

# MICHIGAN

# TELECOMMUNICATIONS

# REPORT™

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

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In this issue . . .  
page no.

## 2 Features

### ■ Recent FCC actions

- 3 Public Acts of 2001
- 3 Pending Legislation
- 4 Orders
- 10 Minute Action
- 10 Decision of Arbitration Panel
- 13 Notices of Hearing
- 13 PSC Hearings Schedule
- 14 Applications and Complaints
- 17 Opportunities for Comment
- 18 PSC Meetings
- 18 MTR Subscription Information

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- U-11138: TCG Detroit/Ameritech: interconnection agreement
- U-11326: BRE/Ameritech Michigan: interconnection agreement
- U-11830: Ameritech: performance measurements
- U-11900: Commission's Own Motion: anti-slamming procedures
- U-11980: Message Express/Ameritech: interconnection agreement
- U-12273: LDMI/Ameritech: interconnection agreement
- U-12320: Ameritech: compliance with competitive checklist
- U-12576: Mission Networks: (license)
- U-12588: Commission's Own Motion: permissive dialing
- U-12627: New Edge Network/Ameritech: interconnection agreement
- U-12927: Covad/Ameritech: interconnection agreement
- U-12952: TDS Metrocom/Ameritech: interconnection agreement
- U-13016: Motema Security Services v America Net: slamming
- U-13065: Weingarden v AT&T and Ameritech:
- U-13068: Bierlein v Ameritech: unauthorized charges
- U-13131: Yoga Works v Choice One: quality of service
- U-13132: LaRocca v WebNet: slamming
- U-13147: American Cellular/Upper Peninsula Telco: intercon'n agreement
- U-13176: New Edge Network/AADSM: interconnection agreement
- U-13197: Upper Peninsula Telco: amended license
- Minute Action
- U-13165: MCImetro Access: eligible carrier designation

### Applications and Complaints:

- U-11400: Trillium Cellular/Ameritech: interconnection agreement
- U-12798: Focal/Ameritech: interconnection agreement
- U-13140: VoiceStream/Verizon: interconnection agreement
- U-13216: Potter v AT&T: unauthorized charges
- U-13217: KMC/Ameritech: interconnection agreement
- U-13218: RACC/Ameritech: interconnection agreement
- U-13219: BigNetv WorldCom: billing dispute
- U-13226: Edsall v Michigan Connect: unauthorized charges
- U-13227: Verizon Wireless: arbitration of interconnection w/Ameritech
- U-13228: Star Truck Rentals v MCI WorldCom: unauthorized charges
- U-13231: Houghton Lake Area Tourists & Visitors v AT&T: slamming
- U-13233: Giocondini v Sprint: unauthorized charges

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## FEATURES

### RECENT FCC ACTIONS

At the Federal Communications Commission's ("FCC") December 12, 2001 Open Meeting, three separate actions were taken and outlined in a press release issued the same day.

First, the FCC issued its *Third Report and Order and Second Order on Reconsideration* in Docket Nos.: CC 99-200, 96-09, and 95-116. Most of the order deals with cost recovery for number pooling trials and exemptions for paging companies.

Second, the FCC created CC Docket 01-337 by issuing a Notice of Proposed Rule Making ("NPRM") (FCC-360) seeking comment on what changes, if any, the FCC should make in its traditional regulatory requirements of incumbent LEC's broadband service. Specific comments were requested as to: 1) what the relevant product and geographic markets should be for broadband services; 2) whether incumbent LECs possess market power in any relevant market; 3) whether dominant carrier safeguards or other regulatory requirements should govern incumbent LECs' provision of broadband service.

Third, the FCC initiated its first triennial review of its policies on unbundled network elements ("UNE"), as specified in the FCC's UNE Remand Order in 1999. Specifically, the FCC will "examine the framework under which incumbent LECs must make UNEs available to competing carrier." The FCC's "action seeks to ensure that its regulatory framework reflects recent technological advances and marketplace developments and to remain current and faithful to the pro-competitive, market-opening provisions of the Telecommunications Act of 1996 ("Act"). The FCC created CC Docket 01-339 by issuing a NPRM (FCC 01-361) seeking comment on most aspects of its unbundling framework, including: 1) application of the statutory "necessary" and "impair" standards, as well as whether and how the FCC should take into account other goals of the Telecommunications Act of 1996, such as encouraging broadband deployment, investment in facilities and technological innovation; 2) a more targeted approach to defining specific network elements, such as whether or not the unbundling rules should vary by type of service, geography, or other factors; 3) the proper role of state commissions in the implementation of unbundling rules.

At MTR press time, the NPRMs and the comments schedules were not yet available.

\* \* \*

## 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 utility	Enrolled SB 446 Dunaskiss (R-District 16)

## 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/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/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/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/Energy

House Bill #	Date	Description	Status
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Representative	Introduced		
HB 4219 Mortimer	02/13/01	Creates new Cellular Tower Attachment Act to require approval of MPSC regarding construction of cellular communication towers Tie bar with HB 4220	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 phones and pagers in school	11/29/01 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

## ORDERS

### **Case No. U-11138**

#### **TCG Detroit and Ameritech Michigan (interconnection agreement)**

On December 20, 2001 the Michigan Public Service Commission issued an order **approving the Third Amendment to the Interconnection Agreement between TCG Detroit and Ameritech Michigan. The Third Amendment incorporates into the Agreement Appendix Performance Measurements.**

### **Case No. U-11326**

#### **BRE Communications LLC, d/b/a Phone Michigan, and Ameritech Michigan (interconnection agreement)**

On December 20, 2001 the Michigan Public Service Commission issued an order **approving the Seventh Amendment to the Interconnection Agreement between McLeodUSA Telecommunications Services, Inc., on behalf of itself and its subsidiary BRE Communications, L.L.C., d/b/a Phone Michigan, and Ameritech Michigan. The Seventh**

**Amendment incorporates into the Agreement Appendix DSL.**

**Case No. U-11830  
Ameritech Michigan  
(performance measurements)**

On December 20, 2001 the Michigan Public Service Commission issued an order **granting the September 18, 2001 joint motion of AT&T Communications of Michigan, Inc., TCG Detroit, McLeodUSA Telecommunications Services, Inc., MCI WorldCom Communications, Inc., Brooks Fiber Communications of Michigan, Inc., MCI metro Access Transmission Services, Inc., XO Michigan, Inc., CLEC Association of Michigan, Attorney General Jennifer M. Granholm, the Commission Staff and Ameritech Michigan to amend the performance measures to conform to agreements reached through the collaborative process regarding further modifications, additions, and deletions to the performance measurements and benchmarks.**

**Case No. U-11900  
Commission's Own Motion  
(anti-slamming procedures)**

On December 20, 2001 the Michigan Public Service Commission issued an order **denying the petition for rehearing filed by the Telecommunications Association of Michigan ("TAM") on July 26, 2001. The Commission states that TAM effectively requested that the Commission retract Section 2.1(a)(4), which requires each carrier that executes a primary interexchange carrier (PIC) change order to provide notice of that change to the carrier whose service is being replaced, on the grounds that it imposes unnecessary burdens on Michigan's smaller local exchange carriers. The Commission notes its order of July 11, 2001, which stated that the notification requirements ensure that "end users are not billed for services that have previously been cancelled" and "eliminates situations in which customers may be double-billed for one or more telecommunications services." The Commission further states that "by allowing carriers to issue cancellation notices as seldom as once per week, and by providing them with a choice of several notification options, the Commission has made it relatively easy for carriers to satisfy the requirements established by Section 2.1(a)(4)."**

**Case No. U-11980  
Message Express Co and Ameritech Michigan  
(interconnection agreement)**

On December 20, 2001 the Michigan Public Service Commission issued an order **approving the First Amendment to the Interconnection Agreement between Message Express Company and Ameritech Michigan. The First Amendment incorporates into the**

**Agreement the rates approved by the Commission in Case No. U-11831.**

**Case No. U-12273**

**Long Distance of Michigan Inc, d/b/a LDMI Telecommunications, and Ameritech Michigan  
(interconnection agreement)**

On December 20, 2001 the Michigan Public Service Commission issued an order **approving the Mi2A amendment to the Interconnection Agreement between Long Distance of Michigan, Inc., d/b/a LDMI Telecommunications, and Ameritech Michigan.**

**Case No. U-12320**

**Ameritech Michigan  
(compliance with competitive checklist)**

On December 20, 2001 the Michigan Public Service Commission issued an order **finding that Ameritech Michigan does not appear to be in full compliance with section 271 of the federal Telecommunications Act of 1996 on several issues and directing Ameritech to file within 20 days a report on its efforts to resolve the problem related to line loss notification. Interested parties may file a response within 15 days of Ameritech's filing. The Commission's order does not discuss every issue raised by the parties in this proceeding, but notes that the comments and reply comments raised myriad issues with Ameritech's tariffs, operations, and interconnection behavior. While the Commission's order does not discuss those issues previously addressed or pending in other Commission dockets, it does list the following issues on which it may later determine that Ameritech is not in compliance with the requirements of the Section 271 checklist:**

**Checklist item #2: nondiscriminatory access to network elements in accordance with the requirements of Sections 251(c)(2) and 252(d)(1)**

**Remote switches**

**Line loss notifications**

**Checklist item #4: local loop transmission from the central office to the customer's premises, unbundled from local switching or other services**

**Line Sharing and Line Splitting**

**Checklist item #7: nondiscriminatory access to (1) 911 and E911 services; (2) directory assistance services to allow the other carrier's customers to obtain telephone numbers; and (3) operator call completion services**

**Non-discriminatory access to operator services (OS) and**

**Directory Assistance (DA) services**

**Pricing of access to Directory Assistance Listings (DAL)**

**Checklist item #10: non-discriminatory access to databases and associated signaling necessary for call routing and completion**  
**Access to Calling Name (CNAM) Database**  
**Procedures for Reviewing Section 271 Compliance Materials**

**Case No. U-12576**  
**Mission Networks LLC**  
**(license)**

On December 20, 2001 the Michigan Public Service Commission issued an order rescinding the license of Mission Networks, LLC (“Mission”) to provide basic local exchange service, which was approved by the Commission on November 20, 2000. On November 9, 2001 Mission indicated its intent to surrender the license.

**Case No. U-12588**  
**Commission’s Own Motion**  
**(810 area code relief plan)**

On December 20, 2001 the Michigan Public Service Commission issued an order approving the petition submitted by Ameritech Mobile Communications, LLC, d/b/a Cingular Wireless (“Cingular”) notifying the Commission that it missed the May 8, 2001 filing deadline to request an extended permissive dialing period and requesting the Commission to direct NANPA (the North American Numbering Plan Administrator) to extend to Cingular’s customers the right to use extended permissive dialing within the 586 area code. In its order, the Commission directed NANPA to take all necessary steps to allow extended permissive dialing until March 22, 2003 for the 45 central office codes set forth in Cingular’s petition. The Commission notes that the Commission Staff concluded that granting the request will not interfere with the successful implementation of the 810 area code relief plan and that rejection of the request could impose a significant hardship on many of Cingular’s customers in the Macomb County area.

**Case No. U-12627**  
**New Edge Network Inc and Ameritech Michigan**  
**(interconnection agreement)**

On December 20, 2001 the Michigan Public Service Commission issued an order approving the First Amendment to the Interconnection Agreement between New Edge Network, Inc. and Ameritech Michigan. The Amendment incorporates into the Agreement Appendix HFPL (high frequency portion of the loop) and its associated pricing table.

**Case No. U-12927  
Covad Communications Co and Ameritech Michigan  
(interconnection agreement)**

On December 20, 2001 the Michigan Public Service Commission issued an order **approving the Third Amendment to the Interconnection Agreement between Covad Communications Company and Ameritech Michigan. The Amendment incorporates into the Agreement performance measures and remedies, line sharing rates, terms and conditions, and loop provisioning intervals for stand-alone xDSL-capable loops.**

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

On December 20, 2001 the Michigan Public Service Commission issued an order **approving the Interconnection Agreement between TDS Metrocom, Inc. and Ameritech Michigan.**

**Case No. U-13016  
Motema Security Services Inc v America Net  
(consumer complaint: slamming)**

On December 20, 2001 the Michigan Public Service Commission issued an order **finding that America Net improperly switched the long distance service of Motema Security Service, Inc. (“Complainant”) on four telephone lines without authorization and ordered America Net to pay a fine of \$110,000 for the four violations. Seventy percent of the fine, or \$77,000 is payable to the State of Michigan and thirty percent, or \$33,000 is payable to Complainant. The Commission also ordered America Net to pay restitution to Complainant in the amount of \$2,600.00, and to cease and desist from further violations of the Michigan Telecommunications Act.**

**Case No. U-13065  
Michael and Susan Weingarden v  
AT&T Communications of Michigan Inc and Ameritech Michigan  
(consumer complaint: unauthorized charges)**

On December 20, 2001 the Michigan Public Service Commission issued an order **dismissing with prejudice the complaint of Michael and Susan Weingarden against AT&T Communications of Michigan, Inc. and Ameritech Michigan regarding a billing dispute. On November 1 and November 15, 2001 the complainants filed a request to withdraw the complaint against AT&T and Ameritech, respectively.**

**Case No. U-13068**

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

On December 20, 2001 the Michigan Public Service Commission issued an order **dismissing with prejudice the complaint of Evelyn and Paul Bierlein against Ameritech Michigan alleging unauthorized service repair charges. On November 13, 2001 the complainants filed a request to withdraw the complaint.**

**Case No. U- 13131**

**Yoga Works Inc v Choice One Communications  
(consumer complaint: quality of service)**

On December 20, 2001 the Michigan Public Service Commission issued an order **dismissing without prejudice the complaint of Yoga Works, Inc. against Choice One Communications regarding the quality of service. On October 31, 2001 the complainant filed a request to withdraw the complaint.**

**Case No. U-13132**

**Jamie LaRocca v WebNet Communications Inc  
(consumer complaint: slamming)**

On December 20, 2001 the Michigan Public Service Commission issued an order **dismissing without prejudice the complaint of Jamie LaRocca against WebNet Communications, Inc. alleging an unauthorized switch of service providers. On November 8, 2001 the complainant filed a request to withdraw the complaint.**

**Case No. U-13147**

**American Cellular Corp and Upper Peninsula Telephone Company  
(interconnection agreement)**

On December 20, 2001 the Michigan Public Service Commission issued an order **approving the Interconnection Agreement between American Cellular Corporation and Upper Peninsula Telephone Company.**

**Case No. U-13176**

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

On December 20, 2001 the Michigan Public Service Commission issued an order

**approving the Interconnection Agreement between New Edge Network, Inc., d/b/a New Edge Networks, and Ameritech Advanced Data Services of Michigan, Inc.**

**Case No. U-13197  
Upper Peninsula Telephone Company  
(amended license)**

On December 20, 2001 the Michigan Public Service Commission issued an order **authorizing Upper Peninsula Telephone Company to transfer territory from the Marenisco and North Land O'Lakes exchanges to the Lake Gogebic Exchange. The Commission also ordered the company to file new tariff sheets pertaining to the transfer.**

### **MINUTE ACTION**

**Case No. U-13165  
MCImetro Access Transmission Services Inc  
(eligible carrier designation)**

On December 20, 2001 the Michigan Public Service Commission **adopted and issued a minute designating MCImetro Access Transmission Services, Inc. as an eligible telecommunications carrier for purposes of receiving federal universal service funds.**

### **DECISION OF ARBITRATION PANEL**

**Case No. U-13124  
McLeodUSA Telecommunications Services Inc  
(arbitration of interconnection with Ameritech Michigan)**

**On December 11, 2001, an Arbitration Panel ("Panel"), consisting of Administrative Law Judge Barbara A. Stump and Michigan Public Service Commission ("Commission") Staff Members, Robin Ancona and Thomas Saghy, issued a decision in the matter of the Petition of McLeodUSA Telecommunications Services, Inc. ("McLeod") for Arbitration of Interconnection Rates, Terms and Conditions, and Related Arrangements ("Agreement") with Ameritech Michigan. Of the 88 issues originally submitted to the Panel, 71 were settled by the parties. The Panel addressed the remaining 17 issues. Among the issues decided by the Panel are:**

**Should terms and conditions, including pricing, be subject to an end date before a subsequent Interconnection Agreement between the parties is executed? The Panel adopted McLeod's proposal that the terms and conditions of the Agreement, including pricing, should continue on a month-to-month basis after expiration of the Agreement.**

The Panel found that by doing so, both parties will have increased incentives to resolve issues productively in future bargaining sessions designed to reach a successor Agreement.

Should pricing in the Interconnection Agreement be subject to a true up and refund or credit if the United States Supreme Court rules that the FCC's total element long-run incremental costs ("TELRIC") rules are not valid under the Telecommunications Act of 1996? The Panel adopted Ameritech's position on this issue. If the Supreme Court determines that the FCC rules that underlie the prices contained in the Agreement are unlawful, those prices should be subject to change and, possibly true up. McLeod had proposed language that would have deferred any consideration of a potential Supreme Court ruling to a successor Interconnection Agreement.

If McLeod performs trouble isolation and determines that the problem is caused by Ameritech's network, should McLeod be allowed to charge Ameritech Michigan a trouble isolation charge in the same manner that Ameritech Michigan would charge McLeod a trouble isolation charge in the opposite case? The Panel adopted the position of McLeod on this issue. The Panel understood that McLeod is simply seeking the same charge that Ameritech currently applies to McLeod under similar circumstances. The Panel further found that "if Ameritech performs its trouble isolation work correctly, then McLeod would have no reason to charge Ameritech." The Panel also believes that if McLeod is allowed to charge Ameritech a trouble isolation charge, Ameritech will be provided with additional incentive to research trouble issues thoroughly before issuing a trouble ticket, reducing the costs for both parties.

Does Ameritech Michigan have to provide power cabling as part of its obligation to provide physical collocation? The Panel agreed with McLeod that Ameritech's refusal to provide the power cables from the central office power source to McLeod's collocation prevents McLeod from obtaining a functional collocation space within the standard delivery interval. The Panel believes that its position on this issue is consistent with FCC rules which require that, "to complete the provisioning of a collocation arrangement, an incumbent CLEC must finish construction in accordance with the requesting carrier's application and turn functional space over to the requesting carrier."

Should the Agreement require that "functional" collocation space be turned over to McLeod at the end of the delivery interval? The Panel adopted McLeod's position on this issue. The Panel found that McLeod's definition of the delivery interval is consistent with the FCC's deployment of wireline services order and McLeod should not be forced to incur monthly recurring charges for collocation space that has merely been "roughed in" and is not yet usable for a significant period of time.

Should Ameritech impose the same requirements on overlashed facilities as on new

**facilities?** The Panel adopted McLeod’s position regarding “overlashing,” where additional attachments are added to McLeod wires and cables that are already attached to telephone poles owed by Ameritech. The Panel specifically considered the FCC’s position on this issue. Based on the FCC’s position, the Panel found that neither McLeod nor a third party overlasher must obtain approval from or consent of Ameritech for overlashing other than the approval attained in the host attachment. If there is any make ready work that Ameritech must do to allow the overlashing to take place, Ameritech may recover for such work and, after inspection, if Ameritech finds a deficiency in its agreed upon attachment standards, it may also recover from McLeod.

**Should Ameritech Michigan obligate McLeod to enter into Agreements with third-party telecommunications carrier prior to delivering traffic for transiting to the third-party?** McLeod asked the Panel to reject Ameritech’s language that would have obligated McLeod to enter into an agreement with any third party carrier with which McLeod wished to transit traffic through Ameritech’s tandem. Because Ameritech failed to address this issue in its proposed decision, the Panel adopted McLeod’s position.

**Should Ameritech be required to explicitly identify, by state, all service orders and/or non-recurring charge rate elements that are applicable to “as is” conversion orders, existing service orders with changes, and new service orders?** The Panel adopted McLeod’s position on this issue. McLeod requested that state-specific service orders and/or non-recurring charge rate elements in the Interconnection Agreement lists state-specific information. The Panel found that by requiring such, McLeod and other CLECs that may be interested in exercising their Section 252(i) rights, will have one document from which to reference in order to determine all elements that are applicable to each type of order in the specific state.

**Should Ameritech waive term penalties if its customer service records do not accurately reflect that the customer being converted to McLeod has an existing contract that is subject to term liability?** Because the Customer Service Record is the only available document, accessible by McLeod, that would indicate whether a prospective customer purchases service from Ameritech and whether or not that customer is under contract with Ameritech, Ameritech should be required to include such information in the Customer Service Record. The Panel believes that its decision is consistent with the Commission’s decision in the Coast to Coast Arbitration, MPSC Case No. U-12382. If Ameritech is unwilling or unable to keep its customer service records up-to-date, Ameritech should not be able to assess termination penalties when McLeod solicits a customer under contract with Ameritech.

**Liability Issues:** The Panel considered several issues regarding the liability each party should have to the other under various circumstances. While not finding for either party, the Panel noted that “neither party should have to waive any of its rights under State and Federal law” and “each party should be responsible for its own conduct and should be liable to the other party for direct damages that are the result of that conduct.” The Panel

noted that neither party should be responsible for acts of third parties. With those three guidelines, the Panel believes the parties should be able to work together to craft contract language that is consistent.

McLeod and Ameritech have until December 26, 2001, to file any objections to the Panel's decision. Once objections have been filed, the Commission will consider the arbitration and issue its decision no later than January 22, 2002.

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### NOTICES OF HEARING

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

\* \* \*

### PSC HEARINGS SCHEDULE

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

#### **Hearings Scheduled for Last Week (December 10 -14, 2001)**

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

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

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

#### **Hearings Scheduled for This Week (December 17-21, 2001)**

Dec. 17, 2001, 9:00 a.m.  
Case No. U-13193  
CLEC Association et al. v Ameritech  
(anti-competitive practices)

Dec. 18, 2001, 9:00 a.m.  
Case No. U-13198/prehearing conference  
Provide Net v Ameritech and AT&T  
(unauthorized charges)

Dec. 17, 2001, 9:00 a.m.  
Case No. U-13130/cross-exam  
Ciera Network (license)

Dec. 19, 2001, 9:00 a.m.  
Case No. U-13183/public hearing  
Kessler v Zone Telecom (slamming)

#### **Future Hearings Scheduled**

Feb. 25-Mar.1, 2002, 9:00 a.m.  
Case No. U-13193/cross-exam all parties  
CLEC Association et al. v Ameritech  
(anti-competitive practices)

## APPLICATIONS AND COMPLAINTS

**Case No. U-11400**  
**Trillium Cellular Corporation and Ameritech Michigan**  
**(interconnection agreement)**

**On December 13, 2001 Dobson Cellular Systems, Inc., successor by assignment to Trillium Cellular Corporation 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 June 25, 1997. The First Amendment executed as of November 20, 2001 incorporates into the Agreement the rates and charges approved by the Commission in Case No. U-11831. The parties state that, “[a]lthough the Agreement, by its terms, terminated on March 24, 1999, the parties continue to operate under the terms and conditions of the Agreement while approval of a successor agreement is pending before the Commission.”**

**Case No. U-12798**  
**Focal Communications Corp of Michigan and Ameritech Michigan**  
**(interconnection agreement)**

**On December 17, 2001 Focal Communications Corp of Michigan and Ameritech Michigan jointly applied to the Michigan Public Service Commission (“Commission”) for approval of the Third Amendment to their Interconnection Agreement approved by the Commission on March 29, 2001. The Third Amendment executed as of November 20, 2001 incorporates into the Agreement certain rates, terms and conditions pertaining to the payment of reciprocal compensation, interconnection, and trunking.**

**Case No. U-13140**  
**VoiceStream Wireless Corp and**  
**Verizon North Inc. and Contel of the South Inc, d/b/a Verizon North Systems**  
**(interconnection agreement)**

**On December 17, 2001 VoiceStream Wireless Corporation and Verizon North, Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, jointly submitted to the Michigan Public Service Commission for approval the First Amendment to their Interconnection Agreement. The First Amendment amends certain terms of the Agreement regarding compensation that may be due in connection with the exchange of traffic.**

**Case No. U-13216**

**Frederic B. Potter v AT&T Communications of Michigan Inc  
(consumer complaint: unauthorized charges)**

**On December 10, 2001 Frederic B. Potter (“Complainant”), of Birmingham, filed a formal complaint with the Michigan Public Service Commission alleging that AT&T Communications of Michigan, Inc. has billed over him \$80.00 for several phone calls which never existed. Complainant states that only AT&T and he know his calling card number and PIN and that he has verification that the calls in questions were not received by the parties shown on his bill.**

**Case No. U-13217**

**KMC Telecom Holdings Inc and Ameritech Michigan  
(interconnection agreement)**

**On December 10, 2001 KMC Telecom Holdings, Inc., on behalf of its subsidiaries KMC Telecom II, Inc., KMC Telecom III, Inc. and KMC Telecom V, Inc., (collectively, “KMC companies”) and Ameritech Michigan filed a joint application with the Michigan Public Service Commission (“Commission”) for approval of three Interconnection Agreements executed as of June 5, 2001. The KMC companies requested the adoption of terms and conditions of the interconnection agreement dated September 18, 2000 between Coast to Coast Telecommunications, Inc. and Ameritech Michigan, including the Appendix DSL for line sharing or HFPL, that was approved by the Commission in an order issued on October 24, 2000 in Case No. U-12382. The Agreements have an initial term that expires on September 18, 2003.**

**Case No. U-13218**

**RACC Enterprises LLC and Ameritech Michigan  
(interconnection agreement)**

**On December 10, 2001 RACC Enterprises, LLC and Ameritech Michigan filed a joint application with the Michigan Public Service Commission for approval of their multi-state Interconnection Agreement executed as of November 2, 2001. The Agreement has an initial term that expires on December 18, 2002.**

**Case No. U-13219**

**BigNet Inc and BigNet Holdings Inc v WorldCom  
(billing dispute)**

**On December 11, 2001 BigNet, Inc. and BigNet Holdings, Inc. (collectively, “BigNet”) filed with the Michigan Public Service Commission (“Commission”) a complaint against WorldCom for charges for service, either never ordered or charged for after the effective date the service was cancelled and a request for an emergency relief order asking the Commission to compel WorldCom to refrain from terminating service to BigNet.**

**BigNet states that Mich.Com, a company BigNet acquired in 2000 and whose operations were merged into those of BigNet, canceled service in 1998 on some of the accounts in question, never ordered service on the remaining accounts in question, and does not utilize any circuits from WorldCom. Further, BigNet states that if WorldCom were to act on its threats to terminate service to BigNet, it would cause irreparable harm to BigNet's business and customer base.**

**Case No. U-13226**

**Richard D. Edsall v Michigan Connect  
(consumer complaint: unauthorized charges)**

**On December 14, 2001 Richard D. Edsall ("Complainant"), of Westland, filed a formal complaint with the Michigan Public Service Commission alleging that Michigan Connect increased his monthly Internet service charge from \$9.95 to \$15.95 after three months of service and unilaterally adjusted the billing period to the first of each month, thereby eliminating two weeks of Complainant's service at the lower rate.**

**Case No. U-13227**

**Verizon Wireless  
(arbitration of interconnection with SBC Ameritech Michigan)**

**On December 17, 2001 Verizon Wireless petitioned the Michigan Public Service Commission for arbitration of certain terms, conditions, and prices for interconnection and related arrangements with SBC Ameritech Michigan ("SBC"). Verizon Wireless states that it has repeatedly requested negotiations of a successor Interconnection agreement with SBC, but that SBC has consistently ignored these requests. Verizon Wireless states that it has prepared a Proposed Interconnection Agreement, which is essentially the same as the Prior Interconnection Agreement which has been terminated by SBC, with five substantive exceptions: 1) adoption of a bill-and-keep structure for SS7 Signaling; 2) a three-year term agreement; 3) elimination of language regarding reverse billing and calling party pays; 4) addition of a backup plan for billing and measurement; and, 5) transiting rates.**

**Case No. U-13228**

**Star Truck Rentals Inc v MCI WorldCom  
(consumer complaint: unauthorized charges)**

**On December 18, 2001 Star Truck Rentals ("Complainant") of Grand Rapids, filed a formal complaint with the Michigan Public Service Commission alleging that MCI WorldCom failed to capture certain phone lines that were included in Complainant's contract with MCI WorldCom and has assessed Complainant nearly \$32,000.00 for "erroneous minimum usage charges" over a two-year period.**

**Case No. U-13231**

**Houghton Lake Area Tourists & Visitors v  
AT&T Communications of Michigan Inc  
(consumer complaint: slamming)**

**On December 17, 2001 Houghton Lake Area Tourists & Visitors, of Houghton Lake, filed a formal complaint with the Michigan Public Service Commission alleging that AT&T Communications of Michigan, Inc. switched it telephone service without authorization.**

**Case No. U-13233  
Guy Giocondini v Sprint  
(consumer complaint: unauthorized charges)**

On December 17, 2001 Guy Giocondini (“Complainant”), of Plymouth, filed a formal complaint with the Michigan Public Service Commission alleging that Sprint Communications Company LP (“Sprint”) has charged him over \$2,000.00 for three international calls to pornographic sites which he did not make. Complainant indicates that he “had an 11-year old minor in the house who theoretically could have made the calls”, but that he is “extremely suspect that the calls were ever placed.” Complainant states that Sprint failed to make him aware that he could block 800/900 numbers and failed to notify him of these calls until his bill exceeded \$2000.00.

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**PSC NOTICES OF OPPORTUNITY FOR COMMENT**

**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**

December 20, 2001	Regular Meeting	4:00 p.m.
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