

# **M** ICHIGAN **T** ELECOMMUNICATIONS **R** EPORT™

A CLARK HILL PLC Publication, Roderick S. Coy\*, Editor

**Vol. 19, No. 19, September 12, 2003**

In this issue . . .

page no.

- 2 **Features**
  - **Rep. Bradstreet on EUCL**
  - **MPSC holding consumer forums**
  
- 3 Pending Legislation
- 6 Public Acts of 2003
- 6 Orders
- 11 Notices of Hearing
- 12 PSC Hearings Schedule
- 12 Applications and Complaints
- 16 Opportunities for Comment
- 16 PSC Meetings
- 17 MTR Subscription Information

MICHIGAN TELECOMMUNICATIONS REPORT (ISSN 08980357) is published every other week by Clark Hill PLC., 2455 Woodlake Circle, Okemos, Michigan 48864-5941. Although considerable care is exercised in reporting critical information (filing and hearing dates, etc.), such information should be confirmed with the original source. This newsletter should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult a lawyer concerning your own situation and any specific legal questions you may have. Editor, Roderick S. Coy; Assistant Editor, Kristine M. Clements; Contributors, Haran C. Rashes and Leland R. Rosier; Annual Subscription \$400.00 (US).

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

**COPYRIGHT © 2003**

## **INDEX OF CASES HIGHLIGHTED**

### **ORDERS**

- U-12258: SBC/Detroit SMSA Ltd Part.: ICA
- U-12465: SBC/AT&T: ICA
- U-12465: SBC/TCG Detroit: ICA
- U-12535: SBC/American Fiber Network: ICA
- U-12758: VoiceStream Wireless/SBC: ICA
- U-13056: Cricket Communications/SBC: ICA
- U-13201: SBC/American Cellular and Dobson: ICA
- U-13211: SBC/Ameritech ADSM: ICA
- U-13378: Comcast/SBC: ICA
- U-13576: Easton Telecom Services/SBC: ICA
- U-13687: Excel Telecom/SBC: ICA
- U-13833: SBC/AT&T Wireless: ICA
- U-13853: Century Tel Systems/DayStarr Communications: ICA
- U-13856: Verizon/TC3 Telecom: ICA
- U-12460: Level 3/SBC: ICA
- U-13457: Lacross v ADST: slamming
- U-13531: SBC: cost study
- U-13751: Michiana Metronet, et al.  
eligible carrier designation
- U-13763: TC3 Telecom: rate alteration
- U-13765: ALLTEL: eligible carrier designation
- U-13807: American Farm Bureau: license
- U-13810: CM Tel (USA) license
- U-13827: Brooks Fiber: amended license
- U-13847: Ceruti v SBC: denial of service
- U-13849: Essex Acquisition: temp license
- U-13869: Comn's Own Motion (METRO Act)

### **APPLICATIONS AND COMPLAINTS**

Various ICAs and Amendments

- U-13793: Pigeon Telco: amended license
- U-13872: First Call of Ottawa Co: 2-1-1

**CLARK HILL PLC  
2455 WOODLAKE CIRCLE  
OKEMOS, MI 48864-5941  
(517) 381-9193  
<http://www.clarkhill.com>**

## FEATURES

### **REP. BRADSTREET COMMENTS ON EUCL BILL**

The *MIRS Capitol Capsule* reported on September 5, 2003 that Senate Bill 1, a bill that would amend the Michigan Telecommunications Act to require a local telephone service provider to obtain approval from the Michigan Public Service Commission (“MPSC”) to assess or impose an intrastate end-user common line charge (EUCL), is “not on Representative Ken Bradstreet’s horizon.” The proposed legislation has been in the House Energy and Technology Committee, chaired by Bradstreet, since it was passed by the Senate last Feb. 9. “Now, the necessity to move on the bill at all is in question, according to Rep. Ken Bradstreet (R-Gaylord), chair of the House Energy and Technology Committee, since the MPSC is reviewing what the state’s largest telephone company charges as part of a pending rate case, anyway. ‘Even if we passed SB 1, I don’t know if it would change much,’ Bradstreet said. ‘I’d like to see a healthy, competitive market, where everybody is playing by the same rules and lets the consumers be the beneficiary of the process.’”

The *MIRS* also reported that “Bradstreet is considering a bill that would allow the MPSC to declare certain local telephone markets as having ‘good competition’ and then easing state regulations in those areas. The more competitive things become, the less role the regulators would have to play. The bill’s language is still being ironed out.”

\* \* \*

### **MPSC TO HOLD ANNUAL STATEWIDE CONSUMER FORUMS ON UTILITIES AND TELECOM**

The Michigan Public Service Commission (“MPSC”) has announced its annual statewide consumer forums, and invited all utility customers to attend to learn about changes occurring in the electric, natural gas and telephone industries. At the forum, consumers will be able to get the latest information on the status of local and long distance telephone service, electric and natural gas rates for the winter, the opportunities available for selecting an alternative electric or natural gas provider, and the federal “Do Not Call” list. A MPSC Commissioner will be available to discuss these changes, explain how the Commission makes decisions, and listen to consumers’ questions and comments regarding utility service. Commission Chair J. Peter Lark said he and his colleagues welcome the opportunity to meet utility customers and hear their comments and concerns on these important issues.

The 2003 MPSC Consumer Forums are scheduled as follows:

#### **Lansing**

Monday, September 15

Letts Community Center – Gym

1220 West Kalamazoo

#### **Grayling**

Thursday, September 18

City Hall-Council Chambers

1020 City Boulevard

**Bloomfield Township**  
 Tuesday, September 23  
 Lahser High School – Auditorium  
 3456 Lahser Road

**Ecorse**  
 Thursday, September 25  
 City Hall – Council Chambers  
 3869 West Jefferson Avenue

**Kalamazoo**  
 Tuesday, September 30  
 City Hall – Commission Chambers  
 241 West South Street

**Detroit**  
 Thursday, October 2  
 Northwest Activities Center – Ballroom  
 18100 Meyers Road

**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.

<b>Senate Bill # Senator</b>	<b>Date Introduced</b>	<b>Description</b>	<b>Status</b>
SB 1 VanWoerkom	1/08/03	Communications; telecommunications; end-user line charge; clarify. Amends sec. 310 of 1991 PA 179 (MCL 484.2310).	Passed by Senate; 28-9; goes to House Committee on Energy and Technology
SB 11 Johnson	1/8/03	State; authorities; issuance of bonds for equipment associated with telecommunications on the campuses of Michigan institutions of higher education with lease options back to the institutions and the state; provide for. Amends sec. 7 of 1964 PA 183 (MCL 830.417).	Senate Committee on Technology and Energy reported favorably; 3/21/03 referred to Senate Committee on Appropriations
SB 204 Allen	2/20/03	Communications; telecommunications; requirement for companies under 250,000 customers to make adjacent calling areas a local call; provide for. Amends sec. 304 of 1991 PA 179 (MCL 484.2304)	To Senate Committee on Technology and Energy

<b>Senate Bill # Senator</b>	<b>Date Introduced</b>	<b>Description</b>	<b>Status</b>
SB 294 Cherry	3/13/03	Education; school districts; student use of cellular phones and pagers in schools; provide authority to local school boards. Amends sec. 1303 of 1976 PA 451 (MCL 380.1303).	Sub S-3 passed by Senate 38-0; 3/28/03 referred to House Committee on Education
SB 357 Bishop	4/1/03	Communications; computers; regulation of electronic mail advertisements; provide for. Creates new act.	6/24/03 passed Senate 37-0; referred to House Committee on Energy and Technology

<b>House Bill # Representative</b>	<b>Date Introduced</b>	<b>Description</b>	<b>Status</b>
HB 4030 Shulman	1/28/03	Communications; telecommunications; end-user line charge; clarify. Amends sec. 310 of 1991 PA 179 (MCL 484.2310).	To House Committee on Energy and Technology
HB 4044 Bradstreet	1/28/03	Communications; telecommunications; structural separation of local exchange companies with more than 250,000 users; provide for. Amends sec. 101 of 1991 PA 179 (MCL 484.2101) by adding sec. 305a.	To House Committee on Energy and Technology
HB 4080 Woronchak	1/29/03	Communications; telecommunications; fees for unlisted telephone number for persons 65 years of age and over; eliminate.	To House Committee on Energy and Technology
HB 4187 Anderson	2/11/03	Communications; telecommunications; notification of long-distance charges to customer using a pay telephone; require. Amends 1991 PA 179 (MCL 484.2101 - 484.2701) by adding sec. 312c.	To House Committee on Energy and Technology
HB 4188 Shulman	2/11/03	Consumer protection; unfair trade practices; deceptive unsolicited commercial e-mail; regulate. Amends sec. 3 of 1976 PA 331 (MCL 445.903) & adds sec. 3e.	To House Committee on Energy and Technology
HB 4283 Pappageorge	2/26/03	Public utilities; other; disconnection of telephone service for certain military individuals; prohibit. Amends 1991 PA 179 (MCL 484.2101 - 484.2701) by adding sec. 314a.	6/24/03 House passed; given immediate effect 106-0; 6/25 referred to Senate Committee on Technology and Energy
HB 4306 Kolb	2/27/03	Trade; consumer goods and services; sale of disposable cell phones; prohibit. Amends 1976 PA 331 (MCL 445.901 - 445.922) by adding sec. 903e.	To House Committee on Commerce

<b>House Bill # Representative</b>	<b>Date Introduced</b>	<b>Description</b>	<b>Status</b>
HB 4320 Johnson	3/11/03	Communications; telecommunications; disclosure of address to an unlisted telephone number or contract holder of a cellular telephone; allow state police access. Amends 1991 PA 179 (MCL 484.2101 - 484.2701) by adding sec. 255.	To House Committee on Energy and Technology
HB 4595 Bradstreet	4/29/03	Communications; telecommunications; Michigan antitrust act; eliminate exemption for telecommunication providers. Amends sec. 4 of 1984 PA 274 (MCL 445.774).	4/29/03 to House Committee on Energy and Technology
HB 4660 Garfield	5/8/03	Public utilities; consumer services; disconnection of utility services for certain military personnel called into active duty; provide protections. Amends 1939 PA 3 (MCL 460.1 - 460.10cc) by adding sec. 9c.	House passed Sub H-1; given immediate effect 106-0; to Senate Committee Technology and Energy
HB 4709 Bisbee	5/20/03	Communications; telecommunications; requirement for timely transfer of customers from 1 provider to another; provide for. Amends 1991 PA 179 (MCL 484.2101 - 484.2701) by adding sec. 364.	To House Committee on Energy and Technology
HB 4731 Shulman	5/22/03	Communications; telecommunications; rate filing; revise. Amends sec. 304 of 1991 PA 179 (MCL 484.2304).	To House Committee on Energy and Technology
HB 4802 Koetje	6/3/03	Communications; telecommunications; prohibited conduct with regard to telecommunications access; clarify a potential unintended consequence. Amends sec. 540c of 1931 PA 328 (MCL 750.540c).	7/1/03 passed; given immediate effect 104-0; 7/2/03 to Senate Committee on Judiciary
HB 4917 Rivet	7/2/03	Communications; telecommunications; unbundled network elements platform prices by incumbent local exchange carriers; allow public service commission to increase annually. Amends sec. 352 of 1991 PA 179 (MCL 484.2352).	To House Committee on Energy and Technology
HB 4936 Woodward	7/2/03	Communications; telecommunications; commission review of rate differentials; provide for. Amends sec. 304 of 1991 PA 179 (MCL 484.2304).	To House Committee on Energy and Technology

\* \* \*

## PUBLIC ACTS OF 2003

<b>Public Act #</b>	<b>Effective Date</b>	<b>Description</b>	<b>Bill Number and Sponsor</b>
PA 12	6/3/03	Prohibits state agencies from using a 900-telephone number or other telephone system that charges the caller for access to public information held or maintained by a state agency. Amends 1984 PA 431 (MCL 18.1101 - 18.1594) by adding sec. 224.	Enrolled SB 180 Stamas R – District 36
PA 42	7/15/03	Communications; computers; regulation of the transmission of electronic mail advertisements; provide for. Creates new act.	Enrolled HB 4519 Huizenga R – District 90
PA 132	8/13/03	Education; school districts; student use of cellular phones and pagers in schools; provide authority to local school boards and public school academies to regulate or allow. Amends sec. 1303 of 1976 PA 451 (MCL 380.1303).	Enrolled HB 4218 Middaugh R - 80

\* \* \*

## ORDERS

*The following order was issued August 18, 2003 but was inadvertently omitted from the August 29, 2003 issue of the MTR.*

**Case No. U-13531**  
**Commission's Own Motion**  
**(SBC cost study)**

On August 18, 2003 the Michigan Public Service Commission (“Commission”) issued an order establishing a procedural schedule for consideration of SBC’s Michigan Cost Study and denying a motion to dismiss SBC’s Application. The Commission determined that SBC’s Cost Study will be considered on a comment basis, consistent with the way the Commission has reviewed prior cost study applications. The Commission established the following schedule for such comments:

<u>Action</u>	<u>Date Due</u>
Initial Comments by Parties	Monday, November 10, 2003
Response Comments by Parties	Monday, January 19, 2004
Final Reply Comments by Parties	Monday, February 9, 2004

The Commission denied AT&T’s motion to dismiss SBC’s Application for approval of its Cost Study. AT&T had argued, and various parties had filed comments in support thereof, that the Cost

Study violated the standards established for such in previous cost studies and that the Cost Study was premature in light of the forthcoming Federal Communications Commission Triennial Review Order. The Commission addressed the concerns regarding the Triennial Review Order noting that “[a]n obvious wild card that will eventually be played by the FCC is the release of a written decision in its Triennial Review proceeding. After the FCC issues its final order in that proceeding, any party may propose a schedule amendment to the ALJ. In the event that the ALJ is persuaded that a schedule amendment is necessary, he may revise the schedule set forth . . . accordingly.”

*The following orders were issued on September 11, 2003.*

**Case No. U-12258**

**SBC Ameritech Michigan and Detroit SMSA Limited Partnership  
Application filed August 22, 2003 for approval of the third amendment  
(updated the reciprocal compensation provisions).**

**Case No. U-12465**

**SBC Ameritech Michigan and AT&T Communications of Michigan Inc  
Application filed August 5, 2003 for approval of the third and fourth  
amendments (add Michigan Reverse Directory Assistance and clarify  
the meet point trunk group transmission and routing language)**

**Case No. U-12465**

**SBC Ameritech Michigan and TCG Detroit  
Application filed August 5, 2003 for approval of third amendment  
(add Michigan Reverse Directory Assistance)**

**Case No. U-12535**

**SBC Ameritech Michigan and American Fiber Network Inc  
Application filed August 7, 2003 for approval of the sixth  
amendment (reciprocal compensation provisions in the  
interconnection agreement)**

**Case No. U-12758**

**T-Mobile USA, Inc., f/k/a VoiceStream Wireless Corp and  
SBC Ameritech Michigan  
Application filed August 20, 2003 for approval of the fourth  
amendment (reciprocal compensation update)**

**Case No. U-13056**

**Cricket Communications Inc. and SBC Ameritech Michigan  
Application filed August 20, 2003 for approval of the first  
amendment (reciprocal compensation update)**

**Case No. U-13201**

**SBC Ameritech Michigan and American Cellular Corporation  
and Dobson Communications Corp (American Cellular)  
Application filed August 12, 2003 for approval of the first  
amendment (reciprocal compensation provisions)**

**Case No. U-13211**  
**SBC Ameritech Michigan and**  
**Ameritech Advanced Data Services of Michigan**  
**Applications for the ninth amendment filed August 26, 2003**  
**and the tenth amendment filed August 27, 2003 (updated the reciprocal**  
**compensation provisions and added the telephone number report attachment)**

**Case No. U-13378**  
**Comcast Telecommunications Inc and SBC Ameritech Michigan**  
**Application filed August 13, 2003 for approval of the first**  
**amendment (reciprocal compensation update)**

**Case No. U-1357**  
**Easton Telecom Services LLC and SBC Ameritech Michigan**  
**Application filed August 27, 2003 for approval of the first amendment**  
**(reciprocal compensation update)**

**Case No. U-13687**  
**Excel Telecommunications Inc and SBC Ameritech Michigan**  
**Application filed August 14, 2003 for approval of the fourth**  
**amendment (reciprocal compensation update)**

**Case No. U-13833**  
**SBC Ameritech Michigan and AT&T Wireless Services Inc**  
**Application filed July 11, 2003 for approval of a wireless**  
**E-911 interconnection agreement**

**Case No. U-13853**  
**Century Tel Systems and DayStarr Communications**  
**Application filed August 7, 2003 for approval of an**  
**interconnection agreement (adoption of terms and conditions**  
**of the interconnection agreement dated October 4, 2002, between**  
**CenturyTel and ICG Telecom, Inc., which was approved by the**  
**Commission in order issued on December 20, 2002 in Case No.U-13649)**

**Case No. U-13856**  
**Verizon North Inc and Contel of the South Inc, d/b/a Verizon North Systems**  
**and TC3 Telecom Inc.**  
**Application filed August 12, 2003 for approval of an interconnection agreement**

On September 11, 2003 the Michigan Public Service Commission issued an order approving the interconnection agreements and amendments listed above.

**Case No. U-12460**  
**Level 3 Communications LLC**  
**(arbitration for interconnection with SBC)**

On September 11, 2003 the Michigan Public Service Commission (“Commission”) issued an order as directed on remand from the United States District Court for the Eastern District of Michigan. The Commission order directs Level 3 Communications, LLC and SBC Ameritech Michigan to file briefs and reply briefs on the issue of whether the Commission should reach the same result using the existing FCC Rule 319(d)(1), rather than the superseded regulation, which was relied upon in the initial order. Briefs are due on September 25, 2003 and reply briefs on October 9, 2003.

**Case No. U-13457**  
**Patrick Lacross v America’s Digital Satellite Telephone Inc**  
**(consumer complaint: slamming)**

On September 11, 2003 the Michigan Public Service Commission (“Commission”) issued an order denying America’s Digital Satellite Telephone, Inc.’s (“ADST”) motion for a stay of the Commission’s November 7, 2002 order. The Commission found that ADST has exhausted all of its appeals and its motion for stay pending an appeal is moot. However, the Commission noted that its “delay in dismissing the motion does not signify acceptance of the notion that the mere filing of a motion for stay authorizes a party to delay immediate compliance with the Commission’s orders.”

**Case No. U-13531**  
**Commission’s Own Motion**  
**(SBC cost study)**

On September 11, 2003 the Michigan Public Service Commission (“Commission”) issued an order directing SBC Ameritech Michigan to file with the Commission, and serve on the parties, a written statement regarding whether it intends to amend its cost studies or supporting filings in light of the FCC’s recent actions in the Triennial Review proceeding. If SBC chooses to file a statement of intent to amend its cost studies or supporting filings, it must file such statement by September 18, 2003 and any amendments by October 9, 2003. If SBC does not file an intention to amend its application, it will be foreclosed from proposing subsequent changes based on the Triennial Review proceeding.

**Case No. U-13751**  
**Michiana Metronet Inc, Centennial Michigan RSA 6 Cellular Corp,**  
**and Centennial Michigan RSA 7 Cellular Corp**  
**(eligible carrier designation)**

On September 11, 2003 the Michigan Public Service Commission (“Commission”) issued an order designating Michiana Metronet, Inc., Centennial Michigan RSA 6 Cellular Corp. and Centennial Michigan RSA 7 Cellular Corp. as eligible telecommunications carriers for the purpose of receiving federal universal service funds. The service areas of the companies, for purposes of determining universal service obligation and support mechanisms, are to be coterminous with established exchanges. The Commission states that the designations are conditioned upon the Commission’s reservation of its right to audit all expenditures of these universal service funds and are subject to the annual Commission re-certification process.

**Case No. U-13763**  
**TC3 Telecom Inc**  
**(rate increase)**

On September 11, 2003 the Michigan Public Service Commission (“Commission”) issued an order denying the application of TC3 Telecom, Inc. for approval of its proposed rate alteration without the necessity of a filing pursuant to Section 203 of the Michigan Telecommunications Act. The Commission agrees with the Commission Staff which found that TC3 has not offered sufficient information to determine whether the requested rate alteration is just and reasonable as defined by statute.

**Case No. U-13765**  
**ALLTEL Communications Inc**  
**(eligible carrier designation)**

On September 11, 2003 the Michigan Public Service Commission (“Commission”) issued an order designating ALLTEL Communications, Inc. as an eligible carrier for the purpose of receiving federal universal service funds. ALLTEL’s service area, for purposes of determining universal service obligation and support mechanisms, is to be coterminous with established exchanges. The Commission states that the designations are conditioned upon the Commission’s reservation of its right to audit all expenditures of these universal service funds and are subject to the annual Commission re-certification process.

**Case No. U-13807**  
**American Farm Bureau Inc, d/b/a The Farm Bureau Connection**  
**(license)**

On September 11, 2003 the Michigan Public Service Commission (“Commission”) issued an order granting American Farm Bureau, Inc., d/b/a The Farm Bureau Connection, a license to provide basic local exchange service in the areas currently served by Verizon North Inc. and Contel of the South, Inc, d/b/a Verizon North Systems, and SBC Ameritech Michigan.

**Case No. U-13810**  
**CM Tel (USA) LLC**  
**(license)**

On September 11, 2003 the Michigan Public Service Commission issued an order granting CM Tel (USA) LLC a license to provide basic local exchange service in the zone and exchange areas presently served by Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, and SBC Ameritech Michigan.

**Case No. U-13827**  
**Brooks Fiber Communications of Michigan Inc**  
**(amended license)**

On September 11, 2003 the Michigan Public Service Commission (“Commission”) issued an order approving the application of Brooks Fiber Communications of Michigan, Inc. to amend its license to provide basic local exchange service to include all incumbent local exchange carriers in the Grand Rapids and Saginaw local access and transport areas.

**Case No. U-13847**  
**Jacqueline Ceruti v SBC Ameritech Michigan**  
**(consumer complaint: denial of service)**

On September 11, 2003 the Michigan Public Service Commission (“Commission”) issued an order dismissing with prejudice the complaint filed by Jacqueline Ceruti against SBC Ameritech Michigan due to its alleged failure or refusal to provide telephone service. On August 18, 2003 the complainant filed a request to withdraw the complaint with prejudice.

**Case No. U-13849**  
**Essex Acquisition Corp**  
**(license)**

On September 11, 2003 the Michigan Public Service Commission (“Commission”) issued an order granting Essex Acquisition Corporation a temporary license to provide basic local exchange service in the exchanges currently served by SBC Ameritech Michigan and Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems. The temporary license will expire upon the Commission’s issuance of the final order granting or denying Essex’s application for a permanent license.

**Case No. U-13869**  
**Commission’s Own Motion**  
**(METRO Act)**

On September 11, 2003 the Michigan Public Service Commission (“Commission”) issued an order commencing a proceeding be commenced to consider issues related to the format of the Metropolitan Extension Telecommunications Rights-of-Way Oversight (METRO) Act route maps required under Sec. 6(8). All interested persons are invited to participate and intervene in this case. Initial comments may be filed no later than September 25, 2003 and reply comments may be filed no later than October 6, 2003

\* \* \*

**NOTICES OF HEARING**

*Unless otherwise noted, all hearings are held at the offices of the Michigan Public Service Commission, 6545 Mercantile Way, Suite 7, Lansing, Michigan.*

**Case No. U-13849**  
**Essex Acquisition Corporation**  
**(license)**

The July 28, 2003 application of Essex Acquisition Corporation for a license to provide local exchange services in the LATA exchanges currently served by SBC Ameritech Michigan and Verizon North, Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, is set for an evidentiary hearing at 9:00 a.m. on September 30, 2003. On September 4, 2003 the Commission directed Essex Acquisition Corporation to issue a notice of hearing in accordance with 1991 PA 179, as amended. Interventions are due on or before September 26, 2003.

\* \* \*

## 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 (September 1-5, 2003)**

September 4, 2003, 9:00 a.m.  
Case No. U-13828/evidentiary hearing  
GVC Networks (license)

### **Hearings Scheduled for This Week (September 8-12, 2003)**

September 8, 2003, 9:00 a.m.	September 9, 2003, 9:00 a.m.
Case No. U-13821/prehearing conference	Case No. U-13829/evidentiary hearing
CAT Communications v SBC (interconnection dispute)	Barnes Engineering LLC, d/b/a BelleCom LLC (license)

### **Future Hearings Scheduled**

September 30, 2003 at 9:00 a.m.  
Case No. U-13849/evidentiary hearing  
Essex Acquisition Corporation (license)

## APPLICATIONS AND COMPLAINTS

### **Case No. U-11098 MCI WORLDCOM Communications Inc and SBC Michigan (interconnection agreement)**

On August 27, 2003 MCI WORLDCOM Communications, Inc. and SBC Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of the Fourth Amendment to their Interconnection Agreement previously approved by the Commission on December 20, 1996 ("Agreement"). The parties state that the Fourth Amendment, fully executed as of August 11, 2003, adds 911 waiver language into the Agreement.

### **Case No. U-11168 MCI metro Access Transmission Services LLC and SBC Michigan (interconnection agreement)**

On August 27, 2003 MCI metro Access Transmission Services, LLC and SBC Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of the Fifth Amendment to their Interconnection Agreement previously approved by the Commission in a series of orders dated December 20, 1996, June 5, 1997, July 31, 1997, February 17, 1999 and January 8, 2002 ("Agreement"). The parties state that the Fifth Amendment, fully executed as of August 11, 2003, adds 911 waiver language into the Agreement.

**Case No. U-12145**  
**Nextel West Corp v SBC Ameritech Michigan**  
**(interconnection agreement)**

On September 11, 2003 Nextel West Corporation and SBC Ameritech Michigan jointly applied to the Michigan Public Service Commission (“Commission”) for approval of the Second Amendment to their Interconnection Agreement previously approved by the Commission on December 6, 1999 (“Agreement”). The parties state that the Second Amendment, fully executed as of August 20, 2003, updates the Reciprocal Compensation provisions in the Agreement in accordance with the requirements of the FCC’s interim ISP terminating compensation plan contained in the ISP Compensation Order.

**Case No. U-12954**  
**Buckeye Telesystem Inc and SBC Michigan**  
**(interconnection agreement)**

On September 8, 2003 Buckeye Telesystem, Inc. and SBC Michigan jointly applied to the Michigan Public Service Commission (“Commission”) for approval of the Third Amendment to their Interconnection Agreement previously approved by the Commission on July 11, 2001 (“Agreement”). The parties state that the Third Amendment, fully executed as of July 21, 2003, updates the Reciprocal Compensation provisions in the Agreement in accordance with the requirements of the FCC’s interim ISP terminating compensation plan contained in the ISP Compensation Order.

**Case No. U-13217**  
**KMC Telecom Holdings Inc and SBC Ameritech Michigan**  
**(interconnection agreement)**

On August 28, 2003 KMC Telecom Holdings, Inc., on behalf of its subsidiary KMC Telecom V, Inc., and SBC Ameritech Michigan jointly applied to the Michigan Public Service Commission (“Commission”) for approval of the Third Amendment to their Interconnection Agreement previously approved by the Commission on February 25, 2002 (“Agreement”). The parties state that the Third Amendment, fully executed as of May 15, 2003, adds Terminating Traffic Language into the Agreement.

**Case No. U-13453**  
**Comm South Companies Inc and SBC Ameritech Michigan**  
**(interconnection agreement)**

On September 8, 2003 Comm South Companies, Inc. and SBC Ameritech Michigan jointly applied to the Michigan Public Service Commission for approval of the Third Amendment to their Interconnection Agreement previously approved by the Commission on July 23, 2003 (“Agreement”). The parties state that the Third Amendment, fully executed as of August 26, 2003, updates the Reciprocal Compensation provisions in the Agreement in accordance with the requirements of the FCC’s interim ISP terminating compensation plan contained in the ISP Compensation Order.

**Case No. U-13530**  
**Budget Phone Inc and SBC Ameritech Michigan**  
**(interconnection agreement)**

On August 28, 2003 SBC Ameritech Michigan and Budget Phone, Inc. jointly applied to the Michigan Public Service Commission ("Commission") for approval of the Second Amendment to their Interconnection Agreement previously approved by the Commission on October 3, 2002 ("Agreement"). The parties state that the Second Amendment, fully executed as of August 18, 2003, updates the Reciprocal Compensation provisions in the Agreement in accordance with the requirements of the FCC's interim ISP terminating compensation plan contained in the ISP Compensation Order.

**Case No. U-13690**  
**QuantumShift Communications Inc and SBC Ameritech Michigan**  
**(interconnection agreement)**

On August 28, 2003 SBC Ameritech Michigan and Budget Phone, Inc. jointly applied to the Michigan Public Service Commission ("Commission") for approval of the Second Amendment to their Interconnection Agreement previously approved by the Commission on March 26, 2003 ("Agreement"). The parties state that the Second Amendment, fully executed as of August 5, 2003, updates the Reciprocal Compensation provisions in the Agreement in accordance with the requirements of the FCC's interim ISP terminating compensation plan contained in the ISP Compensation Order.

**Case No. U-13741**  
**Broadview Networks Inc and SBC Ameritech Michigan**  
**(interconnection agreement)**

On September 2, 2003 Broadview Networks Inc and SBC Ameritech Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of the Second Amendment to their Interconnection Agreement previously approved by the Commission on May 2, 2003 ("Agreement"). The parties state that the Second Amendment updates the Reciprocal Compensation provisions in the Agreement in accordance with the requirements of the FCC's interim ISP terminating compensation plan contained in the ISP Compensation Order.

**Case No. U-13788**  
**CloseCall America Inc**  
**(interconnection agreement)**

On September 11, 2003 CloseCall America, Inc. and SBC Ameritech Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of the First Amendment to their Interconnection Agreement previously approved by the Commission on June 16, 2003 ("Agreement"). The parties state that the First Amendment, fully executed as of September 5, 2003, updates the Reciprocal Compensation provisions in the Agreement in accordance with the requirements of the FCC's interim ISP terminating compensation plan contained in the ISP Compensation Order.

**Case No. U-13793**  
**Pigeon Telephone Co**  
**(amended license)**

On September 2, 2003 Verizon North Inc.'s ("Verizon") filed a petition for rehearing and request for clarification of the Michigan Public Service Commission's ("Commission") July 31, 2003 in which the Commission granted Pigeon Telephone Company's ("Pigeon") application to alter the geographic area of its license to provide basic local exchange service and denied Verizon's petition to intervene in the proceeding, filed July 8, 2003. Verizon claims that the Commission never addressed its petition and failed to state the reason for the denial. Further, Verizon claims that the Commission never addressed written Verizon's comments which were filed on July 23, 2003. Verizon requests that the Commission reopen the proceeding, grant its intervention and hold a contested case proceeding regarding Pigeon's application, or in the alternative, clarify its order to explicitly address Verizon's comments and petition.

**Case No. U-13871**  
**Ernest Communications Inc and Verizon North Inc and**  
**Contel of the South Inc, d/b/a Verizon North Systems**  
**(interconnection agreement)**

On August 28, 2003 Ernest Communications, Inc. and Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, applied to the Michigan Public Service Commission ("Commission") for approval of their voluntarily negotiated Interconnection Agreement. The application states that the Interconnection Agreement establishes financial and operational terms for the interconnection, resale and unbundling of services between the parties, and will remain in effect from the effective date until June 17, 2005.

**Case No. U-13872**  
**First Call of Ottawa County**  
**(2-1-1 designation)**

On August 29, 2003 First Call of Ottawa County, a program of Tri-Cities Ministries, Inc., applied to the Michigan Public Service Commission ("Commission") for designation as a community resource information and referral entity, as the 2-1-1 answering point for Ottawa County. First Call of Ottawa County states that it is a nonprofit organization with offices in Ottawa, Michigan, and that it provides the only county-wide comprehensive information and referral service to residents in Ottawa County.

**Case No. U-13875**  
**Direct Telephone Co and SBC Michigan**  
**(interconnection agreement)**

On September 4, 2003 Direct Telephone Company and SBC Michigan jointly applied to the Michigan Public Service Commission for approval of their multi-state Interconnection Agreement executed as of August 19, 2003.

**Case No. U-13876**  
**AmeriVoice Telecommunications Inc and SBC Michigan**  
**(interconnection agreement)**

On September 8, 2003 AmeriVoice Telecommunications, Inc. (“AmeriVoice”) and SBC Michigan jointly applied to the Michigan Public Service Commission for approval of their Interconnection Agreement executed as of August 21, 2003 (“Agreement”). The parties state that AmeriVoice requested the sectional adoption of terms and conditions of the interconnection agreement dated February 20, 2002 between AT&T Communications of Michigan, Inc. that was approved by the Commission in an order issued on March 21, 2002 in Case No. U-12465, and additionally, that the Agreement contains certain voluntarily negotiated provisions which are not part of the adopted agreement, including Reciprocal Compensation ISP Bound Appendix, UNE Combining Appendix, Performance Measurements, and IntraLATA Interexchange Capabilities.

\* \* \*

**PSC NOTICES OF OPPORTUNITY FOR COMMENT**

**Case No. U-13839**  
**MCImetro Access Transmission Services LLC**  
**(rate increase)**

On July 22, 2003, MCImetro Access Transmission Services LLC, filed an application with the Michigan Public Service Commission (“Commission”) to increase rates for unlimited local calling under its basic local exchange calling plan RLD. On September 4, 2003 the Commission directed MCImetro Access Transmission Services LLC to issue a notice of opportunity to comment in accordance with the Michigan Telecommunications Act, 1991 PA 179, as amended. Written and electronic comments may be filed with the Commission and must be received no later than 5:00 p.m. on September 25, 2003.

**Case No. U-13872**  
**First Call of Ottawa County**  
**(2-1-1 designation)**

On August 29, 2003, First Call of Ottawa County filed an application, with clarifying information filed on September 5, 2003, with the Michigan Public Service Commission (“Commission”) requesting assignment of the abbreviated telephone digits 2-1-1 and designation as the community resource information and referral answering point for any telephone exchange located, in whole or in part, within Ottawa County, Michigan. On September 10, 2003 the Commission directed First Call of Ottawa County to issue a notice of opportunity to comment to be published in newspapers of general circulation in Ottawa County by September 22, 2003, and to mail a copy of the published notice to all human services agencies and organizations within Ottawa County, to all local exchange carriers providing service in Ottawa County, and to the Michigan Attorney General, within two days of the newspaper publication. Comments are due on October 10, 2003.

**SCHEDULED MPSC MEETINGS**

September 11, 2003	regular meeting	10:00 a.m.
	No future meetings have been scheduled	

## SUBSCRIPTION INFORMATION

Annual subscription rates (U.S. currency): single subscription: \$400; each additional subscription within the same firm: \$175. Please make checks payable to Clark Hill PLC and mail orders to Circulation Mgr., Clark Hill, PLC, 2455 Woodlake Circle, Okemos, MI 48864-5941, or fax to (517) 381-0268. You can reach us by phone at (517) 381-9193.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone number: \_\_\_\_\_

Subscription Options: (pick one)

I prefer to receive the **MTR** by email    E-mail address \_\_\_\_\_

I prefer to review or download the **MTR** from your web site; please send me the password

I prefer to continue receiving the **MTR** in hard copy by mail