

MICHIGAN

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In this issue . . .
page no.

2	Features
■	Court Questions FCC's Decision to Allow SBC to Offer Long Distance
2	Public Acts of 2001
3	Pending Legislation
4	Orders
4	Proposal for Decision
4	Notices of Hearing
6	PSC Hearings Schedule
7	Applications and Complaints
9	Opportunities for Comment
9	PSC Meetings
9	MTR Subscription Information

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No orders have been issued by the MPSC since 12/20/01

Applications and Complaints:

- U-13061: Pitsch v MCI WorldCom: slamming
- U-13234: Artrip v Ameritech: disconnection of service
- U-13236: XO Michigan v AT&T: payment dispute
- U-13238: Baraga Telephone: TSLRIC study
- U-13241: Allegiance Telecom of Michigan: license
- U-13242: Globalcom: license
- U-13243: Seiber, Keast & Associates v SBC Ameritech (unauthorized charges)

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FEATURES

Court Questions FCC's Decision to Allow SBC to Offer Long Distance

On December 28, 2001, the United States Court of Appeals for the District of Columbia Circuit ordered the Federal Communications Commission ("FCC") to reconsider portions of its decision to grant SBC Communications, Inc. ("SBC") authority to offer long distance service in the states of Kansas and Oklahoma under Section 271 of the Federal Telecommunications Act of 1996. The Court found that the FCC had summarily dismissed competitors' claims that "SBC's UNE rates were too high to provide profitable residential service" and that "that SBC was engaged in a 'price squeeze.'" The Court noted that "[w]e can hardly find the commission's rejection of appellants' proposal unreasonable."

The Court did not overturn SBC's long distance authorization, instead remanding the issue of whether or not SBC met the 271 Checklist requirement that network element charges be based on the forward looking cost of providing those services to the FCC. The order requires the FCC to evaluate "whether the UNE pricing [used in Kansas and Oklahoma] doomed competitors to failure," and to "pursue [the Appellants'] price squeeze claim, or at the very least explain why the public interest does not require it to do so." The Court found that the FCC had previously given such a claim "a brush-off."

The Court's ruling could impact SBC's Ameritech Michigan affiliate's proposed application to offer long distance service in Michigan. The Michigan Public Service Commission is presently conducting a collaborative process to establish a procedural framework for determining Ameritech Michigan's compliance with the Section 271 competitive checklist. On December 20, 2001, the Commission issued an order finding that Ameritech Michigan does not appear to be in full compliance with several of the Section 271 competitive checklist items. *See*, MPSC Case No. U-12320, MTR Vol 17, No 26.

* * *

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 # 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 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

No orders have been issued by the MPSC since December 20, 2001.

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PROPOSAL FOR DECISION

Case No. U-13067
Douglas A. Cooper v Talk America
(consumer complaint: slamming)

On December 21, 2001, Administrative Law Judge George Schankler (“ALJ”) issued a proposal for Decision recommending that the Michigan Public Service Commission order Talk America to pay a fine of \$20,000.00 for switching without authorization the telephone service of Douglas A. Cooper (“Complainant”) and award to Complainant \$2,036.57 for his economic loss and costs. The ALJ finds that Talk America’s verification procedures were inadequate to prevent the slamming which occurred and “do not exculpate [Talk America] from its liability for violating the slamming provisions of the Michigan Telecommunications Act.”

* * *

NOTICES OF HEARING

Case No. U-13164
Pattison v AT&T
(slamming)

On October 25, 2001 Marilyn Pattison filed a formal complaint against AT&T Communications of Michigan, Inc. alleging that her telephone service had been “slammed.” A public hearing in this matter will be held at 9:00 a.m. on January 7, 2002.

Case No. U-13167
C&H Maintenance Services v Long Distance Savings
(slamming)

On October 26, 2001 C&H Maintenance Services, Inc. filed a formal complaint against Long Distance Savings alleging that its telephone service had been “slammed.” A public hearing in this matter will be held at 9:00 a.m. on January 4, 2002.

Case No. U-13168
C&H Maintenance Services v Consolidated Billing Provider
(slamming)

On October 26, 2001 C&H Maintenance Services, Inc. filed a formal complaint against Consolidated

Billing Provider alleging that its telephone service had been “slammed.” A public hearing in this matter will be held at 1:00 p.m.. on January 4, 2002.

Case No. U-13184
Cleveland v MCI Worldcom
(slamming)

On November 5, 2001 Kathy Cleveland filed a formal complaint against MCI Worldcom alleging that her telephone service had been “slammed.” A public hearing in this matter will be held at 9:00 a.m. on January 3, 2002.

Case No. U-13195
Rucker Regional Physician Billing, LLC v Ameritech Advanced Data Services, Ameritech Communications International, SBC Global Services, Interactive Services, and Intermedia
(Frame Relay Outage)

On October 26, 2001 Rucker Regional Physician Billing, LLC filed a formal complaint against Ameritech Advanced Data Services of Michigan, Inc., Ameritech Communications International, Inc., SBC Global Services, Inc., Interactive Services, Inc., and Intermedia Corporation, Inc. alleging that continual service outages under Frame Relay Service had caused substantial economic damage. A public hearing in this matter will be held at 9:00 a.m.. on January 3, 2002.

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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 24 - 28, 2001)

none scheduled

Hearings Scheduled for This Week (December 31, 2001 - January 4, 2002)

Jan. 3, 2002, 9:00 a.m.
Case No. U-13054/prehearing
XO Michigan v Detroit Edison (pole attachments)

Jan. 3, 2002, 1:30 p.m.
Case No. U-13196/prehearing
Moore v MCI WorldCom (slamming)

Jan 3, 2002, 9:00 a.m.
Case No. U-13184
Cleveland v MCI Worldcom (slamming)

Jan. 4, 2002, 9:00 a.m.
Case No. U-13167/evidentiary hearing
C&H Maintenance Service v Long Distance Savings
(slamming)

Jan 3, 2002, 9:00 a.m.
Case No. U-13195
Rucker Regional Physician Billing, LLC v Ameritech
Advanced Data Services, Ameritech
Communications International, SBC Global Services,
Interactive Services, and Intermedia (Frame Relay
Outage)

January 4, 2002, 1:00 p.m.
Case No. U-13168
C&H Maintenance Service v Consolidated Bill P.R.
(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)

Jan. 7, 2002, 9:00 a.m.
Case No. U-13164/evidentiary hearing
Pattisson v AT&T
(slamming)

APPLICATIONS AND COMPLAINTS

Case No. U-13061
Holly Pitsch v MCI WorldCom
(consumer complaint: slamming)

On December 20, 2001 Holly Pitsch (“Complainant”), of Wyoming, filed a formal complaint with the Michigan Public Service Commission alleging that MCI WorldCom switched her long distance telephone service without authorization. Complainant requests reimbursement for out-of-pocket expenses of \$100.00 and that MCI WorldCom credit her account for any outstanding charges.

Case No. U-13234
Dan Artrip v Ameritech Michigan
(consumer complaint: disconnection of service)

On December 21, 2001 Dan Artrip, of Stambaugh, filed a formal complaint with the Michigan Public Service Commission alleging that Ameritech Michigan had disconnected his phone service without notification.

Case No. U-13236
XO Michigan Inc v AT&T Communications of Michigan Inc and AT&T Corp
(dispute regarding payment of intrastate access and 800 database query services)

On December 21, 2001 XO Michigan, Inc. (“XO”) filed a complaint with the Michigan Public Service Commission (“Commission”) alleging that AT&T Communications of Michigan, Inc., and its parent company AT&T Corporation (collectively AT&T), for AT&T’s unilateral and willful refusal to pay over \$60,000.00 for lawfully incurred charges for intrastate access and intrastate 800 database query services provided by XO to AT&T. XO states that AT&T “satisfactorily paid the amounts as billed by XO” for these services charged from January 2000 through March 2001, but stopped paying beginning with the April 2001 invoice. XO states that AT&T has never contended that it did not order or did not use the services, has never indicated that it wished to cancel its service with XO, and has never filed any complaints with the Commission alleging that XO’s tariffed rates are unreasonable. XO requests that the Commission order AT&T to pay all amounts owing, award XO its attorney fees and costs, and fine AT&T for its violations of the Michigan Telecommunications Act.

Case No. U-13238
Baraga Telephone Company
(TSLRIC study)

On December 26, 2001 Baraga Telephone Company (“Baraga”) requested approval from the Michigan Public Service Commission (“Commission”) of a total service long run incremental cost (“TSLRIC”) study. Baraga states that it has previously relied on the cost proxy approach, but has now performed its own cost studies, which includes descriptions and discussions of the various methodologies and assumptions underlying the TSLRIC study. Baraga has submitted the study and supporting documentation to the Commission under confidential cover, and requests an order approving the study without a hearing.

Case No. U-13241
Allegiance Telecom of Michigan Inc
(license)

On December 28, 2001 Allegiance Telecom of Michigan, Inc. (“Allegiance”) applied to the Michigan Public Service Commission to amend the geographic area of its existing license to provide basic local exchange service in the zone and exchange areas in which Verizon North Incorporated, Verizon North Systems, and Ameritech Michigan are the incumbent local exchange carriers. Allegiance was previously authorized by the Commission, on March 22, 1999 in Case No. U-11872, to provide service in the Detroit LATA zones and exchanges served by Ameritech Michigan.

Case No. U-13242
Globalcom Inc
(license)

On December 27, 2001 Globalcom, Inc. ("Globalcom") applied to the Michigan Public Service Commission for a license to provide, on both a reseller and facilities-based basis, **basic local exchange service in the zone and exchange areas in which Verizon North Incorporated, Verizon North Systems, and Ameritech Michigan are the incumbent local exchange carriers. Globalcom states that it is an Illinois corporation headquartered in Chicago.**

Case No. U-13243
Seiber, Keast & Associates Inc v SBC Ameritech
(consumer complaint: unauthorized charges)

On December 28, 2001 Seiber, Keast & Associates, Inc. ("SKA") filed a complaint with the Michigan Public Service Commission ("Commission") alleging that SBC Ameritech had unlawfully charged SKA \$13,410.21 in "erroneous invoices." SKA claims that the invoices suggest that SKA "used an Ameritech phone line for a full 60 minutes for each hour, and for each of 24 hours in every ay -- all day, every minute, 24 hours of every day." SKA requests that the Commission order SBC Ameritech to clear the erroneous charges, remove negative information placed in SKA's credit history, and order SBC Ameritech to reimburse SKA for charges incurred to switch phone service, and for SKA's time and expenses incurred in bringing its complaint before the Commission.

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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 JANUARY 2002

	None yet scheduled	
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SUBSCRIPTION INFORMATION

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