

MICHIGAN TELECOMMUNICATIONS REPORT™

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FEATURES**FEDERAL COURT AFFIRMS ACCESS TO UNBUNDLED LOOPS
WITHOUT SPECIAL CONSTRUCTION CHARGES**

On January 4, 2000, the United States District Court for the Eastern District of Michigan affirmed the MPSC's February 9, 1999 order in Case No. U-11735. The case arose from a complaint filed by BRE Communications LLC, d/b/a Phone Michigan (now McLeodUSA) ("BRE") alleging that Ameritech was illegally charging special construction charges on orders of unbundled loops contrary to Michigan law and its interconnection agreement with Ameritech. The MPSC's order agreed with BRE and fined Ameritech Michigan \$170,000 and directed Ameritech to cease and desist from violating its interconnection agreement with BRE. The MPSC, in its order, chastised Ameritech for its "flawed understanding of its obligation to provide nondiscriminatory treatment of competing providers." The Federal Court affirmed the MPSC's order in all respects. The Court found that the MPSC record contained evidence that Ameritech's network consists of specific boundaries established distribution areas, and thereby concluded that the MPSC correctly defined "availability" of unbundled loops as meaning that facilities are present in the area. The Court concluded that "since Ameritech has an existing network of unbundled loops that can be used for unbundled loop access, it must provide BRE with access and make the unbundled loops "available" even if additional engineering and construction are necessary." The Federal Court also agreed with the MPSC and BRE that Ameritech's imposition of special construction charges to install unbundled loops to serve a BRE customer discriminated against BRE where Ameritech did not charge its own customers for special construction. The Court stated that "Ameritech did not provide access to unbundled loops equal to the terms and conditions under which it provisioned such elements to itself." The Federal Court also affirmed the MPSC's fine imposed on Ameritech, and the MPSC's imposition of costs and attorney fees to BRE. A companion state court appeal remains pending before the Michigan Court of Appeals, according to William Ralls and Leland Rosier of Clark Hill PLC, who represented BRE in the proceedings before the MPSC and the Federal Court.

**U.S. COURT OF APPEALS UPHOLDS FEDERAL COURT'S
JURISDICTION OVER INTERCONNECTION APPEALS**

The U.S. Court of Appeals for the Sixth Circuit has upheld the U.S. District Court's (Western District of Michigan) denial of a Motion filed by the MPSC to dismiss it from a case filed by Ameritech appealing the MPSC's determinations regarding an Interconnection Agreement between Ameritech and Climax Telephone Company. The Commission claimed that the doctrine of sovereign immunity and the Tenth and Eleventh Amendments to the United States Constitution barred suit against the Commission. In upholding the District Court's denial of the Motion to Dismiss, the Court of

Appeals noted that every other District Court to have addressed this issue, as well as the Seventh Circuit Court of Appeals, had also held that suit against a State's commission which constituted, in essence, an appeal under the Federal Telecommunications Act of 1996 was not barred. The Court also noted that State Commissions would be the entities enforcing Interconnection Agreements under the Federal Telecommunications Act of 1996. Therefore, the State Commissions were appropriate parties because Ameritech was seeking injunctive relief against an alleged ongoing violation of federal law (i.e. the Interconnection Agreement adopted following arbitration by the MPSC). The Court stated that the Federal Telecommunications Act of 1996 did not jurisdictionally bar the suit; the Tenth Amendment did not bar the suit because Michigan chose to regulate the Interconnection Agreement, it was not forced to do so by the federal government; and the Eleventh Amendment did not bar the suit because Ameritech was seeking injunctive relief against an ongoing violation of federal law. The case was remanded to the Federal District Court for proceedings on the merits.

* * *

PUBLIC ACTS OF 1999/2000

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 us 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)

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
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 on January 10, 2000.

Case No. U-11900

**Commission's Own Motion
(anti-slamming procedures)**

On January 10, 2000, the Michigan Public Service Commission dismissed without prejudice the November 24, 1999 motion filed by MCI WorldCom Communications, Inc. and MCI WorldCom Network Services, Inc. ("MCI") to obtain an order compelling Ameritech Michigan and GTE North Incorporated to comply with Section 4(i) of the anti-slamming procedures established by the April 23, 1999 order in this docket. The Commission found it should dismiss the motion "without addressing its merits" because "a motion for enforcement is not an appropriate vehicle for seeking to compel a provider to comply with a prior Commission order", and suggested that MCI file a complaint "to pursue the remedies requested by its motion."

Case No. U-11900

**Commission's Own Motion
(anti-slamming procedures)**

On January 10, 2000, the Michigan Public Service Commission issued an order revising two of the seven provisions included in the Commission's September 28, 1999 anti-slamming procedures. The Commission's September 28, 1999 order extended the deadline for offering local exchange carrier

(LEC) protection and for publishing for comment proposed language “intended to further ensure that each telecommunications provider’s actions do not encourage slamming.” In the instant order, the Commission chose not to delete Section 6(f), which prohibits a telecommunications service provider from collecting from an end-use customer “any charges arising from unauthorized service”, but because the Commission finds the language in Section 6(f) “establishes an unnecessarily strict standard”, the following sentence was added: “Nevertheless, no penalties shall be imposed on a provider for violating this subsection . . . if a provider shows that it took all reasonable steps to avoid imposing or attempting to collect charges or fees on behalf of, or arising from the actions of, an unauthorized service provider.” The Commission’s order also modifies Section 7, which required that both submitting carriers and executing carriers must notify a customer of any change in the customer’s service providers within 10 days of the effective date of the change. Although the Commission refused to restrict the application of Section 7 to certain groups of service providers, it made changes intended to “make it at least somewhat easier for all carriers to satisfy its requirements.” The 10-day notification requirement now applies only to executing carriers when the name and address of the end-use customer is either known to, or readily discernible by, the executing carrier, and, to the extent that any of the information is unknown to, or not readily discernible by, the submitting or executing carrier, that portion of the notice may be left blank. MCI WorldCom’s petition for clarification or rehearing is granted in part and denied in part, however, all other petitions are denied.

Case No. U-11973 **AirTouch Cellular Inc**
(arbitration: interconnection with Ameritech Michigan)

On January 10, 2000, the Michigan Public Service Commission (“Commission”) approved the interconnection agreement between AirTouch Cellular, Inc. and Ameritech Michigan. The decision of the arbitration panel was approved by the Commission, with modifications, on August 17, 1999, and on November 5, 1999, the parties submitted an executed agreement.

Case No. U-11989 **CenturyTel Wireless Inc and Thumb Cellular**
(arbitration: interconnection with Ameritech Michigan)

On January 10, 2000, the Michigan Public Service Commission (“Commission”) approved the interconnection agreements between CenturyTel Wireless, Inc. and Thumb Cellular and Ameritech Michigan. On September 14, 1999, the Commission issued an order approving, with modifications, the decision of the arbitration panel. The parties submitted the executed agreements on October 18, 1999.

Case No. U-12015 **Michael and Jeanette Geno v Ameritech Michigan**
(consumer complaint)

On January 10, 2000 the Michigan Public Service Commission (“Commission”) dismissed with prejudice the complaint of Michael and Jeanette Geno (“Complainants”) alleging that various aspects of Ameritech Michigan’s service and responses to their requests for assistance were inappropriate. The

(license)

On January 10, 2000, the Michigan Public Service Commission granted the application of Choctaw Communications, Inc., d/b/a Smoke Signal Communications, ("Smoke Signal"), for a license to provide basic local exchange service on a resold basis throughout the state of Michigan in the exchange areas currently served by Ameritech Michigan and GTE North Incorporated. Choctaw Communications, Inc., is a Texas business corporation, 81 percent of which is owned by Vartec Communications, Inc, and it is located in Houston.

**Case No. U-12218 Prism Michigan Operations, LLC and Ameritech Michigan
(interconnection agreement)**

The Interconnection Agreement ("Agreement") jointly submitted to the Michigan Public Service Commission by Prism Michigan Operation, LLC and Ameritech Michigan was approved on January 10, 2000. The Agreement has an initial term expiring on October 12, 2002 and establishes comprehensive financial and operation terms for the interconnection, transmission, and routing of exchange service and exchange access traffic, unbundled access, collocation, and a variety of other matters.

**Case No. U-12222 Now Communications Inc and
GTE North Incorporated and Contel of the South Inc,
d/b/a GTE Systems of Michigan
(interconnection agreement)**

The Interconnection Agreement ("Agreement") jointly submitted to the Michigan Public Service Commission by Now Communications, Inc. and GTE North Incorporated and Contel of the South, Inc., d/b/a GTE Systems of Michigan was approved on January 10, 2000. The Agreement expires on November 30, 2001, and establishes financial and operation terms for the resale of services, including ordering and billing, maintenance, services available for resale, misdirected calls, and dialing format changes.

**Case No. U-12229 Comm South Companies Inc and
GTE North Incorporated and Contel of the South Inc,
d/b/a GTE Systems of Michigan
(interconnection agreement)**

The Interconnection Agreement ("Agreement") jointly submitted to the Michigan Public Service Commission by Comm South Companies, Inc. and GTE North Incorporated and Contel of the South, Inc., d/b/a GTE Systems of Michigan, was approved on January 10, 2000. The Agreement expires on November 30, 2001, and establishes financial and operation terms for the resale of services, including ordering and billing, maintenance, services available for resale, misdirected calls, and dialing format changes.

Case No. U-12238

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

The Interconnection Agreement ("Agreement") jointly submitted to the Michigan Public Service Commission by Baraga Telephone Company and Ameritech Michigan was approved on January 10, 2000. The Agreement expires on September 30, 2000, and establishes comprehensive financial and operation terms for the interconnection between Baraga's and Ameritech's networks, mutual and reciprocal compensation for the exchange of traffic originating on their respective networks, unbundled access to Ameritech's network elements, physical collocation, number portability, resale, access to databases, and a variety of other matters.

Orders issued on January 19, 2000.

Case No. U-12114

**Enrique Martinez v LCI International Telecom Corp,
d/b/a Qwest Communications Services
(slamming)**

On January 19, 2000, the Michigan Public Service Commission found that LCI International Telecom Corp., d/b/a Qwest Communications Services, ("Qwest") had switched the toll service of Enrique Martinez ("Complainant") without authorization, in violation of the Michigan Telecommunications Act and the Commission's anti-slamming procedures. The Commission orders Qwest to pay "the maximum allowable fine, \$40,000.00, for a second offense", and to reimburse Complainant for out-of-pocket expenses totaling \$1,022.36. Further, the Commission orders both Qwest and its counsel to pay the costs and reasonable attorney fees of Complainant and the Commission Staff. "Qwest's litigation of this complaint," the Commission notes, "has been marked from the beginning by the raising of insubstantial and inconsequential argument. Taken as a whole, Qwest's strategy appears to have been to delay and to increase the burden on the other parties."

Case No. U-12159

**Audra J. Camera v LCI International Telecom Corp,
d/b/a Qwest Communications
(slamming)**

On January 19, 2000 the Michigan Public Service Commission dismissed with prejudice the complaint of Audra J. Camera ("Complainant") alleging that LCI International Telecom Corp., d/b/a Qwest Communications, switched her toll service without authorization. Complainant requested her complaint be withdrawn with prejudice.

Case No. U-12165

**PaeTec Communications Inc
(license)**

On January 19, 2000, the Michigan Public Service Commission granted to PaeTec

Communications, Inc. ("PaeTec") a license to provide basic local exchange services in all zones and exchanges currently served by Ameritech Michigan, GTE North Incorporated and GTE Systems. PaeTec is a Delaware corporation with principal offices located in Fairport, New York.

Case No. U-12171 **O1 Communications of Michigan LLC**
(license)

On January 19, 2000, the Michigan Public Service Commission granted to O1 Communication of Michigan, Inc. ("O1") a license to provide basic local exchange services in all the exchanges currently served by Ameritech Michigan and GTE North Incorporated. O1, located in Sacramento, California, is a Michigan limited liability company and a wholly-owned subsidiary of O1 Communications, Inc., a California corporation.

Case No. U-12180 **ACD Telecom Inc**
(license)

The Michigan Public Service Commission, on January 19, 2000 granted to ACD Telecom, Inc. ("ACD") a license to provide basic local exchange service in selected zones and exchanges throughout the Lansing and Saginaw LATAs in which GTE North Incorporated, Contel of the South, Inc., d/b/a/ GTE Systems of Michigan, and Ameritech Michigan are the incumbent local exchange carriers. ACD is a Michigan corporation and has a common ownership with ACD Technologies Inc. Its offices are located in East Lansing, Michigan.

Case No. U-12188 **Frontier Communications of Michigan Inc**
(rate restructuring)

On January 19, 2000, the Michigan Public Service Commission approved the restructured residential and business local exchange rates proposed by Frontier Communications of Michigan, Inc.'s ("Frontier"), but denied its proposed private branch exchange ("PBX") rate. Frontier proposed restructured residential, business, and PBX rates that were equal, on average, to its TSLRIC, which it claimed to be \$16.34 per access line per month. However, the Commission determined that Frontier's TSLRIC is \$16.22, and that Frontier was proposing a residential rate of \$15.78, which is under TSLRIC, and business and PBX rates of \$19.72 and \$27.61, respectively, which exceed TSLRIC. The Commission determined that the restructured residential rate of \$15.78, although below the TSLRIC of \$16.22, was moving closer to the TSLRIC standard and could be approved, but warned that "Frontier should not mistake the Commission's approval of the proposed restructuring of the residential rate for approval of the company's proposal not to increase the rate to TSLRIC." The Commission approved a restructured business rate of \$16.22, rather than the proposed \$19.72 rate, for each of Frontier's exchanges in which the current rate is below that amount, and denied the proposed PBX rate of \$27.61 because it exceeds the level of TSLRIC.

The Commission also commented on the timeliness of Frontier's filing, made November 2,

1999, which was too late to permit the company to implement the new rates by January 1, 2000, as required by the Michigan Telecommunications Act. The Commission said it “does not condone” Frontier’s decisions about when to file its TSLRIC study and application to restructure rates and “cannot excuse Frontier’s failure to complete the restructuring of its rates by the statutory deadline. Furthermore, there may be an argument that a restructuring of rates cannot occur after January 1, 2000. Nevertheless, the Commission concludes that a provider, such as Frontier, should be permitted to restructure its rates after that date pursuant to an application filed by the end of 1999.”

Case No. U-12196 **Deerfield Farmers’ Telephone Co**
(exchange consolidation)

On January 19, 2000, Deerfield Farmers’ Telephone Company (“Deerfield”) request to consolidate its Deerfield and Petersburg exchanges was denied without prejudice by the Michigan Public Service Commission. Deerfield had stated that these are the only exchanges that it is license to serve and that they are served by a single central office. The Commission finds that Deerfield offered only “vague assertions of efficiencies, better local calling options, and an improved competitive position” and left “significant” questions unanswered. The Commission said it was not apparent from Deerfield’s application whether the consolidation would have any immediate benefit for Deerfield’s customers, or if it would adversely affect the adjacent exchange toll calling plans (AETCPs) offered by Ameritech Michigan and GTE North Incorporated, in which case customers would likely be worse off after consolidation. The Commission also questioned how the consolidation could alter the obligations of other providers under statutes or interconnection agreements.

Case No. U-12214 **Sterling International Funding Inc, d/b/a Reconex**
(amended license)

On January 19, 2000, the Michigan Public Service Commission approved the request of Sterling International Funding, Inc., d/b/a Reconex, to amend its license to provide basic local exchange service to include all of the exchanges throughout the state of Michigan currently served by GTE North Incorporated and Contel of the South, Inc., d/b/a GTE Systems of Michigan. These areas are in addition to the Ameritech Michigan exchanges for which it was granted a license by the Commission’s September 11 and December 21, 1998 orders in Case No. U-11700.

Case No. U-12216 **Mitch Stevenson v Long Distance Savings**
(slamming)

The Michigan Public Service Commission, on January 19, 2000, dismissed the complaint of Mitch Stevenson (“Complainant”) against Long Distance Savings alleging that his toll service had been switched in violation of the Michigan Telecommunications Act. The Complainant filed a request to withdraw the complaint with prejudice.

Case No. U-12219 **Land and Lake Maintenance Inc, d/b/a Crystal Water Works v**

**Long Distance Savings
(slamming)**

On January 19, 2000, the Michigan Public Service Commission dismissed the complaint of Land and Lake Maintenance, Inc., d/b/a/ Crystal Water Works, ("Complainant") against Long Distance Savings alleging that its toll service had been switched in violation of the Michigan Telecommunication Act. The Complainant requested to withdraw the complaint with prejudice.

**Case No. U-12226 Jato Communications Corporation and Ameritech Michigan
(interconnection agreement)**

On January 19, 2000, the Michigan Public Service Commission approved the Interconnection Agreement ("Agreement") and first amendment jointly submitted by Jato Communications Corporation and Ameritech Michigan. The Agreement results from the decision of Jato to adopt the terms and conditions of the interconnection agreement between Accelerated Connections, Inc. and Ameritech, which was approved on February 2, 1999 in Case No. U-11841. The Agreement and first amendment expire on August 17, 2001, and establish comprehensive financial and operation terms for interconnection between the two companies' networks.

**Case No. U-12234 Suretel Inc and Ameritech Michigan
(resale agreement)**

The Michigan Public Service Commission, on January 19, 2000, approved the Resale Agreement ("Agreement") jointly submitted by Suretel, Inc. and Ameritech Michigan. The Agreement has an initial term expiring on October 10, 2001, and establishes rates, terms, and conditions for the purchase of various services from Ameritech Michigan at wholesale rates for subsequent resale to customers within the state.

**Case No. U-12263 BlueStar Communications Inc and GTE North Incorporated
and Contel of the South, Inc, d/b/a GTE Systems of Michigan
(interconnection agreement)**

On January 19, 2000, the Michigan Public Service Commission approved the Interconnection Agreement ("Agreement") jointly submitted by BlueStar Communications, Inc. ("BlueStar") 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 BlueStar to adopt the terms and conditions of the interconnection agreement between AT&T Communications of Michigan, Inc. and Ameritech, which was approved on December 12, 1996 in Case No. U-11165. The Agreement between BlueStar

and GTE expires on August 2, 2002 and governs interconnection, resale, unbundling, and other services.

* * *

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-12262 **Concentric Carrier Services Inc**
(license)

The December 29, 1999 application of Concentric Carrier Services, Inc. for a license to provide basic local exchange service in the zones and exchanges presently served by Contel of the South, d/b/a GTE Systems, GTE North Incorporated, and Ameritech Michigan is set for a prehearing conference at 9:00 a.m. on January 18, 2000. Interventions are due on or before January 13, 2000.

Case No. U-12264 **Affinity Network Inc, d/b/a QuantumLink Communications**
(license)

The January 5, 2000 application of Affinity Network Inc, d/b/a QuantumLink Communications for a license to provide basic local exchange service throughout the state in the zones and exchanges of Ameritech Michigan, GTE North Incorporated, and GTE Systems is set for a prehearing conference at 9:30 a.m. on January 24, 2000. Interventions are due on or before January 20, 2000.

Case No. U-12265 **Borderland Communications LLC**
(license)

The January 5, 2000 application of Borderland Communications LLC for a license to provide basic local exchange service throughout the state in all exchanges Upper Peninsula exchanges currently served by Ameritech Michigan is set for a prehearing conference at 9:00 a.m. on January 24, 2000. Interventions are due on or before January 20, 2000.

Case No. U-12274 **Essential.com Inc**
(license)

The January 11, 2000 application of Essential.com, Inc. for a license to provide resold local

exchange telecommunications services throughout the state of Michigan in the exchange areas of Ameritech Michigan and GTE North, Inc. is set for a prehearing conference at 9:00 a.m. on January 27, 2000. Interventions are due on or before January 25, 2000.

Case No. U-12288

**Vectris Communications Inc
(license)**

The January 21, 2000 application of Vectris Telecom, Inc. ("Vectris") for a license to provide basic local exchange service throughout the state of Michigan in the zone and exchange areas in which GTE North Incorporated, Contel of the South, Inc., d/b/a/ GTE Systems of Michigan, and Ameritech Michigan are the incumbent local exchange carriers is set for a prehearing conference at 9:30 a.m. on February 7, 2000. Interventions are due on or before February 3, 2000.

Case No. U-12289

**ICG Telecom Group Inc
(license)**

The January 18, 2000 application of ICG Telecom Group, Inc. for a license to provide basic local exchange services in all exchanges currently served by Ameritech Michigan, GTE North Incorporated and GTE Systems in Michigan is set for a prehearing conference at 9:00 a.m. on February 4, 2000. Interventions are due on or before January 25, 2000.

Case No. U-12294

**New Path Holdings Inc
(license)**

The January 20, 2000 application of New Path Holdings, Inc. for a license to provide basic local exchange services in all exchanges currently served by Ameritech Michigan, GTE North Incorporated, and GTE Systems is set for a prehearing conference at 9:00 a.m. on February 7, 2000. Interventions are due on or before February 3, 2000.

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PSC HEARINGS

Hearings Scheduled for Last Week (ending January 14, 2000)

January 10, 2000, 9:00 a.m.
Case No. U-12253/prehearing conference
BroadBand Communications (license)

January 10, 2000, 9:00 a.m.
Case No. U-12136/cross-exam all parties
Evelyn Johnson v Universal Telecom (slamming)

January 10, 2000, 9:30 a.m.
Case No. U-12254/prehearing conference
CTSI (license)

January 10, 2000, 9:30 a.m.
Case No. U-12254/prehearing conference
CTSI (license)

January 11, 2000, 9:00 a.m.
Case No. U-12173/cross-exam all parties
New Edge Networks (license)

January 12, 2000, 9:00 a.m./public hearing
Case No. U-12245/public hearing
Sheree Pratt v Sprint Comm. (consumer complaint)

January 13, 2000, 9:00 a.m.
Case No. U-12242/public hearing
Alzheimers Association Northwest (slamming)

January 13, 2000, 9:00 a.m.
Case No. U-10138
MCI v Ameritech/GTE North (dialing parity)

Hearings Scheduled for This Week (ending January 21, 2000)

January 18, 2000, 9:00 a.m.
Case No. U-12243/prehearing
Coast to Coast v City of Rochester (city ordinance)

January 18, 2000, 9:00 a.m.
Case No. U-12183/cross-exam
Buckeye Telesystems (license)

January 18, 2000, 9:00 a.m.
Case No. U-12262/prehearing
Concentric Carrier Services (license)

January 21, 2000, 9:00 a.m.
Case No. U-12255/cross-exam
National Door Lite v Coordinated Billing Services
(slamming)

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.

January 24, 2000, 9:30 a.m.
Case No. U-12264/prehearing conference
Affinity Network (license)

Case No. U-12274/prehearing
Essential.com, Inc. (license)

January 24, 2000, 9:00 a.m.
Case No. U-12265/prehearing conference
Borderland Communications (license)

February 4, 2000, 9:00 a.m.
Case No. U-12289/prehearing conference
ICG Telecom Group (license)

January 27, 2000, 9:00 a.m.

February 7, 2000, 9:00 a.m.
Case No. U-12294/prehearing conference
New Path Holdings (license)

February 7, 2000, 9:30 a.m.
Case No. U-12288/prehearing conference
Vectris Communications (license)

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APPLICATIONS AND COMPLAINTS

Case No. U-12268 **Capitol Finance Corp v McLeod USA**
(consumer complaint: billing)

On January 6, 2000, Capitol Finance Corp. ("Complainant"), of Flint, filed a formal complaint with the Michigan Public Service Commission alleging that McLeod USA has "overcharged the per minute rate quoted" to Complainant and has not been responsive to Complainant's requests for corrected billings.

Case No. U-12271 **NOS Communications Inc, d/b/a International Plus,**
d/b/a The Internet Business Association, and d/b/a INETBA
(amended license)

On January 4, 2000, NOS Communications, Inc., d/b/a International Plus, d/b/a The Internet Business Association, and d/b/a INETBA, ("NOS") applied to the Michigan Public Service Commission ("Commission") for approval to amend the geographic service area of its existing license to provide basic local exchange service prior to the commencement of service. NOS states that it was authorized by the Commission's March 22, 1999 order in Case No. U-11855 to provide service in the following exchanges: Ann Arbor, Auburn, Battle Creek, Bay City, Harrison, Howell, Jackson, Kalamazoo, Mt. Clemens, Muskegon, Plymouth, Port Huron, St. Clair, Shelby, and Utica, and in all zones in the Detroit District Exchange, the Grand Rapids District Exchange, and the Pontiac District Exchange. NOS now believes it would be in both the public and the Company's interest to offer service throughout Michigan in all of the zones and exchanges presently served by GTE North Incorporated, Contel of the South, Inc., d/b/a GTE Systems of Michigan, and Ameritech Michigan, and asks that its existing license be amended to include the additional service areas.

Case No. U-12273 **Long Distance of Michigan Inc and Ameritech Michigan**
(interconnection agreement)

On January 10, 2000, Long Distance of Michigan ("LDMI") and Ameritech Michigan jointly submitted an Interconnection Agreement ("Agreement"), executed November 8, 1999, to the Michigan

Public Service Commission. LDMI requested the adoption of the terms and conditions of the interconnection agreement between Lucre, Inc. and Ameritech, which is itself an adoption of the terms and conditions of the agreement between US Xchange LLC and Ameritech. The Agreement has an initial term that expires on July 16, 2000 and establishes comprehensive financial and operational terms for interconnection between the parties' networks. LDMI is a Michigan corporation with offices located in Hamtramck, Michigan, and was granted a license to provide basic local exchange services in Case No. U-11510 on December 12, 1997.

Case No. U-12274

**Essential.com Inc
(license)**

On January 11, 2000, Essential.com, Inc. ("Essential") applied to the Michigan Public Service Commission for a license to provide basic local exchange service on a resold basis throughout Michigan in the exchange areas served by Ameritech Michigan and GTE North Incorporated. Essential states that it intends "to offer within Michigan a one stop shopping service over the Internet to both residential and business customers for a wide selection of essential services, such as natural gas, electricity, and telephone services." Essential is a privately-held Delaware corporation located in Burlington, Massachusetts.

Case No. U-12276

**Winn Telephone Company
(amended license)**

On January 12, 2000, Winn Telephone Company ("Winn") applied to the Michigan Public Service Commission for approval to amend the geographic boundaries of its license to provide basic local exchange service by adding the Alma, Mt. Pleasant, Shepherd, Vestaburg and Weidman exchanges, currently served by GTE North Incorporated. Winn states that these exchanges "are within the general vicinity of its existing licensed area known as the Winn Exchange" and that "the residents in these exchanges have requirements similar to the needs of the residents currently served by Winn."

Winn is a Michigan corporation located in Winn, Michigan, and has provided basic local exchange service since 1908.

Case No. U-12277

**Westphalia Telephone Company
(amended license)**

On January 13, 2000, Westphalia Telephone Company ("Westphalia") applied to the Michigan Public Service Commission for approval to amend the geographic boundaries of its license to provide basic local exchange service to include the DeWitt, Fowler-Pewamo, Grand Ledge, and St. Johns exchanges currently served by GTE North Incorporated, and the Portland Exchange currently served by Ameritech Michigan. Westphalia states that these exchanges "are within the general vicinity of its existing licensed area known as the Westphalia Exchange and the residents in these exchanges have requirements similar to the needs of the residents currently served by Westphalia." Westphalia is a Michigan corporation located in Westphalia, Michigan, and has been providing basic local exchange

service since 1926.

Case No. U-12288

**Vectris Telecom Inc
(license)**

On January 21, 2000, Vectris Telecom, Inc. ("Vectris") applied to the Michigan Public Service Commission for a license to provide basic local exchange service, on both a reseller and facilities-based basis, throughout the state of Michigan in the zone and exchange areas in which GTE North Incorporated, Contel of the South, Inc., d/b/a/ GTE Systems of Michigan, and Ameritech Michigan are the incumbent local exchange carriers. Vectris, previously known as CMB Telecom, Inc., is a Delaware Corporation and a direct, wholly-owned subsidiary of Vectris Communications, Inc., a Delaware corporation. Its offices are located in Austin, Texas.

Case No. U-12289

**ICG Telecom Group Inc
(license)**

On January 18, 2000, ICG Telecom Group, Inc. ("ICG") 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. ICG is a Colorado corporation located in Englewood, and its parent company is ICG Communications, Inc.

Case No. U-12294

**NewPath Holdings Inc
(license)**

NewPath Holdings, Inc. ("NewPath") applied to the Michigan Public Service Commission on January 20, 2000 for a license to provide basic local exchange telecommunications services in all zone and exchanges currently served by Ameritech Michigan, GTE North Incorporated, and GTE Systems throughout the state. NewPath is a recently organized Delaware corporation and is located in Des Moines, Iowa.

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SLAMMING COMPLAINTS

Case No. U-12255

**National Door Lite v Coordinated Billing Services
(slamming)**

On December 21, 1999, National Door Lite ("Complainant"), of Detroit, filed a formal complaint with the Michigan Public Service Commission alleging that Coordinated Billing Services switched its long distance telephone service provider without authorization.

Case No. U-12281

Gerald Francisco v Advantage Plus/Qwest

(slamming)

On January 18, 2000, Gerald Francisco, of Traverse City, filed a formal complaint with the Michigan Public Service Commission alleging that Advantage Plus/Qwest switched his long distance telephone service provider without authorization.

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NOTICES OF OPPORTUNITY TO COMMENT

Case No. U-12232

**NEXTLINK Michigan Inc
(amended license)**

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 served by GTE North Incorporated and Ameritech Michigan. The Commission has directed NEXTLINK to provide by January 10, 2000 notice of opportunity to comment on its application to all licensed local and competitive exchange companies in the proposed service areas. The deadline for written comments is January 31, 2000.

SCHEDULED PSC MEETINGS

February 3, 2000	Thursday	9:00 a.m.
February 9, 2000	Wednesday	4:00 p.m.
February 22, 2000	Tuesday	4:00 p.m.

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