

# MICHIGAN TELECOMMUNICATIONS REPORT™

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

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## FEATURES

### **AMERITECH'S "BROADBAND SUMMIT" BLASTED**

Ameritech Michigan's "Broadband Summit", held on September 27, 2001, has been strongly criticized by telecommunications providers, consumer groups and government officials who were excluded from the list of those invited to attend. Ameritech Michigan President Gail Torreano has billed the "Summit" as a time for the cable and telecommunications providers "to step forward in support" of Governor Engler's call for the expeditious deployment of statewide high-speed Internet access" and to "develop a set of industry recommendations to open the way for effective and efficient deployment of broadband capabilities throughout Michigan. However, those excluded from the "Summit" claim it's just another stalling tactic used by Ameritech to force competitors of DSL service out of business by denying or delaying their access to its network.

Greg Boyd, executive director of the Michigan Alliance for Competitive Telecommunications (MiACT), a trade association for internet service providers, telecom companies and consumer groups in Michigan, said the "Summit" was "a sham aimed at furthering Ameritech's efforts to force competitors out of business before fully deploying broadband." Other groups vocally critical of Ameritech attempts to slow the deployment of high speed Digital Subscriber Lines (DSL) include the Small Business Association of Michigan (SBAM), whose spokesman Barry Cargill, said thousands of SBAM members want DSL service now, but are unable to connect to the network because Ameritech is delaying "until all the competitors fall by the wayside and Ameritech is the only source." The Competitive Local Exchange Providers Association of Michigan, a group invited to attend the "Summit", declined the offer, opting instead to devote its resources to the LinkMichigan initiative by the Michigan Economic Development Corporation. The Association believes that "a broader group with an agenda specifically including Ameritech's own role in Michigan's broadband shortage is necessary in order to make real progress."

### **FCC ANNOUNCES THAT NEW 711 ACCESS TO RELAY SERVICES COMMENCES OCTOBER 1**

On September 28, 2001 the Federal Communications Commission released the following consumer bulletin:

On October 1 of this year our country begins a new era of telephone access. That is the day that the familiar calling shortcuts of 911 and 411 will be joined by 711 - the new three digit number for access to all Telecommunications Relay Services (TRS). It's fast, functional and free.

TRS facilitates telephone conversations between people who do and those who do not have hearing or speech disabilities. In one type of TRS, a text telephone (TTY) user calls a voice telephone user through a TRS provider (or relay center), where a communications assistant places the call to the voice user, and then relays the conversation by transcribing spoken content for the TTY user and reading text aloud for the voice user.

711 is good news for everyone, not just persons with disabilities. Both voice and TRS users will be able to initiate a call from any telephone, anywhere in the United States, without having to remember and dial a seven or ten-digit access number. There are currently over 100 separate numbers nationwide for accessing relay services. Being able to dial the same three digits nationwide to access TRS, instead of having to be familiar with each state's unique access number, makes TRS much more accessible in our mobile society.

Under the new rules adopted last year by the FCC, 711 TRS dialing must be provided by all telecommunications carriers in the United States, including wireline, wireless, and payphone providers. The FCC rule also encourages all PBX suppliers to configure their systems for 711 access to TRS.

In addition, to ensure the efficient, effective, and successful use of 711 access to TRS, the FCC required carriers and relay providers, in cooperation with the states, to engage in on-going and comprehensive education and outreach programs to publicize the availability of 711 access.

If consumers find that they are unable to get 711 TRS access after October 1, they should contact the FCC's Consumer Center at 1-888-CALL-FCC (voice) or 1-888-TELL-FCC (TTY), or by e-mail at [access@fcc.gov](mailto:access@fcc.gov).

\* \* \*

### **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 280 Dunaskiss	03/07/01	Creates new act; provides for definition of public utilities	To Senate Committee on Technology/Energy
SB 446 Dunaskiss	05/01/01	Provides for the clarification of the definition of public utilities	Passed Senate Committee 24-1; 06/28/2001 placed on third reading in House

House Bill # Representative	Date Introduced	Description	Status
HB 4219 Mortimer	02/13/01	Creates new Cellular Tower Attachment Act to require approval of MPSC regarding construction of cellular communication towers	To House Committee on Energy/Technology
HB 4220 Mortimer	02/13/01	Amends MTA to establish MPSC authority regarding proposed Cellular Tower Attachment Act. Tie Bar with HB 4219	To House Committee on Energy/Technology
HB 4307 Anderson	02/20/01	Amends MTA by adding section 312c to require notification of long-distance charges to a customer using a pay telephone	To House Committee on Energy/Technology
HB 4764 Neumann	05/15/01	Amends MTA to provide for the structural separation of local exchange companies with more than 250,000 users	To House Committee on Energy/Technology

## ORDERS

**Case No. U-12968**  
**Mattea R. Aquino v Ameritech Michigan**  
**(consumer complaint: billing dispute)**

On September 27, 2001 the Michigan Public Service Commission dismissed with prejudice the complaint of Mattea R. Aquino (“Complainant”) against Ameritech Michigan regarding unauthorized charges. On August 30, 2001 Complainant filed a request to withdraw the complaint.

**Case No. U-12969**  
**KMC Data LLC**  
**(license)**

On September 27, 2001 the Michigan Public Service Commission granted to KMC Data LLC a license to provide basic local exchange service in all exchanges currently served by Ameritech Michigan, Verizon North Inc., and Contel of the South, Inc., d/b/a Verizon North Systems.

**Case No. U-12974**  
**MagnaCare Group Inc v Mpower Communications Corp**  
**(consumer complaint: billing dispute)**

On September 27, 2001 the Michigan Public Service Commission dismissed without prejudice the complaint of MagnaCare Group, Inc. (“Complainant”) against Mpower Communications Corp. regarding a billing dispute. On August 16, 2001 Complainant filed a request to withdraw the complaint.

**Case No. U-12989**  
**Earl E. Ludington v MCI WorldCom Communications Inc**  
**(consumer complaint: slamming)**

On September 27, 2001 the Michigan Public Service Commission dismissed with prejudice the complaint of Earl E. Ludington (“Complainant”) against MCI WorldCom Communications, Inc. regarding an unauthorized switch of service providers. On August 16, 2001 Complainant filed a request to withdraw the complaint.

**Case No. U-12991**  
**Focal Communications Corporation of Michigan v Ameritech Michigan**  
**(interconnection agreement)**

On September 27, 2001 the Michigan Public Service Commission dismissed without prejudice the complaint of Focal Communications Corporation of Michigan (“Complainant”) against Ameritech Michigan regarding an interconnection agreement dispute. On September 5, 2001 Complainant filed a request to withdraw the complaint.

**Case No. U-13005**  
**TelNet Worldwide Inc and Ameritech Michigan**  
**(interconnection agreement)**

On September 27, 2001 the Michigan Public Service Commission (“Commission”) approved the Interconnection Agreement (“Agreement”) between TelNet Worldwide, Inc. (“TelNet”) and Ameritech Michigan. The Agreement results from the adoption of the agreement (including Appendix DSL for line sharing) between Ameritech Michigan and Coast to Coast Telecommunications, Inc., that was approved on October 24, 2000 in Case No. U-12382. The Commission denied without prejudice TelNet’s motion for sanctions.

**Case No. U-13006**  
**MichTel Inc and Ameritech Michigan**  
**(interconnection agreement)**

On September 27, 2001 the Michigan Public Service Commission (“Commission”) approved the Interconnection Agreement (“Agreement”) between MichTel, Inc. (“MichTel”) and Ameritech Michigan. The Agreement results from the Adoption of the agreement between Ameritech Michigan and Coast to Coast Telecommunications, Inc., that was approved on October 24, 2000 in Case No. U-12382. The Commission also denied MichTel’s motion for sanctions.

**Case No. U-13019**  
**Yaseka and Rashaan Shipp v AmeriVoice Telecommunications Inc**  
**(consumer complaint: failure to provide service)**

On September 27, 2001 the Michigan Public Service Commission dismissed without prejudice the complaint of Yaseka and Rashaan Shipp (“Complainants”) alleging that AmeriVoice Telecommunications, Inc. failed to provide them with telephone service. On September 5, 2001 Complainants filed a request to withdraw the complaint.

**Case No. U-13030**  
**Mark J. Lawburgh v MCI WorldCom Communications Inc**  
**(consumer complaint: billing dispute)**

On September 27, 2001 the Michigan Public Service Commission dismissed with prejudice the complaint of Mark J. Lawburgh (“Complainant”) against MCI WorldCom Communications, Inc. regarding a billing dispute. On August 14, 2001 Complainant filed a request to withdraw the complaint.

**Case No. U-13047**  
**IG2 Inc and Ameritech Advanced Data Services of Michigan Inc, et al.**  
**(interconnection agreement)**

On September 27, 2001 the Michigan Public Service Commission approved the Interconnection Agreement between IG2, Inc. (formerly known as Computer Business Sciences, Inc.) and Ameritech Advanced Data Services of Michigan, Inc.

**Case No. U-13055**

**Contel of the South Inc, d/b/a Verizon North Systems  
(license)**

On September 27, 2001 the Michigan Public Service Commission ordered Contel of the South, Inc., d/b/a Verizon North Systems, to revise its Fitchburg Exchange boundary to include a portion of Ameritech Michigan's Leslie Exchange. The Commission states that it welcomes any extension of basic local exchange service into areas served by competing providers.

**Case No. U-13069**

**AmeriVoice Telecommunications Inc and Ameritech Michigan  
(interconnection agreement)**

On September 27, 2001 the Michigan Public Service Commission approved the Interconnection Agreement, and the First Amendment which incorporates the Interconnection Performance Measurements Appendix into the Agreement, between AmeriVoice Telecommunications, Inc. and Ameritech Michigan.

**Minute Action**

**(Federal Universal Service Certification)**

On September 27, 2001 the Michigan Public Service Commission adopted and issued minute dated September 27, 2001 certifying the following carriers as eligible to receive federal universal service funds to be expended in the year 2002 consistent with the Federal Communications Commission (FCC) order in CC Docket No. 96-45, In the Matter of Federal-State Joint Board on Universal Service (FCC 01-157), adopted May 10, 2001:

Ace Telephone Company of Michigan, Inc.  
Allendale Telephone Company  
Baraga Telephone Company  
Barry County Telephone Company  
Blanchard Telephone Association, Inc.  
Bloomingdale Telephone Company Inc.  
Carr Telephone Company  
CenturyTel of Michigan Inc.  
CenturyTel Midwest-Michigan Inc.  
CenturyTel of Northern Michigan Inc.

CenturyTel of Upper Michigan Inc.  
Chapin Telephone Company  
Chatham Telephone Company  
Climax Telephone Company  
Chippewa County Telephone Company  
Communications Corporation of Michigan  
Contel of the South Inc.  
Deerfield Farmers' Telephone Company  
Drenthe Telephone Company  
Frontier Communications of Michigan Inc.

Hiawatha Telephone Company  
Island Telephone Company

Kaleva Telephone Company  
Lennon Telephone Company  
Midway Telephone Company  
Ogden Telephone Company  
Ontonagon County Telephone Company  
Peninsula Telephone Company  
Pigeon Telephone Company  
Sand Creek Telephone Company  
Shiawassee Telephone Company  
Springport Telephone Company  
Upper Peninsula Telephone Company  
Waldron Telephone Company  
Westphalia Telephone Company  
Winn Telephone Company  
Wolverine Telephone Company

### **PROPOSALS FOR DECISION**

**Case No. U-12967**

**Damon R. Handsor v SureTel Inc  
(consumer complaint: billing dispute)**

On September 27, 2001 Administrative Law Judge Lauren G. Van Steel (“ALJ”) recommended that the Michigan Public Service Commission (“Commission”) dismiss with prejudice the complaint of Damon R. Handsor (“Complainant”) against SureTel Inc. (“SureTel”) for failing to appear at the properly noticed August 23, 2001 hearing in this matter. Complainant had alleged that SureTel failed to refund the deposit on his order for basic local exchange service and that SureTel billed him for two additional months of service, even though he had cancelled his order within 90 minutes of placing it.

\* \* \*

### **DECISION OF ARBITRATION PANEL**

**Case No. U-12992**

**XO Michigan, Inc.  
(arbitration of interconnection agreement with Ameritech Michigan)**

On September 10, 2001, an Arbitration Panel (“Panel”), consisting of Administrative Law Judge Daniel Nickerson, Jr. and Michigan Public Service Commission (“Commission”) Staff

members Louis R. Passariello and Robin P. Ancona, issued a decision in the matter of the Application/Petition of XO Michigan Inc. for adoption of an interconnection agreement (“Agreement”) with Ameritech Michigan. Among the issues the Panel addressed were the following:

Ameritech’s Request for Dismissal. The Panel rejected Ameritech’s request to dismiss the application/petition on grounds that it did not specifically cite section 252(b) of the Federal Telecommunications Act. The Panel concluded there was no specific pleading requirement involved, that the application/petition reasonably informed Ameritech of the nature of the proceedings, that Ameritech had significant experience with arbitrations and had suffered no prejudice, and that letters sent by Ameritech during the negotiations leading up to the arbitration had shown reliance on section 252(b).

Adoption of Illinois Agreement Provisions. XO Michigan sought to adopt and port into Michigan the terms of an interconnection agreement between Focal and Ameritech Illinois. Ameritech Michigan did not object to the adoption of the agreement, but objected as to those portions of the Focal-Ameritech Illinois Agreement which it believed were not portable into Michigan. Several portability issues were resolved during the arbitration, but eight provisions remained at issue. Ameritech Michigan’s primary position was that the list of eight provisions were not portable because they did not meet the definition of an “interconnection arrangement” or an “unbundled network element,” which it claims is limited to actual physical interconnection terms or the limited duties of ILECs under the Federal Telecommunications Act. XO took the position that all provisions of the agreement were portable except those that were subject to arbitration in Illinois, pricing, and terms referencing Illinois specific tariffs or Illinois Commerce Commission decisions. The Panel rejected Ameritech’s position as a too narrow reading of the law, concluding that the phrase “any interconnection arrangement” refers to all arrangements within an interconnection agreement. The Panel found all eight terms portable into Michigan, and found that Ameritech’s effort to exclude these terms were inconsistent with the plain language of the MFN Merger Condition, were inconsistent with the Federal Telecommunications Act, and were inconsistent with past Commission precedent establishing a broad interpretation of the term “interconnection.”

“Fill-In of Non-Portable Terms. XO Michigan indicated that certain terms that had been arbitrated in Illinois and thereby not portable into Michigan were nevertheless settled law in Michigan and should be allowed to be “filled-in” to the agreement. These terms were foreign exchange service (“FX”), the tandem reciprocal compensation rate, and payment of reciprocal compensation for ISP traffic. As to FX service, the Panel concluded that Ameritech cannot exempt FX service from reciprocal compensation, and that the FCC’s ISP Remand Order did not address the classification of FX Service. With respect to tandem rate, XO Michigan argued that the Commission has repeatedly concluded that where a CLEC’s switch performs the function of a tandem it is entitled to compensation at the tandem rate. The Panel adopted XO Michigan’s position, stating it merely entitled XO Michigan to the tandem rate where it could establish it meets

the criteria for it, and that the language is consistent with the language in the Ameritech/MediaOne agreement on the issue. With regard to the payment of reciprocal compensation for ISP traffic, the Panel found that XO Michigan could opt-in to the Focal-Ameritech terms except as to the rate. The Panel found that XO Michigan could opt-in to Michigan-approved rates, those being the bifurcated rates approved in Case No. U-12696, and that those rates would be applicable to ISP-bound traffic.

The parties were given until September 20, 2001 to file any written objections to the Decision of the Arbitration Panel.

\* \* \*

### **NOTICES OF HEARING**

**Case No. U-13021  
Dominion Telecom Inc  
(license)**

The July 16, 2001 application of Dominion Telecom, Inc. for a license to provide local exchanges services in the exchanges currently served by Ameritech Michigan, Verizon North, Inc. and Verizon North Systems is set for an evidentiary hearing at 9:00 a.m. on October 9, 2001. Interventions are due on or before October 5, 2001.

**Case No. U-13057  
Joy Lines Inc  
(license)**

The August 17, 2001 application of Joy Lines, Inc. for a license to provide basic local exchange service in the exchange areas presently served by Ameritech Michigan, Verizon North Inc. and Verizon North Systems is set for a evidentiary hearing at 9:00 a.m. on October 10, 2001. Interventions are due on or before October 8, 2001.

\* \* \*

### **PSC HEARINGS**

*Note: Unless indicated otherwise, hearings are held in the offices of the Commission, 6545 Mercantile Way, Suite 7, Lansing.*

<b>Hearings Scheduled for Last Week (September 17 - 21, 2001)</b>
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September 19, 2001, 9:00 a.m.  
Case No. U-13025/public hearing  
Barry Tilds v AT&T (billing dispute)

**Hearings Scheduled for This Week (September 24 - 28, 2001)**

no schedule was available at press time

**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.*

October 9, 2001, 9:00 a.m.  
Case No. U-13021/evidentiary hearing  
Dominion Telecom (license)

October 10, 2001, 9:00 a.m.  
Case No. U-13057/evidentiary hearing  
Joy Lines (license)

**APPLICATIONS AND COMPLAINTS**

**Case No. U-11326**

**McLeodUSA Telecommunications Services Inc and Ameritech Michigan  
(interconnection agreement)**

On September 14, 2001 McLeodUSA Telecommunications Services, Inc. (BRE Communications, LLC, d/b/a Phone Michigan) and Ameritech Michigan jointly applied to the Michigan Public Service Commission for approval of the Sixth Amendment to their Interconnection Agreement ("Agreement"). The Sixth Amendment, executed as of August 24, 2001, incorporates into the Agreement the Appendix Performance Measurements.

**Case No. U-12981**

**East Lansing Orthopedic Association PC v MCI WorldCom Communications Inc  
(consumer complaint: quality of service)**

On September 14, 2001 East Lansing Orthopedic Association voluntarily withdrew its formal complaint against MCI WorldCom Communications, Inc. regarding quality of service and requested that the Michigan Public Service Commission dismiss the matter with prejudice and without costs or attorney fees to any party.

**Case No. U-12996**

**Suzanne K. Devic v AT&T Communications of Michigan Inc  
(consumer complaint: unauthorized charges)**

On September 13, 2001 Suzanne K. Devic notified the Michigan Public Service Commission that she wished to withdraw her complaint against AT&T Communications of Michigan, Inc. regarding unauthorized charges.

**Case No. U-13034**

**Lucre Inc v Ameritech Michigan  
(interconnection agreement)**

On September 14, 2001 Lucre, Inc. requested the Michigan Public Service Commission to issue an order dismissing with prejudice its formal complaint against Ameritech Michigan regarding a dispute over reciprocal compensation for the termination of local traffic. Lucre, Inc. states that the parties have resolved the matter through informal dispute resolution without the necessity of completing Commission-ordered mediation.

**Case No. U-13036**

**Alan G. Greenberg v Ameritech Michigan  
(consumer complaint: billing dispute)**

On September 12, 2001 Alan G. Greenberg (“Complainant”) notified the Michigan Public Service Commission (“Commission”) that he wished to withdraw his complaint against Ameritech Michigan alleging that the company was threatening to disconnect his service for non-payment of a disputed advertising charge. Complainant requested that the Commission dismiss his complaint without prejudice and without costs or attorney fees.

**Case No. U-13046**

**Joshua Roberson v AT&T Communications of Michigan Inc  
(consumer complaint: slamming)**

On September 25, 2001 Joshua Roberson notified the Michigan Public Service Commission that he wished to withdraw his complaint against AT&T Communications of Michigan, Inc. alleging that his telephone service was slammed.

**Case No. U-13058**

**Kevin Guzniczak v AT&T Communications of Michigan Inc  
(consumer complaint: unauthorized charges)**

On September 13, 2001 Kevin Guzniczak (“Complainant”) notified the Michigan Public Service Commission that he and AT&T Communications of Michigan, Inc. had reached a settlement, and that he was withdrawing his complaint regarding unauthorized charges.

**Case No. U-13064**

**Carol F. Mason v MCI WorldCom Communications  
(consumer complaint: slamming)**

On September 26, 2001 Carol F. Mason notified the Michigan Public Service Commission that she wished to withdraw her complaint against MCI WorldCom Communications alleging that her telephone service provider was switched without her authorization, and requested that the matter be dismissed with prejudice.

**Case No. U-13079**

**William J. and Sandra M. Rovas v Ameritech Michigan  
(consumer complaint: quality of service)**

On September 5, 2001 William J. and Sandra M. Rovas (“Complainant”), of Washington Township, filed a formal complaint with the Michigan Public Service Commission alleging that Ameritech Michigan failed to diagnose and timely repair their service outage. Further, Complainants state that a technician was never inside their home and that they, through their own trouble-shooting efforts, determined the problem that the technician was unable to find. Complainants request reimbursement for their economic loss, the imposition of fines and the entry of a cease and desist order against Ameritech.

**Case No. U-13087**  
**Kelly and Denyson Figueiredo v**  
**Ameritech Michigan and AT&T Communications of Michigan Inc**  
**(consumer complaint: slamming)**

On September 13, 2001 Kelly and Denyson Figueiredo (“Complainants”), of Lansing, filed a formal complaint with the Michigan Public Service Commission (“Commission”) alleging that Ameritech without authorization had switched their long distance service from MCI WorldCom Communications to AT&T Communications of Michigan, Inc. (“AT&T”). Complainants further state that AT&T charged them excessive rates for the calls they made before they realized their long distance provider had been switched. Complainants state that Ameritech has informed them that they were slammed by AT&T, and that AT&T claims that it was authorized by Ameritech to provide service to Complainants. Complainants request reimbursement for their economic loss, the imposition of fines and the entry of a cease and desist order against both companies.

On September 24, 2001 Complainants notified the Commission that they had reached a settlement with AT&T because the company had “offered to re-rate the calls.”

**Case No. U-13091**  
**US Xchange of Michigan, LLC, d/b/a Choice One Communications**  
**(Section 304(10) exemption)**

On September 17, 2001 US Xchange of Michigan, LLC, d/b/a Choice One Communications, applied to the Michigan Public Service Commission for an order confirming its exemption from Section 304(11) of the Michigan Telecommunications Act (“MTA”), pursuant to the Commission’s Order of February 5, 2001 in Case Nos. U-12515 and U-12528 and Section 304(10) of the MTA.

**Case No. U-13092**  
**Michael J. Watza v AT&T Communications of Michigan Inc**  
**(consumer complaint: billing dispute)**

On September 17, 2001 Michael J. Watza (“Complainant”), of Northville, filed a formal complaint with the Michigan Public Service Commission alleging that AT&T Communications of Michigan, Inc. (“AT&T”) has billed him \$600.00 for long distance calls that he claims were not placed from his phone. Further, Complainant states that because he has refused to pay these charges, AT&T has placed a negative statement on his credit report. Complainant requests that the Commission order AT&T to remove these charges from his account and to have any negative report removed from his credit rating.

**Case No. U-13116**  
**Marjorie L. Pruce v Talk America**  
**(consumer complaint: slamming)**

On September 19, 2001 Marjorie L. Pruce (“Complainant”), of Lincoln Park, filed a formal complaint with the Michigan Public Service Commission alleging that Talk America switched her telephone service provider without authorization. Complainant requests reimbursement for her out-of-pocket expenses, the imposition of fines and the entry of a cease and desist order against Talk America.

**Case No. U-13117**  
**Verizon North Inc and Contel of the South Inc, d/b/a Verizon North Systems**  
**(request for a declaratory ruling: intrastate access rates)**

On September 20, 2001 Verizon North Inc and Contel of the South Inc, d/b/a Verizon North Systems (collectively, “Verizon”) issued a declaratory ruling confirming that the tariffed access rates Verizon filed July 9, 2001, which went into effect on July 19, 2001, are in compliance with the Michigan Telecommunications Act (“MTA”). Verizon states that on June 18, 2001 it filed a revised interstate access tariff with the Federal Communications Commission which became effective July 3, 2001. Verizon states that subsequent to the effective date of its new federal access rates, certain of its existing intrastate access rates became higher than the comparable interstate rates. Verizon then revised its intrastate access tariffs to mirror the federal rates in accord with Section 310(2) of the MTA, as long as the resulting rates were no lower than the TSLRIC of the service, as required by Section 304a(2) and 321 of the MTA. Verizon states that in those instances where the TSLRIC cost was greater than the interstate rate for comparable service, the intrastate rate was set at the TSLRIC of the service. Further, Verizon found that no CCL rates could be reduced without lowering the revenue supporting the local rate and immediately causing Verizon’s basic local exchange rates to drop below their TSLRIC in violation of the MTA. Verizon states that on August 30, 2001 AT&T Communications of Michigan Inc. formally requested that Verizon reduce certain intrastate access rates below their TSLRIC in order to mirror lower comparable interstate access rates. According to Verizon, AT&T argued that the mirroring provisions of the MTA are an exception to the TSLRIC mandate of the MTA. Verizon asserts that the intent of the Legislature was “to make the TSLRIC floor requirement the primary standard in setting rates for access services and constitutional requirements that allow Verizon the opportunity to recover its costs.” Verizon request that the Commission “conclude that the TSLRIC floor requirement overrides the mirroring rule in a situation where, as here, the two provisions present an irreconcilable conflict.” Further, Verizon requests that the Commission find its current intrastate toll access rates are lawful.

**Case No. U-13118**  
**Borderland Communications LLC and Ameritech Michigan**  
**(interconnection agreement)**

On September 21, 2001 Borderland Communications LLC and Ameritech Michigan jointly applied to the Michigan Public Service Commission for approval of a multi-state Interconnection Agreement (“Agreement”) executed as of September 6, 2001. The Agreement has an initial term that expires on May 31, 2003.

**Case No. U-13120**  
**John Edward Thomas v MCI WorldCom Communications**  
**(consumer complaint: false, misleading and deceptive statements)**

On September 21, 2001 John Edward Thomas (“Complainant”), of Flint, filed a formal complaint with the Michigan Public Service Commission against MCI WorldCom Communications (“MCI WorldCom”) for making false, misleading and deceptive statements. Complainant states that an MCI WorldCom telemarketer offered him phone service for \$14.00 per month, but that the actual charge was \$24.99 per month. Further, he states that when he attempted to switch his service back to Ameritech, MCI WorldCom would not release his service and continued to bill him. Complainant seeks reimbursement for his economic loss, the imposition of fines and the entry of a cease and desist order against MCI WorldCom.

**Case No. U-13121**  
**Hui Wang v IECOM**  
**(consumer complaint: unauthorized charges)**

On September 25, 2001 Hui Wang (“Complainant”), of Ann Arbor, filed a formal complaint with the Michigan Public Service Commission (“Commission”) against IECOM regarding unauthorized charges. After receiving repeated promotion telephone calls, Complainant changed long distance providers to Yestel Communications Inc. (“Yestel”), but changed back to AT&T after not receiving any invoices from Yestel. Soon after switching to AT&T, Complainant received invoices from IECOM for long distance calls made when Complainant was taking service from Yestel. Complainant has been informed by both Yestel and IECOM that they share the same code: 0444, also called Global Crossing. IECOM has threatened to refer Complainant’s account to an outside collection agency. Complainant requests that the Commission determine if IECOM is properly billing for the calls before Complainant makes payment for same.

**Case No. U-13123**

**Truly Clear Communications Inc and Ameritech Michigan  
(interconnection agreement)**

On September 27, 2001 Truly Clear Communications, Inc. and Ameritech Michigan jointly applied to the Michigan Public Service Commission for approval of a multi-state Interconnection Agreement executed as of August 30, 2001. The Agreement has an initial term that expires on October 18, 2002.

**Case No. U-13125**

**AT&T Communications of Michigan Inc v  
Verizon North Inc and Contel of the South, Inc, d/b/a Verizon North Systems  
(intrastate access rates)**

On September 26, 2001 AT&T Communications of Michigan, Inc. (“AT&T”) filed a complaint with the Michigan Public Service Commission (“Commission”) against Verizon North, Inc. and Contel of the South, Inc., d/b/a Verizon North Systems (collectively, “Verizon”) alleging that Verizon’s revised intrastate toll access tariffs violate the Michigan Telecommunications Act (“MTA”) and requesting that the Commission determine the rates that Verizon may charge for intrastate access services pursuant to the Commission’s authority to determine such rates where the parties have been unable to agree to a rate. AT&T contends that Section 310 of the MTA governs rates for toll access services and mandates that the rates must be no higher than the rates allowed by the federal government for interstate access services. AT&T states that “while Verizon reduced some intrastate rates to mirror the recent reduction it made to its interstate rates, (a) it did not make those reductions effective with the interstate reductions or within the 10 day ‘grace period’ allowed by the Commission, (b) it did not reduce other rate element rates to match the July 3 interstate reductions and (c) it actually increased some intrastate rate element rates that had been reduced in the interstate tariff.” AT&T asserts that the effect of Verizon’s actions is that “its charges for intrastate access services exceed the charges allowed by the federal government for the corresponding interstate access services.” AT&T requests that the Commission set Verizon’s access rates at a just and reasonable level, not to exceed that rates charged by Verizon for interstate access service.

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## **PSC NOTICES OF OPPORTUNITY FOR COMMENT**

**Case No. U-13038**

**McLeodUSA Telecommunications Services Inc  
(rate restructuring)**

On August 1, 2001 McLeodUSA Telecommunications Services, Inc. (“McLeodUSA”) filed an application with the Michigan Public Service Commission (“Commission”) to restructure certain rates for basic local exchange service. McLeodUSA filed an amended application on August 24, 2001. The Commission has directed McLeodUSA to issue a notice of opportunity to comment by September 25, 2001, and written comments shall be filed with the Commission no later than 5:00 p.m. on October 9, 2001.

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## **SCHEDULED MPSC MEETINGS FOR OCTOBER 2001**

At press time, the MPSC had not issued a schedule for October 2001 meetings.
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