

MICHIGAN

TELECOMMUNICATIONS

REPORT™

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*MR. COY IS A MEMBER
IN THE CLARK HILL PLC LAW FIRM
DETROIT * BIRMINGHAM * LANSING

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CLARK HILL P.L.C.
2455 WOODLAKE CIRCLE
OKEMOS, MICHIGAN 48864-5941
(517) 381-9193
<http://www.clarkhill.com>

FEATURES

GOVERNOR'S BROADBAND BILL ON HOLD UNTIL JANUARY

Although Governor Engler had hoped to sign a bill before year's end that would implement his plan to expand high-speed Internet access in Michigan, the legislation will be delayed until early next year. Concerned that Michigan's expansion of broadband services, a high-speed cable Internet system, is lagging far behind for both businesses and residents, Engler has been on a fast track with legislation that would establish a statewide financing authority to help fund the deployment of broadband services as well as an oversight authority for companies accessing rights-of-way to lay fiber optic cable lines. The possibility of immediate movement on the three Senate bills introduced November 29, 2001 and comprising the telecommunications package, was halted when Sen. Mat Dunaskiss, chair of the Senate Technology and Energy Committee, canceled a committee meeting first scheduled for late Wednesday and then postponed until Thursday morning. Reportedly, some Republican Senators wanted to slow the process down to allow more time to study the ramifications of the legislation. According to an AP article published in the Detroit Free Press on December 6, Senator Dunaskiss said, "We want to make sure it's revenue-neutral, that we're not picking one company over another company and not coming up with another tax."

* * *

PUBLIC ACTS OF 2001

Public Act #	Effective Date	Description	Bill Number and Sponsor
PA 48	07/23/01	Provides for the clarification of the definition of public utilities	Enrolled SB 446 Dunaskiss (R-District 16)

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PENDING LEGISLATION

The following is a list of active telecommunications bills that have been introduced during the current legislative session. Copies of bills and public acts referred to in this column may be obtained by contacting your state senator or representative, on the Michigan Legislature Web site, <<http://www.michiganlegislature.org/>> or from the Legislative Service Bureau Document Room at (517) 373-0169.

Senate Bill # Senator	Date Introduced	Description	Status
SB 280 Dunaskiss	03/07/01	Creates new act; provides for definition of public utility	To Senate Committee on Technology and Energy
SB 879 Schwarz	11/29/01	Provides amendments to certain telecommunications rates for customers of providers with more than 250,000 customers	To Senate Committee on Technology and Energy
SB 880 Schwarz	11/29/01	Creates the "metropolitan extension telecommunications rights-of-way oversight act": creates an oversight authority, establishes a Michigan telecommunications service improvement fund, provides for fee structures for use of public rights-of-way, prescribes the powers and duties of certain state agencies and officials, and provides for penalties	To Senate Committee on Technology and Energy
SB 881 Stille	11/29/01	Creates the "Michigan community communications development authority act": creates funds and accounts, authorizes the issuing of bonds and notes, prescribes the powers and duties of the authority, makes an appropriation	To Senate Committee on Technology and Energy

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
HB 4991 Kuipers	06/26/01	Provides authority to local school board to regulate or allow student use of cellular phone and pagers in school	Referred to Second Reading in House

HB 5460 Shulman	11/28/01	Amends MTA by clarifying end-user line charges	To House Committee on Energy/Technology
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ORDERS

The following Order was issued by the MPSC on November 20, 2001 but was not yet made available when the November 23, 2001 issue of the MTR went to press.

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

On November 20, 2001 the Michigan Public Service Commission issued an order designating RFB Cellular, Inc. as an eligible telecommunications carrier for purposes of receiving federal universal service support in Michigan.

* * *

PROPOSALS FOR DECISION

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

Administrative Law Judge Barbara A. Stump (“ALJ”), in a Proposal for Decision issued November 29, 2001, recommends that the Michigan Public Service Commission find that IECOM has violated Sections 502(a) and (b) of the Michigan Telecommunications Act. The ALJ further recommends that the Commission order IECOM to pay to Hui Wang (“Complainant”) the sum of \$505.94 and to the State of Michigan a fine of \$71,000.00. The ALJ concludes that IECOM charged Complainant for a subscribed service for which he did not make an initial affirmative order, and that the unauthorized charges continued to appear on Complainant’s bill since July 12, 2001. IECOM failed to answer the complaint and failed to appear at the hearing held on November 28, 2001.

* * *

NOTICES OF HEARING

No current notices of hearing have been issued by the MPSC during the prior two-week period.

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PSC HEARINGS

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

Hearings Scheduled for Last Week (November 26-30, 2001)

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

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

Nov. 26, 2001, 10:00 a.m.
Case No. U-13079/evidentiary hearing
Rovas v Ameritech (quality of service)

Nov. 27 & 28, 2001, 9:00 a.m.
Case No. U-13072/cross-exam all parties
Borderland Communications v Ameritech
(interconnection agreement dispute)

Nov. 29, 2001, 9:00 a.m.
Case No. U-13059/evidentiary hearing
Arnold v Talk.com (slamming)

Hearings Scheduled for This Week (December 3 - 7, 2001)

Dec. 3, 2001, 9:00 a.m.
Case No. U-13136/public hearing
Rooseboom v Ameritech (quality of service)

Dec. 4, 2001, 9:00 a.m.
Case No. U-13142/public hearing
Hawkins v Ameritech (billing dispute)

Dec. 3, 2001, 9:00 a.m.
Case No. U-13127/public hearing
Lansing Art Gallery v Ameritech
(unauthorized charges)

Dec. 6, 2001, 9:00 a.m.
Case No. U-13169/public hearing
Honor Insurance v American Phone Service
(slamming)

Future Hearings Scheduled

Dec. 12, 2001, 9:00 a.m.
Case No. U-13024/Prehearing
Seaway Painting v MCI WorldCom (slamming)

Dec. 12, 13, & 14, 2001, 1:30 a.m.
Case No. U-13125/motion hearing
AT&T v Verizon (intrastate access rates)

Dec. 12, 2001, 9:00 a.m.
Case No. U-13174/evidentiary hearing
C3 Networks & Communications (license)

APPLICATIONS AND COMPLAINTS

Case No. U-11340

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

On November 29, 2001 Climax Telephone Company and Ameritech Michigan jointly applied to the Michigan Public Service Commission (“Commission”) for approval of the Fourth Amendment to their Interconnection Agreement approved by the Commission on August 13, 1997 (“Agreement”). The parties represent that the Fourth Amendment executed as of October 3, 2001 adds Appendix Performance Measurements to the Agreement.

**Case No. U-11603
NPI-OmniPoint Wireless LLC and Ameritech Michigan
(interconnection agreement)**

On November 29, 2001 NPI-OmniPoint Wireless, LLC, f/k/a Noverr Publishing, and Ameritech Michigan jointly applied to the Michigan Public Service Commission (“Commission”) for approval of the First Amendment to their Interconnection Agreement approved by the Commission on February 25, 1998 (“Agreement”). The parties state that the First Amendment executed as of October 10, 2001 incorporates into the Agreement the rates and charges approved by the Commission in Case No. U-11831. The parties also state that although the Agreement, by its terms, terminated on September 28, 2000, they continue to operate under the terms and conditions of the Agreement during negotiations until a successor agreement can be reached.

**Case No. U-12952
TDS Metrocom Inc
(arbitration of interconnection agreement with Ameritech Michigan)**

On December 3, 2001 TDS Metrocom, Inc. (“TDS”) and Ameritech Michigan filed a joint motion with the Michigan Public Service Commission (“Commission”) for approval of their Interconnection Agreement dated November 28, 2001 (“Agreement”). The parties represent that the portions of the Agreement for which arbitration was requested are in compliance with the findings of the Commission’s September 7, 2001 Order. The Order resolved various disputes between TDS and Ameritech, and required the parties to file a signed Agreement consistent with the Commission’s Order.

**Case No. U-12992
XO Michigan Inc
(arbitration of interconnection agreement with Ameritech Michigan)**

**Case No. U-13175
XO Michigan Inc**

(interconnection agreement)

On November 20, 2001 XO Michigan, Inc. and Ameritech Michigan filed with the Michigan Public Service Commission their revised Interconnection Agreement. The parties indicate that they have revised footnotes found on the signature page of the Agreement and request that the Commission substitute the revised Agreement for the agreement previously filed on November 1, 2001.

Case No. U-13202

**Preferred Carrier Services Inc, d/b/a Phones for All and Telefonos para Todos and Verizon North Inc and Contel of the South Inc, d/b/a Verizon North Systems
(interconnection agreement)**

On November 21, 2001 Preferred Carrier Services, Inc., d/b/a Phones for All and Telefonos para Todos, and Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems filed with the Michigan Public Service Commission (“Commission”) a joint application for approval of their Interconnection Agreement (“Agreement”). The parties state that the Agreement supercedes the earlier resale agreement approved by the Commission on February 5, 2001 in Case No. U-12795, and that the Agreement will remain in effect until August 21, 2003.

Case No. U-13204

**Robert and Lu Ann Gales v AT&T Communications of Michigan Inc
(consumer complaint: unauthorized charges)**

On November 26, 2001 Robert R. and Lu Ann Gales (“Complainants”), of Jackson, filed a formal complaint with the Michigan Public Service Commission alleging that AT&T Communications of Michigan, Inc. (“AT&T”) failed to terminate their long distance service upon their request and instead simply changed their rate plan. Complainants are disputing charges for international adult entertainment calls made after they requested their long distance be canceled. Complainants state that AT&T claims their long distance service was not disconnected because Complainants failed to inform their local service provider, Ameritech Michigan, that they had canceled their AT&T long distance service.

Case No. U-13205

**Brightmoor Electrical Supplies Inc v AT&T and Teleport Communications
(consumer complaint: slamming)**

On November 26, 2001 James Hodge, on behalf of Brightmoor Electrical Supplies, Inc. (“Complainant”), of Detroit, filed a formal complaint with the Michigan Public Service Commission alleging that AT&T and Teleport Communications switched its local

telephone service without authorization. Complainant states a telemarketer's recording was spliced and edited and falsely represents Complainant's consent.

Case No. U-13206

Holly K. Triestram v MCI Communications Inc
(consumer complaint: slamming)

On November 26, 2001 Holly K. Triestram ("Complainant"), of East Lansing, filed a formal complaint with the Michigan Public Service Commission alleging that MCI Communications, Inc. switched her long distance telephone service without authorization.

Case No. U-13207

Edward Osoba v MCI Communications Inc
(consumer complaint: false, misleading and deceptive statements)

On November 27, 2001 Edward Osoba ("Complainant"), of Livonia, filed a formal complaint with the Michigan Public Service Commission alleging that MCI Communications Inc. ("MCI") utilized false, misleading and deceptive statements to convince him to switch his telephone service provider to MCI. He states that the telemarketer assured him his monthly MCI bill would be much lower than his monthly Ameritech bill, but that in fact the MCI bill was higher.

Case No. U-13208

IG2 Inc and Verizon North Inc and Contel of the South Inc, d/b/a Verizon North Systems
(interconnection agreement)

On November 28, 2001 IG2, Inc. and Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems filed with the Michigan Public Service Commission a joint application for approval of their Interconnection Agreement. The parties state that the Agreement will remain in effect until September 11, 2003.

Case No. U-13209

Xiangjun Wu v Ameritech Michigan
(consumer complaint: unauthorized charges)

On November 29, 2001 Xiangjun Wu ("Complainant"), of Ann Arbor, filed a formal complaint with the Michigan Public Service Commission alleging that Ameritech Michigan was charging \$71.00 for a service visit for a problem that was determined to be outside the customer's home. Complainant states that several attempts to resolve the matter with Ameritech service representatives have been unsuccessful.

Case No. U-13211

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

On November 29, 2001 Ameritech Advanced Data Services of Michigan, Inc. and Ameritech Michigan jointly applied to the Michigan Public Service Commission for approval of their multi-state Interconnection Agreement executed as of October 5, 2001 (“Agreement”). The parties state that the Agreement has an initial term that expires on December 24, 2002.

**Case No. U-13212
Preferred Carrier Services Inc and Ameritech Michigan
(interconnection agreement)**

On November 29, 2001 Preferred Carrier Services, Inc. and Ameritech Michigan filed with the Michigan Public Service Commission a joint application requesting approval of their multi-state Interconnection Agreement executed as of October 22, 2001 (“Agreement”). The parties state that the Agreement has an initial term that expires on December 20, 2002.

**Case No. U-13213
Sharon Padar v Ameritech Michigan
(consumer complaint: unauthorized charges)**

On December 4, 2001 Sharon Padar (“Complainant”), of Troy, filed a formal complaint with the Michigan Public Service Commission alleging that Ameritech Michigan removed call blocking and added long distance services to her account without her authorization. Complainant states that she cancelled the account with Ameritech as soon as she received notice from Ameritech that the changes had been made to her account. Ameritech is now charging her for over \$800.00 in long distance calls and has turned the matter over to a collections agency.

**Case No. U-13214
RACC Enterprises LLC and
Verizon North Inc and Contel of the South Inc, d/b/a Verizon North Systems
(interconnection agreement)**

On December 5, 2001 RACC Enterprises LLC and Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems jointly applied to the Michigan Public Service Commission for approval of their Interconnection Agreement. The parties state that the Agreement will remain in effect until October 3, 2003.

Case No. U-13215
Linda Palmer v Z-Tel Communications
(consumer complaint: quality of service)

On December 5, 2001 Linda Palmer (“Complainant”), of Flint, filed a formal complaint with the Michigan Public Service Commission against Z-Tel Communications. Complainant states that she asked Z-Tel to disconnect her second line in February, but that it took five months and several calls before it was disconnected. Complainant further claims that Z-Tel mistakenly also disconnected her first line and when she called Ameritech to switch her service, Z-Tel would not release the line. Complainant states that it took Z-Tel over one month to reconnect her service and even then she had no long distance service. Complainant states that she lost business and incurred very large cell phone bills due to the phone outage.

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PSC NOTICES OF OPPORTUNITY FOR COMMENT

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

On October 25, 2001 Comcast Business Communications, Inc (“CBC”) filed an application with the Michigan Public Service Commission (“Commission”) to expand the geographic area of its license to provide basic local exchange service to portions of the zones and exchanges in Michigan currently served by Verizon North, Inc. and Ameritech Michigan. The Commission has directed CBC to issue a notice of opportunity to comment by November 29, 2001. Written comments must be filed with the Commission no later than 5:00 p.m. on December 13, 2001.

Case No. U-13177
Westphalia Telephone Company
(TSLRIC study)

On November 2, 2001 Westphalia Telephone Company (“Westphalia”) filed an application with the Michigan Public Service Commission (“Commission”) for approval of a total service long run incremental cost study. The Commission has directed Westphalia to issue by December 10, 2001 a notice of opportunity to comment upon its request to the State of

Michigan Attorney General and to all licensed local exchange companies and facility-based interexchange companies operating in Michigan as of November 15, 2001. Written comments must be filed with the Commission no later than 5:00 p.m. on December 28, 2001 and with reply comments due by January 9, 2002.

Case No. U-13191
Winn Telephone Company
(TSLRIC study)

On November 13, 2001 Winn Telephone Company (“Winn”) filed an application with the Michigan Public Service Commission (“Commission”) for approval of a total service long run incremental cost study. The Commission has directed Winn to issue by December 21, 2001 a notice of opportunity to comment upon its request to the State of Michigan Attorney General and to all licensed local exchange companies and facility-based interexchange companies operating in Michigan as of November 15, 2001. Written comments must be filed with the Commission no later than 5:00 p.m. on January 15, 2002 and with reply comments due by January 22, 2002.

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SCHEDULED MPSC MEETINGS FOR DECEMBER 2001

Thursday, December 20, 2001	Regular Meeting	10:00 a.m.
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SUBSCRIPTION INFORMATION

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