therefore rejects Coast’s requested relief.

Assumed Contracts. Coast notes that the Commission’s November 16, 1999 order in Case No. U-11831 allowed Ameritech to provide a lower discount for existing contracts that are assumed by another provider, but that the order failed to specify the amount of the discount. Consequently, Coast

maintains that until tariffs are filed setting forth the appropriate rate for assumed contracts, the existing 19.96% discount should apply as the only rate approved by the Commission, but that Ameritech is limiting the discount to 3.39% when Coast assumes retail Centrex agreements. Ameritech argues that its methodology for a 3.39% discount was approved in the November 16 order and should be applied. The ALJ finds “the wholesale/resale discount was calculated by assessing the avoided costs of serving resellers, as opposed to retail customers, and that as a result there is no requirement for Ameritech to provide the wholesale/resale discount on contracts assumed prior to the Commission’s November 16, 1999 order. The ALJ states that upon Ameritech’s filing of tariffs in compliance with that order, “the 3.39% discount applicable to assumed contracts will have been approved.”

Deadlines for Exceptions and Replies. Exceptions must be filed with the Commission by January 4, 2000, and replies to exceptions are due on January 14, 2000.

\* \* \*

### **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-12239**

**CI<sup>2</sup> Inc, d/b/a Computer Intelligence<sup>2</sup> Inc  
(license)**

The December 20, 1999 application of CI<sup>2</sup> Inc, d/b/a Computer Intelligence<sup>2</sup> Inc, for a license to provide basic local exchange telecommunications service in all zones and exchanges served by Ameritech Michigan, GTE North Incorporated and GTE Systems of Michigan is set for a prehearing conference at 10:00 a.m. on January 6, 2000. Interventions are due on or before January 4, 2000.

\* \* \*

### **PSC HEARINGS**

<b>Hearings Scheduled for Last Week (ending December 17, 1999)</b>
--------------------------------------------------------------------

December 13, 1999, 9:00 a.m.

Case No. U-12186/hearing

Conner v CEO Telecom/LD Services (slamming)

December 13, 1999, 9:00 a.m.

Case No. U-12213/evidentiary hearing

Conner v CEO Telecom/LD Services (slamming)

December 14-15, 1999, 9:00 a.m.

Case No. U-11983/cross-exam

Custom Van v Ameritech (consumer complaint)

December 14, 1999, 9:00 a.m.  
Case No. U-12182/cross-exam  
Knox v Coordinated Billing Services (slamming)

December 17, 1999, 9:00 a.m.  
Case No. U-12157/cross-exam  
Smoke Signal (license)

December 16, 1999, 9:00 a.m.  
Case No. U-12171/cross-exam  
O1 Communications/license

<b>Hearings Scheduled for This Week</b> (ending December 24, 1999)
--------------------------------------------------------------------

December 21, 2000, 9:00 a.m.  
Case No. U-12225/prehearing  
BlueStar Networks (license)

<b>Future Hearings Scheduled</b>
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<i>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.</i>
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January 6, 2000, 10:00 a.m.  
Case No. U-12239/prehearing  
CF<sup>2</sup> (license)

\* \* \*

### APPLICATIONS AND COMPLAINTS

**Case No. U-11340**

**Climax Telephone Company, d/b/a CTS Telecom Inc  
and Ameritech Michigan  
(arbitration of interconnection agreement)**

**Case No. U-11467**

**Sprint Spectrum LP and Ameritech Michigan  
(reciprocal compensation agreement)**

On December 20, 1999, Ameritech Michigan, on behalf of Climax Telephone Company, d/b/a

CTS Telecom, Inc., and Sprint Spectrum, L.P. (collectively, "CLECs"), applied to the Michigan Public Service Commission for approval of one or more amendments to the respective Interconnection Agreements between Ameritech and each of the CLECs. Ameritech states that pursuant to the Federal Communications Commission's ("FCC") Conditions for approving the SBC/Ameritech merger, Ameritech agreed "to offer certain promotional rates and discounts, Unbundled Local Switching with Interim Shared Transport (ULS-IST) and, to qualifying CLECs, certain promotional end-to-end combinations of Unbundled Network Elements (Promotional UNE Platform) used in the provision of local telephone exchange service to residential end user customers under rates, terms, and conditions described in the FCC Conditions. As a result, the CLECs have elected one or more of the offerings specified in the Conditions and the parties have agreed to amend each Interconnection Agreement to incorporate the rates, terms, and conditions that relate to the offering(s) elected. Ameritech asserts that each Amendment is the result of voluntary negotiations.

**Case No. U-12234**

**Suretel Inc and Ameritech Michigan  
(resale agreement)**

On December 10, 1999, Suretel, Inc. ("Suretel") and Ameritech Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of a Local Exchange Services Resale Agreement ("Agreement") executed as of October 11, 1999. The Agreement has an initial term of two (2) years and will expire on October 10, 2001. The Agreement establishes comprehensive rates, terms, and conditions for the purchase by Suretel of various services at wholesale rates for subsequent resale. Suretel is an Oklahoma corporation with offices located in Oklahoma City, and was authorized by the Commission to provide basic local exchange services on September 11, 1999 in Case No. U-11717.

**Case No. U-12238**

**Baraga Telephone Company and Ameritech Michigan  
(interconnection)**

On December 10, 1999, Baraga Telephone Company ("Baraga") and Ameritech Michigan jointly submitted to the Michigan Public Service Commission an Interconnection Agreement ("Agreement") dated as of September 30, 1999. Baraga is a Michigan corporation engaged in providing communications services to the public in its various exchanges throughout Michigan's Upper Peninsula. The Agreement has an initial one (1) year term that expires on September 30, 2000 and establishes comprehensive financial and operational terms for the following: the physical interconnection between Ameritech's and Baraga's networks; mutual and reciprocal compensation for exchange of traffic originated on their respective networks; number portability; and a variety of other business relationships.

**Case No. U-12239**

**CI<sup>2</sup> Inc, d/b/a Computer Intelligence<sup>2</sup> Inc  
(license)**

On December 20, 1999, CI<sup>2</sup> Inc., d/b/a Computer Intelligence<sup>2</sup> Inc., applied to the Michigan Public Service Commission for a license to provide resold basic local exchange service in all zones and exchanges presently served by Ameritech Michigan, GTE North Incorporated, and GTE Systems of Michigan. CI<sup>2</sup> states that it is a Georgia corporation with principal offices located in Atlanta. CI<sup>2</sup> claims to have the requisite financial, technical and managerial resources and abilities to provide the proposed service and will initially adopt the same exchange boundaries as those of the incumbent providers.

**Case No. U-12244** **Sprint Spectrum LP, d/b/a Sprint PCS, and  
GTE North Incorporated and Contel of the South, d/b/a GTE Systems of Michigan  
(interconnection)**

On December 14, 1999, Sprint Spectrum, L.P., d/b/a Sprint PCS, (“Sprint PCS”) and GTE North Incorporated and Contel of the South, d/b/a GTE Systems of Michigan, (collectively, “GTE”), jointly submitted to the Michigan Public Service Commission an Interconnection Agreement (“Agreement”). Sprint PCS is a certified provider of Commercial Mobile Radio Service (CMRS) in Michigan. The Agreement expires July 30, 2000 and establishes the financial and operational terms for the interconnection and the exchange of traffic between Sprint PCS and GTE.

**Case No. U-12246** **AT&T Communications of Michigan Inc  
(objections to assessment)**

On December 15, 1999, AT&T Communications of Michigan, Inc. (“AT&T”) filed with the Michigan Public Service Commission (“Commission”) its objections to the Michigan 1999/2000 Public Utility Assessment, Second Quarter, Invoice dated December 1, 1999, showing a total amount due of \$142,671.80. “AT&T is objecting to the amount of the assessment and paying the amount stated as due under protest for the reason that the amount of the assessment was not properly calculated.” AT&T claims that it is entitled to a credit pursuant to a Court of Appeals ordered adjustment and its decision directing the Commission to exclude AT&T’s interstate revenues when calculating its assessment. There are already two prior pending cases involving AT&T’s objection to the June 1 and October 1, 1999 assessments, and AT&T requests that this proceeding be consolidated with those cases.

**Case No. U-12248** **Ameritech Michigan  
(notice of rate increase)**

On December 17, 1999, Ameritech Michigan notified the Michigan Public Service Commission (“Commission”) of a rate increase in certain of Ameritech’s basic local exchange and other services in an amount not to exceed the Consumer Price Index (CPI), minus 1%, as defined in Section 304(2)(b) of the Michigan Telecommunications Act. Ameritech asserts that CPI-1% equals 2.04% and that the increase is being applied to the access line rate only, and after subtracting the

Lifeline and Dual Party Relay surcharges. The rate increase applies to the following services:

- |     |                                                                                                                              |                          |
|-----|------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 5.  | Business 1 Party or Trunk-Measured Service                                                                                   | Access Areas A, B, and C |
| 6.  | Independent Payphone Provider (IPP) Service (formerly COCOTS) Access Line and IPP Coin Line                                  | Access Areas A, B, and C |
| 7.  | Business Centrex Loops (Applies only to month-to-month contracts and all other contracts signed on or after March 17, 2000.) | Access Areas A, B, and C |
| 8.  | Residence Call Plan 50 Service                                                                                               | Access Areas A, B, and C |
| 9.  | Residence Call Plan 400 Service                                                                                              | Access Areas A, B, and C |
| 10. | Residence Call Plan 400 Extended Service                                                                                     | Access Areas A, B, and C |
| 11. | Residence Call Plan Unlimited Service                                                                                        | Access Areas A, B, and C |
| 12. | Residence Local Message Charge                                                                                               |                          |
| 13. | Business Local Message Charge                                                                                                |                          |

Ameritech states that unless the Commission determines that the amount of the increase exceeds CPI-1%, the rate increases will be implemented 90 days from Ameritech's notice to its customers.

**Case No. U-12253**

**BroadBand Office Communications Inc  
(license)**

On December 22, 1999, BroadBand Office Communications, Inc. ("BroadBand") applied to the Michigan Public Service Commission for a license to provide basic local exchange service throughout Michigan in the zones and exchanges served by GTE North Incorporated, Contel of the South, Inc., d/b/a GTE Systems of Michigan, and Ameritech Michigan. BroadBand, a Delaware corporation and wholly-owned subsidiary of BroadBand Office, Inc., also a Delaware corporation, is headquartered in Vienna, Virginia. BroadBand proposes to provide service on both a reseller and facilities-based basis and claims to have the requisite financial, technical and managerial resources and abilities to provide the proposed service.

**Case No. U-12254**

**CTSI, Inc  
(license)**

On December 22, 1999, CTSI, Inc. (“CTSI”) applied to the Michigan Public Service Commission for a license to provide all forms of resold and facilities-based basic local exchange telecommunications services throughout Michigan in the zones and exchanges served by Ameritech Michigan, GTE North Incorporated and Contel of the South, Inc., d/b/a GTE Systems of Michigan. CTSI, a Pennsylvania corporation headquartered in Wilkes-Barre, Pennsylvania, claims to have the requisite financial, technical and managerial resources and abilities to provide the proposed services.

\* \* \*

### **SLAMMING COMPLAINTS**

**Case No. U-12159**

**Audra J. Camera v Qwest Communications  
(slamming)**

On December 20, 1999, the parties in the matter of the complaint of Audra J. Camera against Qwest Communications, alleging that her telephone service had been slammed, submitted to the Michigan Public Service Commission a stipulation for dismissal with prejudice.

**Case No. U-12242**

**Alzheimers Association Northwest v  
Communications Bill  
(slamming)**

On December 02, 1999, Chris Weaner, on behalf of the Alzheimers Association Northwest (“Complainant”) of Traverse City, filed a formal complaint against Communications Bill alleging that its long distance telephone service was switched without authorization. Complainant requests reimbursement for out-of-pocket expenses totaling \$20.00, the imposition of fines of at least \$10,000.00, and the entry of a cease and desist order against Communications Bill.

**Case No. U-12245**

**Sheree Pratt v Sprint Communications  
(slamming)**

On December 15, 1999, Sheree Pratt (“Complainant”), of Grosse Ile, filed a formal complaint with the Michigan Public Service Commission (“Commission”) against Sprint Communication (“Sprint”), alleging that Sprint had switched her telephone service provider without her authorization, and that one hour after she disputed with Sprint the charges that were “2½ times the rate for which she had contracted”, her “phone line was cut” even though “her account was in good standing.” Complainant requests that the Commission “review the course of these allegations . . . and fine Sprint the maximum amount of \$20,000 . . . .”

\* \* \*

## **NOTICES OF OPPORTUNITY TO COMMENT**

Note: All comments are to be filed with the Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, MI 48909-7721.

### **Case No. U-12188**

### **Frontier Communications of Michigan Inc (rate restructuring)**

On November 2, 1999 Frontier Communications of Michigan, Inc. filed an application with the Michigan Public Service Commission to restructure its rates for basic local exchange services. Written comments shall be filed with the Commission by 5:00 p.m. on January 7, 2000.

### **Case No. U-12189**

### **Volunteer & Information Services Inc (petition for assignment of 211 dialing code)**

The Michigan Public Service Commission has directed the Volunteer & Information Services, Inc. to publish a notice of opportunity to comment, on its request for authority to implement a 2-1-1 dialing code in Calhoun County, in local newspapers of general circulation throughout the county by November 30, 1999, and to mail a copy of that notice to all local exchange carriers providing service in Calhoun County and to the Michigan Attorney General. The deadline for written comments and reply comments will be 14 days and 28 days after publication, respectively.

### **Case No. U-12190**

### **GTE North Incorporated (rate restructuring)**

On November 2, 1999 GTE North Incorporated filed an application with the Michigan Public Service Commission to restructure its rates for basic local exchange services. Written comments shall be filed with the Commission by 5:00 p.m. on January 7, 2000. (See also **MTR**, Applications and Complaints, this issue).

### **Case No. U-12196**

### **Deerfield Farmers' Telephone Company (consolidation of exchanges)**

The Michigan Public Service Commission has directed Deerfield Farmers' Telephone Company to publish a notice of opportunity to comment on its November 4, 1999 application to consolidate the Deerfield and Petersburg exchanges into one exchange. Written comments are due on January 11, 2000.

On December 7, 1999, NEXTLINK Michigan, Inc. filed an application with the Michigan Public Service Commission (“Commission”) for approval to amend its license to provide basic local exchange service by expanding its geographic service area to encompass additional exchanges throughout Michigan served by GTE North Incorporated and Ameritech Michigan. The Commission has directed NEXTLINK Michigan, Inc. to publish a notice of opportunity to comment on its application to all licensed local and competitive exchange companies in the proposed service areas by January 10, 2000. The deadline for written comments is January 31, 2000.

\* \* \*

**SCHEDULED PSC MEETINGS**

January 10, 2000	Monday	4:00 p.m.
January 19, 2000	Wednesday	4:00 p.m.

\* \* \*

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## 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	M					
U-11832	MPSC	Review of GTE North's January 1999 biennial cost study	11/5/98	M					
U-11981	MPSC	Investigation of AT&T and MCI procedures for transferring service	5/11						
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-12056	The Free Network	Application: license to provide basic local exchange service	7/23	10/21 x-exam	11/4	11/18			
U-12072	MCI WorldCom	Complaint v Ameritech Michigan: provisioning of dedicated unbundled local transport	8/11	M	12/16	1/5			
U-12090	Coast	Complaint v GTE: local traffic termination compensation	8/18	11/5 x-exam	11/19	12/01			
U-12105	Midwest	Application: license to provide basic local exchange service	9/2	11/10 x-exam					
U-12130	MECA	Application: rate restructuring	9/13		11/15				
U-12132	Ameritech	Notice: interzone service	9/20						
U-12143	WorldCom	Request for Commission to promote local competition	9/23						
U-12146	Lennon	Application: rate restructuring	10/1						
U-12149	Chippewa	Application: TSLRIC study	9/30						
U-12155	TOTALink	Application: license to provide basic local exchange service	10/7						
U-12156	Horizon	Application: license to provide basic local exchange service	10/8	M	12/21	1/7			
U-12157	Choctaw	Application: license to provide basic local exchange service	10/8	12/17	1/5	1/12			

U-12158	Upper Peninsula	Application: TSLRIC study	10/7						
U-12165	PaeTec	Application: license to provide basic local exchange service	10/15	1/6 x-exam	1/13	1/20			
U-12171	O1 Comm	Application: license to provide basic local exchange service	10/20	11/8					
U-12173	New Edge	Application: license to provide basic local exchange service	10/20	1/11 x-exam	1/18	1/25			
U-12180	ACD	Application: license to provide basic local exchange service	10/28	1/4 x-exam	1/17	1/24			
U-12183	Buckeye	Application: license to provide basic local exchange service	10/28	1/18 x-exam	1/25	2/1			
U-12189	Volunteer & Info Services	Petition: 211 dialing code	10/25						
U-12190	GTE	Application: rate restructuring	11/02						
U-12198	MediaOne	Petition: arbitration of interconnection w/Ameritech	11/10						
U-12202	MGC	Application: license to provide basic local exchange service	11/16	1/31 x-exam	2/7	2/21			
U-12211	Ameritech	Application: emergency service rates	11/23						
U-12214	Sterling	Application: amended license	11/23						
U-12225	BlueStar	Application: license to provide basic local exchange service	12/03						