

MICHIGAN TELECOMMUNICATIONS REPORT™

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

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INDEX OF CASES HIGHLIGHTED

Orders:

No orders have been issued since October 11, 2001.

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- U-13157: Roth v AT&T: unauthorized charges
- U-13158: Century 21 Cornerstone v Mpower: slamming
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- U-13161: Comcast Business Communications: amended license

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FEATURES

THE CLEC ASSOCIATION OF MICHIGAN APPROVES RESOLUTION TO SUPPORT STRUCTURAL SEPARATION LEGISLATION

The CLEC Association of Michigan, at its semi-annual General Membership Meeting on Tuesday, October 16, 2001, approved a resolution supporting Michigan legislation aimed at creating competition, lower rates and better service in local phone services by separating the wholesale and retail operations of local phone monopolies SBC/Ameritech and Verizon. "It's apparent to everyone that Michigan's current regulatory scheme is failing to bring competition to Michigan," said Brad Kruse, president of the association and associate general counsel of McLeodUSA. "We need to take bold steps if we are to implement the stated intent of Michigan policymakers and finally deliver to Michigan families and businesses the choices they deserve."

The association joins the Michigan Competitive Telecommunications Providers Association, the Small Business Association of Michigan, the Lansing State Journal, the Competitive Telecommunications Association (CompTel), the American Internet Service Providers Association and others in backing House Bill 4764, now pending before the Michigan House Energy and Technology Committee.

The bill would require large local monopolies, such as SBC/Ameritech, to split their companies into a wholesale operation, that would provide local network services to all local phone companies, and a retail company that would operate as one of those phone companies. The wholesale company would then have more incentive to cooperate with all of its customers, instead of taking blatantly anti-competitive steps that have been the hall mark of SBC/Ameritech in Michigan for the last decade.

* * *

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 446 Dunaskiss	05/01/01	Provides for the clarification of the definition of public utilities	Passed by Senate 24-11; passed by House 69-36; given immediate effect; signed by Gov. 9/19/01; Assigned PA 48 of 2001

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

No orders have been issued since October 11, 2001

* * *

NOTICES OF HEARING

Case No. U-13068

**Evelyn and Paul Bierlein v Ameritech Michigan
(consumer complaint: unauthorized charges)**

On August 29, 2001 Evelyn and Paul Bierlein filed a formal complaint against Ameritech Michigan alleging that they were billed for unauthorized service repair charges. A public hearing in this matter will be held at 9:00 a.m. on October 29, 2001.

Case No. U-13081
NTERA Inc
(license)

The September 6, 2001 application of NTERA, Inc. for a license to provide telecommunications services in the exchange areas presently served by Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, and Ameritech Michigan is set for an evidentiary hearing at 10:00 a.m. on November 26, 2001. Interventions are due on or before November 20, 2001.

Case No. U-13128
VarTec Telecom Inc
(license)

The October 2, 2001 application of VarTec Telecom, Inc. for a license to provide telecommunications services in the exchange areas presently served by Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, and Ameritech Michigan is set for an evidentiary hearing at 10:00 a.m. on November 26, 2001. Interventions are due on or before November 20, 2001.

* * *

PSC HEARINGS

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

Hearings Scheduled for This Week (October 15-19, 2001)

October 17, 2001, 9:00 a.m.
Case No. U-12985/public hearing
City of Benton Harbor v AT&T (billing dispute)

October 19, 2001, 9:00 a.m.
Case No. U-13065/evidentiary hearing
Weingarden v AT&T (unauthorized charges/slamming)

Hearings Scheduled for This Week (October 22-26, 2001)

October 22, 2001, 9:00 a.m.
Case No. U-13067/evidentiary hearing
Cooper v Talk.com (slamming)

October 25, 2001, 9:00 a.m.
Case No. U-13116/cross-exam all parties
Pruce v Talk America (slamming)

October 23, 2001, 9:00 a.m.
Case No. U-13051/evidentiary hearing
United Communications Systems d/b/a Call One
(license)

October 25, 2001, 9:00 a.m.
Case No. U-13079/public hearing
Rovas v Ameritech Michigan (quality of service)

Future Hearings Scheduled

Oct. 29, 2001, 9:00 a.m.
Case No. U-13068/evidentiary hearing
Bierlein v Ameritech Michigan (unauthorized charges)

Nov. 26, 2001, 9:00 a.m.
Case No. U-13081/evidentiary hearing
NTERA (license)

Oct. 30, 2001, 9:00 a.m.
Case No. U-13125/prehearing
AT&T v Verizon (intrastate access rates)

Nov. 26, 2001, 10:00 a.m.
Case No. U-13128/evidentiary hearing
VarTec Telecom (license)

Nov. 1, 2001, 9:00 a.m.
Case No. U-13080/evidentiary hearing
Mavis v LDMI (slamming)

APPLICATIONS AND COMPLAINTS

Case No. U-11839 XO Michigan Inc and Ameritech Michigan (interconnection agreement)

On October 18, 2001 XO Michigan, Inc., f/k/a NEXTLINK Michigan, Inc. (“XO”) and Ameritech Michigan jointly applied to the Michigan Public Service Commission (“Commission”) for approval of the Fourth Amendment to their Interconnection Agreement (“Agreement”) approved by the Commission on April 12, 1999. The Fourth Amendment, executed as of September 13, 2001, incorporates into the Agreement the Appendix Performance Measurements. The applicants state that although the Agreement, by its terms, terminated on June 15, 2000, the parties continue to operate under the terms of the Agreement while negotiations are ongoing until a successor agreement can be reached.

Case No. U-12773

**Navigator Communications Corporation and Ameritech Michigan
(interconnection agreement)**

On October 12, 2001 Navigator Communications Corporation and Ameritech Michigan jointly applied to the Michigan Public Service Commission (“Commission”) for approval of the First Amendment to their Interconnection Agreement (“Agreement”) approved by the Commission on January 23, 2001. The First Amendment, executed as of March 15, 2001, incorporates into the Agreement the reciprocal compensation rates and rate structure approved by the Commission in Case No. U-12696.

Case No. U-12987

**Allegiance Telecom of Michigan Inc and Ameritech Michigan
(interconnection agreement)**

On October 22, 2001 Allegiance Telcom of Michigan, Inc. and Ameritech Michigan jointly applied to the Michigan Public Service Commission (“Commission”) for approval of the Mi2A Amendment to their Interconnection Agreement approved by the Commission on September 7, 2001.

Case No. U-13032

**B & S Telecom Inc and Ameritech Michigan
(interconnection agreement)**

On October 18, 2001 B & S Telecom, Inc. and Ameritech Michigan jointly applied to the Michigan Public Service Commission (“Commission”) for approval of the Mi2A Amendment to their Interconnection Agreement approved by the Commission on September 7, 2001.

Case No. U-13095

**Americom Inc and Ameritech Michigan
(interconnection agreement)**

On October 22, 2001 Americom, Inc. (“Americom”) filed with the Michigan Public Service Commission (“Commission”) an amendment to the previously jointly filed multi-state Resale Agreement executed as of July 2, 2001 between Americom and Ameritech Michigan. Americom states that it amends item 3 of the original filing, to read that Americom has not applied to the Commission for approval to provide basic local exchange service in Michigan. Americom claims it has not yet received necessary documents from the Michigan Bureau of Commercial Services, Corporate Division, for the filing, and that accordingly no docket no. has yet been assigned. Americom states that as soon as these documents are received, the application will be filed with the Commission. Americom states that the Commission Staff requested that this amendment be filed.

Case No. U-13142

**John C. Hawkins v Ameritech Michigan
(consumer complaint: billing dispute)**

On October 11, 2001 John C. Hawkins (“Complainant”), of Novi, filed a formal complaint with the Michigan Public Service Commission against Ameritech Michigan for charging fees for toll calls to numbers which require only seven-digit dialing. Complainant states that after moving from Florida to Michigan he ordered new telephone service from Ameritech, including Call Plan 400. After making several calls to Troy, Michigan, which he believed to be local calls, he discovered on his phone bill that Ameritech was charging a per minute rate and billing him over \$400.00 for the calls. Complainant states that Ameritech did not provide him with a list of toll exchanges for his new service or inform him that some seven-digit calls are not included in his calling plan. Complainant requests reimbursement for out-of-pocket expenses totaling \$995.16, the imposition of fines, and the entry of a cease and desist order against Ameritech.

Case No. U-13143

**Cricket Communications Inc and Verizon North Inc and
Contel of the South Inc, d/b/a Verizon North Systems
(interconnection agreement)**

On October 12, 2001 Cricket Communications, Inc. (“Cricket”) and Verizon North, Inc. and Contel of the South, Inc., d/b/a Verizon North Systems jointly applied to the Michigan Public Service Commission (“Commission”) for approval of their Interconnection Agreement (“Agreement”). The Agreement results from Cricket’s decision to adopt the terms of the interconnection agreement between GTE North Incorporated, Contel of the South, Inc. and AirTouch Cellular, Inc. approved by the Commission in Case No. U-12036 on September 28, 1999, and scheduled to terminate on July 6, 2002.

Case No. U-13144

**Ciera Network Systems Inc and Verizon North Inc and
Contel of the South Inc, d/b/a Verizon Mid-States
(interconnection agreement)**

On October 12, Ciera Network Systems, Inc. and Verizon North, Inc. and Contel of the South, Inc., d/b/a Verizon Mid-States, jointly applied to the Michigan Public Service Commission for approval of their Interconnection Agreement (“Agreement”). The Agreement remains in effect from its effective date until September 24, 2003.

Case No. U-13145
RFB Cellular Inc
(eligible telecommunications carrier designation)

On October 15, 2001 RFB Cellular, Inc. (“RFB”) applied to the Michigan Public Service Commission for designation as an eligible telecommunications carrier (ETC) for purposes of receiving federal universal service support in Michigan for high cost, low income, and rural healthcare funding assistance. RFB states that it is a Delaware corporation headquartered in Gaylord, Michigan, and that it provides wireless telecommunications service to over 21,000 customers in the rural areas of the Upper and Lower Peninsula.

Case No. U-13147
Upper Peninsula Telephone Company and American Cellular Corporation
(interconnection agreement)

On October 15, 2001 Upper Peninsula Telephone Company and American Cellular Corporation applied to the Michigan Public Service Commission for approval of their Interconnection Agreement (“Agreement”) dated as of August 1, 2001. The Agreement has a two (2) year term that expires on July 31, 2003.

Case No. U-13151
Z-Tel Communications Inc
(amended license)

On October 17, 2001 Z-Tel Communications, Inc. (“Z-Tel”) applied to the Michigan Public Service Commission for approval to amend its license to provide basic local exchange service by expanding the geographic service boundaries to include the local exchange areas served by Verizon North, Inc. and Contel of the South, Inc., d/b/a Verizon North Systems (collectively, “Verizon”). Z-Tel states that the expansion of its license will have no adverse impact on the public interest, and will permit greater customer choice in Verizon’s service territory.

Case No. U-13152
Thomas J. McCabe v Direct One
(consumer complaint: slamming)

On October 17, 2001 Thomas J. McCabe (“Complainant”), of Warren, filed a formal complaint with the Michigan Public Service Commission alleging that Direct One switched his telephone service provider without his authorization. Complainant also seeks an investigation to determine how Direct One was in possession of his Bank One credit card number. Complainant seeks reimbursement for his out-of-pocket expenses, the imposition of fines, and the entry of a cease and desist order against Direct One.

Case No. U-13153

**Pak Mail of Portage Inc v Ameritech Michigan
(consumer complaint: false, misleading and
deceptive information and quality of service)**

On October 18, 2001 Gary Brown, President of Pak Mail of Portage, Inc. (“Complainant”) filed a formal complaint with the Michigan Public Service Commission alleging that Ameritech Michigan failed to install DSL service on the date scheduled and after 70 days finally advised Complainant that DSL service was not available to him. Complainant states that over the 70 day period he was given multiple conflicting reasons by multiple Ameritech customer service representatives and technicians as to why Ameritech was unable to provide him with service. Complainant also states that Ameritech has failed to credit his account as promised. Complainant requests reimbursement for his total economic loss of \$1,510.95, the imposition of fines and the entry of a cease and desist order against Ameritech.

Case No. U-13154

**Emergent Communications LLC and Ameritech Michigan
(interconnection agreement)**

On October 19, 2001 Emergent Communications, LLC (“Emergent”) and Ameritech Michigan jointly applied to the Michigan Public Service Commission for approval of their multi-state Resale Agreement executed as of June 12, 2001. The Resale Agreement has an initial term that expires on August 27, 2002.

Case No. U-13157

**Tracy and Sandra Roth v AT&T Communications of Michigan Inc
(consumer complaint: unauthorized charges)**

On October 19, 2001 Tracy and Sandra Roth (“Complainants”), of Owosso, filed a formal complaint with the Michigan Public Service Commission alleging that AT&T Communications of Michigan, Inc. (“AT&T”) failed to charge them the prices they were quoted. Complainants state that they switched their long distance and toll telephone service to AT&T because a telemarketer offered them service at 7 cents per minute for all long distance calls. Complainants state, however, that their first invoice indicated that they were paying 14 cents per minute. When Complainants contacted AT&T, they were informed that AT&T did not have a 7-cent per minute program. Complainants state that AT&T apologized for the misrepresentations of the telemarketer and even admitted they were having problems with their telemarketers, but denied any responsibility “for what their telemarketer had offered.” Complainants state that they reported the problem to AT&T’s complaint resolution department, but that AT&T never responded. When Complainants called back a month later, they were informed that in order to receive the 7-cent rate, they would have to pay a fee. Complainants state that AT&T has now turned their account over to a collection agency. Complainants request reimbursement for their total economic loss of \$109.59, the imposition of

finer, and the entry of a cease and desist order against AT&T.

Case No. U-13158
Century 21 Cornerstone v Mpower Communications
(consumer complaint: slamming)

On October 22, 2001 Carl Gervason of Century 21 Cornerstone (“Complainant”), of Shelby Township, filed with the Michigan Public Service Commission a formal complaint alleging that Mpower Communications switched his long distance service without authorization. Complainant requests reimbursement of out-of-pocket expenses totaling \$2,000.00, the imposition of fines, and the entry of a cease and desist order against Mpower.

Case No. U-13159
Quality Vacuum v Ameritech Michigan
(consumer complaint: unauthorized charges)

On October 23, 2001 Ed and Jilayne Bosch, on behalf of Quality Vacuum (“Complainant”), of Grand Haven, filed a formal complaint with the Michigan Public Service Commission alleging that Ameritech Michigan has allowed Golden Eagle to debit their bank account for monthly lease payments on a credit card machine which they purchased directly from Ameritech. Complainant requests reimbursement of \$395.76, the imposition of fines and the entry of a cease and desist order against Ameritech.

Case No. U-13161
Comcast Business Communications Inc
(amended license)

On October 23, 2001 Comcast Business Communications, Inc., f/k/a CTI, (“CBC”) applied to the Michigan Public Service Commission for approval to expand the geographic boundaries of its license to provide basic local exchange services to include Algonac, Almont, Auburn Heights, Avoca, Belleville, Birmingham, Brown City, Capac, Carleton, Centerline, Clarkston, Clifford (Verizon, F/k/a GTE North Inc. territory only), Columbiaville, Commerce, Detroit, Drayton Plains, Dryden, Dundee, Emmett, Erie, Farmington, Fenton, Flat Rock, Goodells, Holly, Ida, Imlay City, Jeddo, lake Orion, Lapeer, Livonia, Lost Peninsula, Marine City, Marlette (Verizon, F/k/a GTE North Inc. territory only), Maybee, Mayville (Verizon, F/k/a GTE North Inc. territory only), Memphis, Metamora, Milan, Milford-White Lake, Monroe, Mount Clemens, New Boston, New Haven, New Baltimore, North Branch, Northville, North Sylvania, Ortonville, Oxford, Plymouth, Pontiac, Port Huron, Richmond, Rochester, Rockwood, Romeo, Romulus, Roseville, Royal Oak, Smiths Creek, South Lyon, Southfield, St. Clair, Temperance, Trenton, Troy, Utica, Walled Lake, Warren, Washington, Wayne, West Bloomfield, Willis, Wyandotte, Yale, and Ypsilanti. CBC states that it is a wholly-owned, indirect subsidiary of Comcast Corporation with offices in Warren, Michigan.

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PSC NOTICES OF OPPORTUNITY FOR COMMENT

No current notices of opportunity for comment have been issued by the MPSC.

* * *

SCHEDULED MPSC MEETINGS FOR OCTOBER 2001

October 2, 2001	Special Meeting	9:00 a.m.
October 11, 2001	Regular Meeting	11:30 a.m.
October 29, 2001	Regular Meeting	3:30 p.m.

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SUBSCRIPTION INFORMATION

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

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