

MICHIGAN TELECOMMUNICATIONS REPORT™

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INDEX OF CASES HIGHLIGHTED

Orders

No orders were issued during the previous two-week period

Applications and Complaints

- U-10138:** MCI v Ameritech and GTE and
- U-11743:** MCI v Ameritech: intraLATA dialing parity
 - MCI: petition for rehearing
 - Qwest: petition for rehearing
- U-11203:** Sprint/Ameritech: interconnection agreement
- U-12460:** Level 3: interconnection with Ameritech
- U-12540:** Ameritech Michigan: UNE offerings
- U-12782:** Preferred Carrier Services/Verizon: interconnection agreement
- U-12784:** National Door Lite v National Directory Assistance and MBPC Communications: billing dispute
- U-12785:** Domino Networks Communications: license
- U-12786:** KMC Telecom/Ameritech: interconnection agreement
- U-12787:** Aquis/Ameritech: interconnection agreement
- U-12788:** EZ Phone: license
- U-12790:** New Cell/Ameritech: interconnection agreement
- U-12793:** Doctor v AT&T: billing dispute
- U-12796:** Fleming v ILD Teleservices: slamming

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FEATURES

CHAPPELLE APPOINTED TO MPSC CHAIRMANSHIP

On January 10, 2001 Governor John Engler announced that he had appointed his deputy legal counsel, Laura Chappelle, as the chairman of the Michigan Public Service Commission, effective January 16, 2001. Chappelle replaces John Strand who resigned from the MPSC and is now the Legislative Council Administrator. "Laura has in-depth knowledge of the complicated issues surrounding Michigan's energy policy and utility deregulation", said Engler. "She understands energy policy and deregulation issues inside out--which is important given the telecommunication and energy issues we still face. As Michigan moves forward, I am confident that Laura's leadership will continue to safeguard Michigan customers and utilities by ensuring an adequate energy supply at reasonable rates." Prior to joining the Governor's office, Chappelle served as the regulatory affairs advisor for the House Republicans, an attorney for former House Speaker Paul Hillegonds, a legislative aide for Senator Bill Van Regenmorter, and an assistant prosecuting attorney with the Saginaw County prosecutor's office. Chappelle earned a bachelor's degree from the University of Michigan in 1985 and a juris doctor degree from the Thomas M. Cooley Law School in 1988. She has also served as an adjunct faculty member at Michigan State University and is currently an adjunct member of the faculty of Lansing Community College.

* * *

ORDERS

No orders have been issued during the previous two weeks period. The next regular meeting of the MPSC is scheduled for 9:00 a.m. on Tuesday, January 23, 2001.

* * *

NOTICES OF HEARING

Note: *The following Notices of Hearing have been issued by the Executive Secretary Division of the Michigan Public Service Commission. The hearings will be held in the offices of the Commission, 6545 Mercantile Way, Suite 7, Lansing.*

Case No. U-12728

**Quality Built Windows v Coordinated Billing Services
(slamming)**

On November 22, 2000 Quality Built Windows filed a formal complaint against Coordinated Billing Services alleging that its telephone service was “slammed.” A public hearing in the matter will be held at 9:00 a.m. on January 18, 2001.

Case No. U-12785

**Domino Networks Communications Inc
(license)**

The January 10, 2001 application of Domino Networks Communications, Inc. for a license to provide facilities-based and resold switched and dedicated local exchange service throughout the state of Michigan is set for a prehearing conference at 9:00 a.m. on January 29, 2001. Interventions are due on or before January 25, 2001.

Case No. U-12775

**eVulkan Inc, d/b/a be MANY!
(license)**

The January 2, 2001 application of eVulkan, Inc., d/b/a beMANY!, for a license to provide resold and facilities-based switched local exchange telecommunications services in the service areas of Verizon North, Inc., Verizon North Systems, Inc., and Ameritech Michigan is set for a prehearing conference at 9:00 a.m. on January 19, 2001. Interventions are due on or before January 17, 2001.

Case No. U-12776

**Samuel Morrow v United Service Telephone Co
(slamming)**

On December 20, 2000 Samuel Morrow filed a formal complaint against United Service Telephone Company alleging that his telephone service was “slammed.” A prehearing conference in this matter will be held at 9:00 a.m. on January 24, 2001.

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PSC HEARINGS

Hearings Scheduled for Last Week (ending January 12 , 2000)
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January 9, 2001, 9:00 a.m.
Case No. U-12730/cross-exam all parties
Cliff’s Rifle Shop v American Nortel

January 9, 2001, 1:00 p.m.
Case No. U-12743/public hearing
Commission’s Own Motion (734 area code relief plan)
Location: City Council Chambers

City Hall
100 North Fifth Avenue
Ann Arbor, Michigan

January 10, 2001, 9:00 a.m.
Case No. U-12717/public hearing
Five Star Mortgage v Allegiance Telecom (billing
dispute)

January 11, 2001, 9:00 a.m.
Case No. U-12772/prehearing conference
AccuTel of Texas (license)

January 11, 2001, 9:00 a.m.
Case No. U-12695/cross-exam all parties
Telergy Network Services (license)

January 12, 2001, 9:00 a.m.
Case No. U-10138/prehearing
MCI v Ameritech and Verizon North (intraLATA
dialing parity)

Hearings Scheduled for This Week (ending January 19, 2001)

January 17, 2001, 9:00 a.m.
Case No. U-12701/cross-exam all parties
Global TeleLink Services (license)

January 19, 2001, 9:30 a.m.
Case No. U-12622/cross-exam all parties
Ameritech Michigan (shared transport cost study)

January 18, 2001, 9:00 a.m.
Case No. U-12705/cross-exam all parties
SCC Communications Corp (license)

January 19, 2001, 9:00 a.m.
Case No. U-12775/prehearing conference
eVulcan, d/b/a beMANY! (license)

January 18, 2001, 9:00 a.m.
Case No. U-12728/public hearing
Quality Built Windows 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, 2001, 9:00 a.m.
Case No. U-12776/public hearing
S. Morrow v United Service Telephone Company
(slamming)

January 29, 2001, 9:00 a.m.
Case No. U-12785/prehearing conference
Domino Networks Telecommunications (license)

APPLICATIONS AND COMPLAINTS

Case No. U-10138

**MCI Telecommunications Corporation v
Ameritech Michigan and GTE North Incorporated**

Case No. U-11743

**MCI Telecommunications Corporation v
Ameritech Michigan
(intraLATA dialing parity)
(MCI WorldCom Network Services Inc and MCI WorldCom Communications
petition for rehearing)**

On December 4, 2000, the Michigan Public Service Commission (“Commission”) issued an order in Case Nos. U-10138 and U-11743 (See **MTR**, Orders, Vol. 16, No. 25, December 8, 2000) that, among other things, allowed Ameritech to backbill interexchange carriers for discounts on access charges ordered by the Commission in an order that had been overturned by the Michigan Supreme Court. The Commission also required documentation that interexchange carriers pass through discounts for a later time period to end user customers, or establish a methodology to pass through the discounts, within 21 days of the order.

On January 3, 2001, MCI WorldCom Network Services, Inc. and MCI WorldCom Communications (“WorldCom”) filed a Petition for Rehearing of the Commission’s December 4, 2000 decision. In its Petition, WorldCom argues that Ameritech should not have been allowed to backbill for access charges for the time period after Ameritech obtained a stay of the discount requirement because: 1) Ameritech had voluntarily kept the discount in effect as part of a strategy to obtain a favorable ruling on entering the interLATA long distance market and should not be allowed to retroactively change its mind, 2) Ameritech did not change its tariffs after it obtained the stay and was thereby prevented from backbilling based on the filed rate doctrine, 3) allowing backbilling during a period where Ameritech voluntarily applied the discount would constitute retroactive ratemaking, and 4) the Commission erred in finding there was no prejudice to interexchange carriers because, after backbilling, WorldCom is itself prohibited from retroactively raising rates lowered in light of the discount. WorldCom also argues that the Commission erred in imposing the flow through requirement because the Commission order imposing the flow through

requirement was stayed by the Michigan Court of Appeals until after intraLATA dialing parity was completed. Therefore, WorldCom argues that the only order in effect during the relevant time period was the order requiring the discount without the flow through requirement. Consequently, WorldCom asks the Commission to reconsider allowing backbilling during the time period after Ameritech obtained a stay of the discount but continued voluntarily offering the discount, and to reverse itself on imposing the flow through requirement.

Case No. U-10138

**MCI Telecommunications Corporation v
Ameritech Michigan and GTE North Incorporated**

Case No. U-11743

**MCI Telecommunications Corporation v
Ameritech Michigan
(intraLATA dialing parity)
(Qwest Communications Services: petition for rehearing)**

On December 4, 2000, the Michigan Public Service Commission issued an order in Case Nos. U-10138 and U-11743 (See **MTR**, Orders, Vol. 16, No. 25, December 8, 2000) that, among other things, allowed Ameritech to backbill interexchange carriers for discounts on access charges ordered by the Commission in an order that had been overturned by the Michigan Supreme Court. The Commission also required documentation that interexchange carriers pass through discounts for a later time period to end user customers, or establish a methodology to pass through the discounts, within 21 days of the Order.

On January 3, 2001, Qwest Communications Services filed a Petition for Rehearing of the December 4, 2000 decision. In its Petition, Qwest argues that the Commission erred in failing to apply the filed rate doctrine, which should have prevented Ameritech from backbilling the access charges. Qwest argues that Ameritech did not file new tariffs eliminating the discounts after it obtained a stay of the Commission order establishing the discounts, and that Ameritech was thus bound by the tariffs it kept on file during that time period. Qwest's Petition also argues that, given the holiday period immediately after the December 4, 2000 decision, 21 days was insufficient time to determine the feasibility of a pass through methodology, and requests an additional 30 days from the filing of its Petition to submit a pass through methodology.

Case No. U-11203

**Sprint Communications Co LP and Ameritech Michigan
(interconnection agreement)**

On January 11, 2001 Sprint Communications Company, LP (“Sprint”) and Ameritech Michigan jointly applied to the Michigan Public Service Commission (“Commission”) for approval of four amendments to their Interconnection Agreement approved by the Commission on April 4, 1997 in this docket (“Agreement”). The First Amendment dated July 24, 2000 incorporates the rates, terms, and conditions relating to promotional discounts on end-to-end UNE combinations for use in providing residential services, and unbundled local switching with interim shared transport. The Second Amendment dated August 14, 2000 permits Sprint to lease dedicated transport access facilities. The Third Amendment, also dated August 14, 2000, reflects the Anti-Slamming Procedures specified in the Commission’s orders in Case No. U-11900. The Fourth Amendment, dated October 18, 2000, incorporates the rates, terms, and conditions relating to the provision of digital subscriber line (DSL), including High Frequency Portion of the Loop (HFPL) or line sharing, pursuant to the Federal Communications Commission’s December 19, 1999 Line Sharing Order.

Case No. U-12460

**Level 3 Communications LLC
(arbitration of interconnection agreement with Ameritech Michigan)**

On January 16, 2001 Level 3 Communications, LLC (“Level3”) and Ameritech Michigan jointly requested Michigan Public Service Commission (“Commission”) approval of their Interconnection Agreement dated January 15, 2000 and the executed Amendment to Level 3 Contracts Superseding Certain Compensation, Interconnection and Trunking Provisions, dated January 8, 2001. On October 24, 2000, the Commission issued an order adopting the arbitrated Agreement that (i) adopted the decision of the Arbitration Panel, and, (ii) ordered the parties to file a complete copy of the Agreement consistent with the Commission’s order within 30 days. Both Level 3 and Ameritech state that the portions of the Agreement for which arbitration was requested are in compliance with the findings of the Commission’s October 24, 2000 order.

Case No. U-12540

**Ameritech Michigan
(UNE offerings)**

On January 12, 2001 Ameritech Michigan, the Michigan Public Service Commission Staff, the Attorney General, and several competitive local exchange carriers (CLEC), (collectively, “Joint Movants”) moved to reopen this proceeding for the purpose of requesting the Michigan Public Service Commission (“Commission”) “to enter an order consistent with the agreement of the Joint Movants to resolve one of the issues pending in this matter addressing the terms and conditions of the recapture of dark fiber in a manner consistent with the stipulations recently entered into in a proceeding pending before the Public Service Commission of Wisconsin.” The motion sets forth the Wisconsin Stipulation language (as modified to be made applicable to Ameritech Michigan:

1. Ameritech Michigan will modify its tariffs regarding the recapture of dark fiber to read as follows:
 - a. Ameritech Michigan may reclaim dark fiber from a CLEC upon at least 12 months written notice to the CLEC only if:
 1. Ameritech Michigan negotiates with the CLEC in good faith to address the CLEC's concerns related to Ameritech's proposed reclamation, including issues related to coordination and timing for the purpose of minimizing service disruption;
 2. Ameritech Michigan demonstrates to the satisfaction of the CLEC or the Commission that Ameritech reasonably needs the dark fiber to meet its carrier-of-last-resort responsibilities within 12 months following the reclamation; and
 3. Ameritech Michigan provides the CLEC with an alternative facility with the same bandwidth the CLEC was using or had committed to use prior to Ameritech reclaiming the facility, provided the alternative facility does not result in any additional costs or charges to the CLEC or reduce the quality of the CLEC's services.
 - b. Ameritech Michigan and any interested CLEC may negotiate any alternative contractual terms and conditions for reclamation of dark fiber subject to mutual agreement or to arbitration of such terms.

The Joint Movants "believe that this resolution strikes an appropriate balance of the positions of the competitive local exchange carriers and Ameritech Michigan in this case relating to Ameritech's tariff terms and conditions for the recapture of dark fiber", and that reopening this proceeding is "appropriate to allow for the development of a full and complete record."

Case No. U-12782

**Preferred Carrier Services Inc and
Verizon North Inc, Contel of the South, Inc, d/b/a Verizon North Systems
(interconnection agreement)**

On December 28, 2001 Preferred Carrier Services, Inc. ("PCS") and Verizon North Inc., and Contel of the South, Inc., d/b/a Verizon North Systems, (collectively, "Verizon") jointly applied to the

Michigan Public Service Commission for approval of their Resale Agreement (“Agreement”). The application states that PCS is a certified provider of local two-way wireline dial-tone service in Michigan. The Agreement will remain in effect until December 15, 2002, and replaces the agreement previously approved in this docket.

Case No. U-12784

**National Door Lite v
National Directory Assistance and MBPC Communications Inc
(billing dispute)**

On January 12, 2001 Neil Segal, on behalf of National Door Lite (“Complainant”), of Detroit, filed with the Michigan Public Service Commission a complaint alleging that National Directory Assistance, through its billing company MBPC Communications, Inc., has charged him for a service which was not authorized by Complainant. Complainant seeks reimbursement for his total economic loss of \$4,375, the imposition of fines against the companies, and the entry of a cease and desist order.

Case No. U-12785

**Domino Networks Communications Inc
(license)**

On January 10, 2001 Domino Networks Communications, Inc. (“DNC”) applied to the Michigan Public Service Commission for a license to provide facilities-based and resold basic local exchange service, including switched access and dedicated services, in all zones and exchanges within the state of Michigan. DNC is a privately-held Delaware corporation and a wholly-owned subsidiary of Domino Networks, Inc., also a privately-held Delaware corporation. DNC’s offices are located in Falls Church, Virginia. The application states that DNC was formed initially as an affiliate of Broadband Office Communications (“BBOC”), which was granted a license to provide basic local exchange service in Case No. U-12253. However, BBOC management “recently determined to separate BBOC and its assets and personnel into two companies.” BBOC will provide in-building telecommunications and information services to business customers in multi-tenant buildings, while DNC will provide metropolitan and long-haul network services, including the ongoing operation of a portion of BBOC’s telecommunications business. DNC “is not currently authorized to provide telecommunications service in any state”, but is seeking certification in several states. DNC states that it will construct its own fiber optic network and facilities to provide voice and data communications services, dedicated access services, and private line data communications services to its customers, and intends to lease its dedicated infrastructure to wholesale carriers.

Case No. U-12786

KMC Telecom Holdings Inc and Ameritech Michigan

(interconnection agreement)

On January 11, 2001 KMC Telecom Holdings, Inc., operating as KMC Telecom II, KMC Telecom III, Inc. and KMC Telecom V, Inc., (collectively, "KMC") and Ameritech Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of their Interconnection Agreement executed as of October 27, 2000 ("Agreement") and the First Amendment, also dated October 27, 2000. The application states that KMC is a Delaware corporation with offices located in Bedminster, New Jersey, and that KMC requested the adoption of terms and conditions of the interconnection agreement executed as of July 8, 1999 between Allegiance Telecom of Michigan, Inc. and Ameritech Michigan, which was approved by the Commission on August 17, 1999 in Case No. U-12053. That agreement is an adoption of the interconnection agreement between MichTel, Inc. and Ameritech Michigan approved by the Commission on December 21, 1998 in Case No. U-11775. The First Amendment reflects the Anti-Slamming Procedures specified in the Commission's orders in Case No. U-11900. The Agreement has an initial term that expires on April 9, 2001 and supersedes the previously executed interconnection agreement between KMC and Ameritech, which terminated April 21, 2000.

Case No. U-12787

**Aquis Communications and Ameritech Michigan
(interconnection agreement)**

On January 11, 2001 Aquis Communications ("Aquis") and Ameritech Michigan jointly applied to the Michigan Public Service Commission for approval of their Interconnection Agreement with amendment dated as of November 16, 2000. The application states that Aquis is a commercial mobile radio service (CMRS) provider with facilities located throughout Michigan. The Agreement is the result of Aquis' decision to adopt the terms and conditions of the interconnection agreement dated March 11, 1999 between Paging Network of Michigan, Inc. and Ameritech approved by the Commission on May 27, 1999 in Case No. U-11943. The Agreement has an initial term that expires on March 11, 2001. The Amendment, dated November 16, 2000, sets forth the rates at which the parties will compensate each other for the transport and termination of calls on the other party's network.

Case No. U-12788

**EZ Phone Inc
(license)**

On January 12, 2001 EZ Phone, Inc. ("EZ Phone") applied to the Michigan Public Service Commission for a license to provide basic local exchange services in the LATA exchanges served by Ameritech Michigan and Verizon North, Inc. EZ Phone is an Ohio corporation with offices located in

Akron, Ohio. EZ Phone states that it “plans to provide local exchange services through resold facilities from existing carriers.”

Case No. U-12790

**New Cell Inc and Ameritech Michigan
(interconnection agreement)**

On January 16, 2001 New Cell, Inc. (“New Cell”) and Ameritech Michigan jointly applied to the Michigan Public Service Commission (“Commission”) for approval of their Interconnection Agreement executed as of September 11, 2000 (“Agreement”). The application states that New Cell is a commercial mobile radio service (CMRS) provider with facilities located throughout Michigan. The Agreement results from the decision of New Cell to adopt the terms and conditions of the interconnection agreement dated October 14, 1999 between CenturyTel Wireless, Inc. and Ameritech approved by the Commission on January 10, 2000 in Case No. U-11989. The Agreement has an initial three-year term that expires on October 13, 2002.

Case No. U-12793

**Richard W. Doctor v AT&T Communications of Michigan Inc
(billing dispute)**

On January 16, 2001 Richard W. Doctor (“Complainant”), of Muskegon, filed with the Michigan Public Service Commission a complaint alleging that AT&T Communications of Michigan, Inc. (“AT&T”) has assessed him unauthorized charges for long distance toll calls, misrepresented its service rates, ignored his attempts to remedy the dispute, and determined his long distance service without authorization. Complainant seeks reimbursement for his total economic loss of at least \$1,000, the imposition of fines against AT&T, and the entry of a cease and desist order.

Case No. U-12796

**Kimberly Fleming v ILD Teleservices
(slamming)**

On January 17, 2001 Kimberly Fleming (“Complainant”) filed a formal complaint with the Michigan Public Service Commission alleging that ILD Teleservices switched her long distance telephone service without her authorization. Complainant is seeking reimbursement of out-of-pocket expenses totaling \$1,115, the imposition of fines, and the entry of a cease and desist order.

* * *

NOTICES OF OPPORTUNITY FOR COMMENT

Case No. U-12757

**Long Distance of Michigan Inc
(rate restructuring)**

On December 13, 2000 Long Distance of Michigan, Inc. (“LDMI”) filed an application with the Michigan Public Service Commission (“Commission”) for approval to restructure certain rates for basic local exchange service. The Commission has directed LDMI to provide notice to its customers by issuing a notice of opportunity to comment by January 30, 2001. Written comments must be filed with the Commission no later than 5:00 p.m. on February 14, 2001.

Case No. U-12765

**Ameritech Michigan
(directory assistance services)**

On December 15, 2000 Ameritech Michigan filed an application with the Michigan Public Service Commission (“Commission”) for a determination that directory assistance and related services are competitive pursuant to Sections 207 and 701 of the Michigan Telecommunications Act. The Commission has determined that Section 208 is also applicable. The Commission has directed Ameritech to provide notice to its customers by issuing a notice of opportunity to comment. Written comments must be filed with the Commission no later than 5:00 p.m. on February 23, 2001.

Case No. U-12770

**TC3 Telecom Inc
(amended license)**

On December 18, 2000 TC3 Telecom, Inc. (“TC3”) filed an application with the Michigan Public Service Commission (“Commission”) for approval to expand its geographic service area to encompass additional exchanges throughout Michigan served by AmeritechMichigan, VerizonNorth, Inc. and Verizon North Systems. The Commission has directed TC3 to issue a notice of opportunity to comment to cover the proposed service area by January 24, 2001. Written comments must be filed with the Commission no later than 5:00 p.m. on February 14, 2001.

* * *

SCHEDULED PSC MEETINGS FOR JANUARY 2001

January 4, 2001: regular meeting	Thursday	9:00 a.m.
January 23, 2001: regular meeting	Tuesday	9:00 a.m.

SUBSCRIPTION INFORMATION

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