

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

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IN THE CLARK HILL PLC LAW FIRM
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FEATURES

Granholtm Appoints Monica Martinez to Michigan Public Service Commission

Note: On June 30, the Governor's office issued the following press release:

LANSING – Governor Jennifer M. Granholtm today announced the appointment of Monica Martinez to the Michigan Public Service Commission. Martinez, of Lansing, most recently served as deputy director of the Governor's Legislative Affairs Division. Prior to her role in the Executive Office, Martinez served as an advisor/analyst for the Senate Democratic Office where she specialized in technology and energy, human services, and family law policy issues. She earned her degree in economics and political science at The University of Michigan.

Martinez is appointed to the Commission to represent Democrats for a term expiring July 2, 2011. She replaces Robert B. Nelson whose term expires July 2, 2005

The Michigan Public Service Commission regulates investor-owned natural gas, electric and telecommunications utilities, rural electrical cooperatives, and interstate motor carriers. The Commission also establishes safety standards and sets specific rates for services provided by the state's utilities and ensures dependable quality at reasonable rates that meets the public's needs and maintains a healthy economy for Michigan consumers.

This appointment is subject to Article V, Section 6 of the Michigan State Constitution of 1963. The appointment stands confirmed unless disapproved by the Senate within 60 days.

Broadband Authority Loses \$4M

The MIRS Capitol Capsule reported on Friday, June 17, 2005, that Auditor General Thomas McTavish has released a report finding that the Michigan Broadband Development Authority (MBDA) lost another \$4 million in Fiscal Year (FY) 2004. Thus, the three-year-old, quasi-governmental body that is responsible for expanding high-speed Internet access across the state began FY 2005 \$11.6 million in the red.

(For more information, see the MIRS Capitol Capsule for Friday, June 17, 2005).

FEDERAL COMMUNICATIONS COMMISSION RELEASES STUDY ON TELEPHONE TRENDS

FOR IMMEDIATE RELEASE:

NEWS MEDIA CONTACT: June 21, 2005

Mark Wigfield 202-418-0253 Email:

Mark.Wigfield@fcc.gov

Washington D.C. – Today, the Federal Communications Commission (FCC) released its *Trends in Telephone Service* report, which summarizes in one convenient reference source

information published in various reports over the course of the past year. The report provides answers to some of the most frequently asked questions about the telephone industry coming from consumers, members of Congress, other government agencies, telecommunications carriers, and members of the business and academic communities.

The report is available for reference in the FCC's Reference Information Center, Courtyard Level, 445 12th Street, S.W., Washington, D.C. 20554. Copies may be purchased by contacting Best Copy and Printing, Inc., Portals II, 445 12th

Street S.W., Room CY-B402, Washington, D.C. 20554, telephone 800-378-3160, facsimile 202-488-5563, or via e-mail at fcc@bcpiweb.com. This report can be downloaded from the **FCC-State Link** Internet site at: www.fcc.gov/wcb/iatd/trends.html.

For additional information, contact Katie Rangos of the Wireline Competition Bureau's Industry Analysis and Technology Division, (202) 418-0940, or for users of TTY equipment, call (202) 418-0484.

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 48 Johnson	1/25/05	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).	To Senate Committee on Appropriations
SB 58 Cherry	1/25/05	Communications; telecommunications; 9-1-1 system to pinpoint caller location; provide for. Amends 1986 PA 32 (MCL 484.1101 – 484.1717) by adding sec. 408a	To Senate Committee on Technology and Energy
SB 127 Hardiman	2/1/05	Communications; cellular telephone; customer consent to list numbers in a cell phone directory; require. Amends 1991 PA 179 (MCL 484.2101 - 484.2701) by adding sec. 360a.	To Senate Committee on Technology and Energy

SB 221 McManus	2/17/05	Income tax; credit; tax credit for placement of a cell phone tower on an individual's property located in an underserved area; provide for. Amends 1967 PA 281 (MCL 206.1 - 206.532) by adding sec. 262.	5/25/05 passed Senate with Sub S-2, yeas 27, nays 9, excused 2, not voting 0; 5/25/05 referred to Committee on Tax Policy
SB 222 Barcia	2/17/05	Single business tax; credit; tax credit for companies that construct cell phone towers in rural areas; establish. Amends 1975 PA 228 (MCL 208.1 - 208.145) by adding sec. 35c.	5/25/05 passed Senate with Sub S-1, yeas 28, nays 9, excused 1, not voting 0; referred to House Committee on Tax Policy
SB 224 Van Woerkom	2/17/05	Communications; telecommunications; broadband development authority; require to designate a certain amount of financial assistance to rural underserved areas. Amends sec. 7 of 2002 PA 49 (MCL 484.3207).	6/7/05 passed, yeas 32, nays 2, excused 4, not voting 0; referred to House Committee on Energy and Technology
SB 528 Johnson	5/24/05	Communications; telecommunications; regulation of telecommunications industry; eliminate. Creates new act.	To Senate Committee on Technology and Energy
SB 551 Patterson	5/21/05	Communications; telecommunications; rule making and eliminate sunset of the Michigan telecommunications act; provide for. Repeals enacting section 1, rulemaking provision, of 2004 PA 591.	6/28/05 passed House, yeas 106, nays 1; 6/30 given immediate effect and ordered enrolled
SB 595 Switalski	6/16/05	Use tax; rate; certain telecommunication services and motion picture films; include in taxable items. Amends sec. 3a of 1937 PA 94 (MCL 205.93a).	6/16 referred to Senate Committee on Appropriations
SCR 0021 Patterson	5/18/05	A concurrent resolution to urge the Federal Communications Commission (FCC) to use its authority post haste to require that Voice Over Internet Protocol (VOIP) service providers make enhanced 9-1-1 emergency call services available to all customers.	To Senate Committee on Technology and Energy

House Bill # Representative	Date Introduced	Description	Status
HB 4050 Lemmons III	1/27/05	Corrections; state facilities; telephone system for state correctional facilities; impose requirements. Amends 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 69b.	To House Committee on Judiciary

House Bill # Representative	Date Introduced	Description	Status
HB 4052 Lemmons III	1/27/05	Trade; consumer goods and services; sale of cellular telephones and pagers to a minor; require written parental consent. A bill to prohibit the sale of cellular telephones and pagers to certain minors without written parental consent; and to prescribe civil sanctions.	To House Committee on Judiciary
HB 4067 Schuitmaker	1/27/05	Communications; telecommunications; requirement for timely transfer of customers from 1 provider to another; provide for. A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 364.	To House Committee on Energy and Technology
HB 4397 Sak	2/23/05	Communications; telecommunications; cell phone numbers listed with directory assistance; provide for. Amends sec. 309 of 1991 PA 179 (MCL 484.2309).	To House Committee on Energy and Technology
HB 4423 Wojno	3/1/05	Prohibits telemarketers from leaving certain messages requesting consumers to return call. Am. Sec. 1c, PA 227, 1971 (MCL 445.111c) as added by PA 612, 2002.	To House Committee on Energy and Technology
HB 4563 Garfield	3/24/05	A bill to repeal 2002 PA 49, entitled "Michigan broadband development authority act," (MCL 484.3201 to 484.3225).	To House Committee on Energy and Technology
HB 4600 Drolet	4/13/05	Communications; telecommunications; regulation of telecommunications industry; eliminate. Creates new act entitled the "communications act" to be effective 01/01/06. A bill to promote deployment of and investment in communications services in this state; and to prescribe the powers and duties of certain state agencies and officials.	To House Committee on Energy and Technology

PUBLIC ACTS OF 2005

There are currently no Public Acts related to telecommunications that have been passed during the current legislative session (2005-2006). Copies of past public acts 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.

ORDERS

Orders issued June 30, 2005

Case No. U-12145

SBC Michigan and Nextel West Corp.

Application filed June 15, 2005 for approval of a sixth amendment to an interconnection agreement (adds a negotiated E911 appendix to the agreement)

Case No. U-13137

SBC Michigan and Local Exchange Carriers of Michigan, Inc.

Application filed June 8, 2005 for approval of a second amendment to an interconnection agreement (replaces methodology for charging for collocation DC Power)

Case No. U-13175

SBC Michigan and XO Communications Services, Inc.

Application filed June 9, 2005 for approval of a tenth amendment to an interconnection agreement (extends the term of the reciprocal compensation settlement amendment).

Case No. U-13467

SBC Michigan and NOS Communications, Inc.

Application filed June 10, 2005 for approval of a fourth amendment to an interconnection agreement (incorporates TELRIC costs into the agreement, per the order in Case No. U-13531).

Case No. U-13492

SBC Michigan and C.L.Y.K. Inc.

Application filed on June 8, 2005 for approval of a fourth amendment to an interconnection agreement (changes name to C.L.Y.K. Inc., d/b/a CloseCall America, Inc.)

Case No. U-13814

SBC Michigan and New Access Communications LLC

Application filed June 9, 2005 for approval of a third amendment to an interconnection agreement (incorporates TELRIC costs into the agreement, per the order in Case No. U-13531)

Case No. U-14030

SBC Michigan and CMC Telecom, Inc.

Application filed June 8, 2005 for approval of a seventh amendment to an interconnection agreement (incorporates TELRIC costs into the agreement, per the order in Case No. U-13531)

Case No. U-14413

SBC Michigan and TelNet Worldwide, Inc.

Application filed June 13, 2005 for approval of a fifth amendment to an interconnection agreement (incorporates TELRIC costs into the agreement, per the order in Case No. U-13531)

Case No. U-14553

SBC Michigan and Metropolitan Telecommunications of Michigan, Inc., d/b/a MetTel

Application filed June 15, 2005 for approval of an interconnection agreement.

On June 30, 2005 the Michigan Public Service Commission issued an order approving the interconnection agreements and amendments listed above.

Case No. U-14426

**Donald Koyl v Verizon North Inc and
Contel of the South Inc, d/b/a Verizon North Systems**

On June 30, 2005 the Michigan Public Service Commission issued an order dismissing with prejudice the complaint of Donald Koyl against Verizon North, Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, alleging unauthorized charges in violation of the Michigan Telecommunications Act. On June 1, 2005 the complainant filed a request to dismiss the complaint.

Case No. U-14447

**Commission's Own Motion
(collaborative: SBC and Verizon accessible letters)**

On June 30, 2005 the Michigan Public Service Commission ("Commission") issued an order dismissing SBC's challenges to the self-certifications of Cbeyond Communications, LLC ("Cbeyond") and Covad Communications Company ("Covad"). On April 13, 2005, Cbeyond withdrew its self-certification and on April 27, 2005 Covad withdrew its self-certification. On April 28, 2005 SBC filed a motion for entry of an order terminating the dispute resolution procedure, initiated by the Commission on March 29, 2005.

Case No. U-14458

**Michigan Relay Center Advisory Board
(captioned telephone service)**

On June 30, 2005 the Michigan Public Service Commission issued an order granting the application of the Michigan Relay Center Advisory Board to allow the use of Captioned Telephone Service to allow the current telecommunications relay system (TRS) provider, which is SBC Michigan,

the ability to offer enhance access to switched telecommunications networks through the use of Captioned Telephone Service (CapTel) by hearing impaired and handicapped individuals.

Case No. U-14485

Douglas E. Debassige v EBS Telecommunications Inc
(consumer complaint: slamming)

On June 30, 2005 the Michigan Public Service Commission issued an order dismissing the complaint of Douglas E. Debassige against EBS Telecommunications, Inc., alleging unauthorized switching of his telephone service in violation of the Michigan Telecommunications Act. On June 1, 2005 the complainant filed a request to withdraw the complaint.

Case No. U-14490

**Michigan Manufactured Housing,
RV and Campground Association v
BullsEye Telecom Inc**
(consumer complaint: false representations and unlawful charges)

On June 30, 2005 the Michigan Public Service Commission issued an order dismissing with prejudice the complaint of Michigan Manufactured Housing, RV and Campground Association against BullsEye Telecom, Inc., alleging false representations and unlawful charges in violation of the Michigan Telecommunications Act. On May 2, 2005 the complainant filed a request to dismiss the complaint.

Case No. U-14517

Clarence Hucul v Comcast Phone of Michigan LLC
(consumer complaint: unauthorized billing)

On June 30, 2005 the Michigan Public Service Commission issued an order dismissing with prejudice the complaint of Clarence Hucul against Comcast Phone of Michigan LLC, alleging unauthorized billing in violation of the Michigan Telecommunications Act. On June 7, 2005 the complainant filed a request to dismiss the complaint with prejudice.

Case No. U-14518

United Telecom Inc
(termination of CenturyTel's rural telephone exemption)

On June 30, 2005 the Michigan Public Service Commission issued an order dismissing with prejudice the application of United Telecom, Inc. for summary termination of CenturyTel, Inc.'s rural exemption. On June 7, 2005 the applicant filed a request to withdraw its application without prejudice.

Minute Action

METRO Act

(allowable tax credits; Section 8(14) of Public Act 48 of 2002)

“Adopt and issue minute dated June 30, 2005 adopting the Commission Staff’s recommendations, as to the amount of the allowable tax credit for the telecommunications providers listed in the attached report under Section 8(14) of 2002 PA 48, MCL 484.3108(14), the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act.”

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-14469
C A Networks, Inc
(license)

The March 28, 2005 application and its June 15, 2005 amended application of C A Networks, Inc. for a license to provide basic local exchange service throughout the State of Michigan in the zone and exchange areas served by SBC Michigan, Verizon North Incorporated, and Contel of the South, Inc., d/b/a Verizon North Systems, is set for an Evidentiary Hearing at **9:00 a.m. on July 19, 2005**. Interventions are due on or before **July 15, 2005**. A copy of the notice of hearing and proofs of issuance shall be filed with the Commission by the hearing on July 19, 2005.

Case No. U-14534
Ronald & Angela Nikolits v Close Call America
(consumer complaint: slamming)

On May 24, 2005, Ronald & Angela Nikolits (Complainant) filed a formal complaint, against Close Call America alleging that Close Call America is in violation of Section 505 of the Michigan Telecommunications Act (MTA) for unlawfully switching their service without receiving prior authorization. The Complainants are asking for reimbursement and for the imposition of fines. The Michigan Public Service Commission will consider the complaint at a public hearing in this matter to be held at **9:00 a.m. on July 12, 2005**.

Case No. U-14536
BellSouth Long Distance Inc
(license)

The May 26, 2005 application of BellSouth Long Distance, Inc. for a license to provide basic local exchange service throughout the State of Michigan in the zones and exchanges served by Verizon North Inc., Verizon North Systems and SBC Michigan is set for an evidentiary hearing at **9:00 a.m. on July 20, 2005**. Interventions are due on or before **July 18, 2005**.

* * *

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 (June 20 – 24, 2005)	
June 21, 2005, 9:00 a.m. Case No. U-14479/evidentiary hearing IBFA Acquisition Co LLC (license)	June 22, 2005, 9:00 a.m. Case No. U-14497/evidentiary hearing David Hepp v ACN Communications (slamming)

Hearings Scheduled for This Week (June 27 – July 1, 2005)

no telecom hearings were scheduled

Future Hearings Scheduled

July 12, 2005, 9:00 a.m.

Case No. U-14534/public hearing

Ronald & Angela Nikolits v Close Call America (slamming)

July 20, 2005, 9:00 a.m.

Case No. U-14536/evidentiary hearing

BellSouth Long Distance Inc (license)

July 19, 2005, 9:00 a.m.

Case No. U-14469/evidentiary hearing

C A Networks (license)

APPLICATIONS AND COMPLAINTS

Case No. U-12465

TCG Detroit and SBC Michigan (interconnection agreement)

On June 22, 2005 TCG Detroit and SBC Michigan jointly applied to the Michigan Public Service Commission for approval of the Fourteenth Amendment to their Interconnection Agreement, which adds Resale Branding language and pricing into the Agreement.

Case No. U-12465

AT&T Communications of Michigan Inc and SBC Michigan (interconnection agreement)

On June 22, 2005 AT&T Communications of Michigan, Inc. and SBC Michigan jointly applied to the Michigan Public Service Commission for approval of the Fifteenth Amendment to their Interconnection Agreement, which adds Resale Branding language and pricing to the Agreement.

Case No. U-13258

Zenk Group Ltd, d/b/a Planet Access and SBC Michigan (interconnection agreement)

On June 28, 2005 Zenk Group Limited, Inc., d/b/a Planet Access, and SBC Michigan jointly applied to the Michigan Public Service Commission for approval of the Second Amendment to their Interconnection Agreement, reflecting new costs for unbundled network elements (UNEs) as ordered by the Commission in its January 25, 2005 Order in Case No. U-13531.

Case No. U-13758

MCImetro Access Transmission Services LLC and SBC Michigan (interconnection agreement)

On June 29, 2005 MCImetro Access Transmission Services LLC and SBC Michigan jointly applied to the Michigan Public Service Commission for approval of the Fifth Amendment to their

Interconnection Agreement, which revises certain terms and conditions pertaining to reciprocal compensation and extends the term of the Agreement to June 30, 2007.

Case No. U-13931
TelNet Worldwide Inc and Verizon North Inc,
and Contel of the South Inc, d/b/a
Verizon North Systems
(interconnection agreement)

On June 27, 2005 TelNet Worldwide, Inc. and Verizon North, Inc. and Contel of the South, Inc., d/b/a Verizon North Systems jointly filed with the Michigan Public Service Commission their arbitrated interconnection agreement.

Case No. U-14558
Joseph Gallagher v Level 3
(consumer complaint: slamming)

On June 17, 2005 Joseph Gallagher (“Complainant”), of South Lyon, filed with the Michigan Public Service Commission a complaint against Level 3 alleging that his local, toll and long distance telephone service provider was switched without his authorization. Complainant seeks reimbursement for out-of-pocket expenses, the imposition of fines and the entry of a cease and desist order.

Case No. U-14562
CenturyTel of Michigan Inc
(amended license: boundary revisions)

On June 24, 2005 CenturyTel of Michigan, Inc. (“CenturyTel”) applied to the Michigan Public Service Commission for approval to alter the geographic areas of its Glen Lake, Honor, and Lake Ann Exchanges. CenturyTel represents that the proposed boundary exchange revisions are in the public interest, and are designed to accurately reflect current service. Further, the applicant purports that the proposed boundary revisions will neither result in changes to the telephone numbers of existing customers nor in the cost of service to the customers located in the affected areas.

Case No. U-14563
Pigeon Telephone Company v Verizon North Inc
(local number portability dispute)

On June 24, 2005 Pigeon Telephone Company (“Pigeon”) filed with the Michigan Public Service Commission a formal complaint against Verizon North, Inc. (“Verizon”) and a request for emergency relief order. Pigeon claims that “[d]espite lengthy and repeated efforts by Pigeon to obtain local number portability from Verizon pursuant to the Michigan Telecommunications Act, Verizon has refused to provide Pigeon with LNP” in an area of the Pigeon Exchange which overlaps Verizon’s Caseville Exchange and in which the two companies compete.

Case No. U-14564

Jerome Schober v IDT America Corp

(consumer complaint: failure to provide service and unauthorized charges)

On June 24, 2005 Jerome Schober (“Complainant”), of Ontonagon, filed a formal complaint with the Michigan Public Service Commission alleging that IDT America (“IDT”) failed to properly connect his long distance service to the proper phone number, and failed to properly inform his local service carrier, Ontonagon County Telephone Company that it changed its PIC code, which resulting in higher rates for long distance calls. Complainant requests reimbursement for out-of-pocket expenses, the imposition of fines and a cease and desist order against IDT.

Case No. U-14565

CenturyTel Midwest Michigan Inc, CenturyTel of Michigan Inc,

CenturyTel of Northern Michigan Inc, CenturyTel of Upper Michigan Inc

and New Cingular Wireless PCS LLC

(interconnection agreement)

On June 27, 2005 CenturyTel Midwest Michigan, Inc., CenturyTel of Michigan, Inc., CenturyTel of Northern Michigan, Inc., CenturyTel of Upper Michigan, Inc. (“CenturyTel”) and New Cingular Wireless PCS LLC (“Cingular”) jointly applied to the Michigan Public Service Commission for approval of their Interconnection and Reciprocal Compensation Agreement. The parties state that Cingular requested the adoption and terms and condition of the interconnection and reciprocal compensation agreement between CenturyTel and Verizon Wireless Personal Communications, L.P., d/b/a Verizon Wireless, that was approved by the Commission in an order on June 5, 2001, in Case No. U-12931.

* * *

PSC NOTICES OF OPPORTUNITY FOR COMMENT

Case No. U-14527

United Telecom, Inc.

(rate increases)

On May 19, 2005, United Telecom, Inc. filed an application with the Michigan Public Service Commission for approval of certain rate increases for basic local exchange service. The Michigan Public Service Commission directs United Telecom, Inc. to issue a notice of opportunity to comment in accordance with the Michigan Telecommunications Act, 1991 PA 179, as amended. The MPSC further directs that written and electronic comments may be filed with the Commission and must be received no later than **5:00 p.m. on July 22, 2005**. Written comments should be sent to the: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Electronic comments may be e-mailed to: mpscefilecases@michigan.gov. Customers may also contact the MPSC at (800) 292-9555. All comments should reference Case No. U-14527. Comments received in this matter will become public information.

Case No. U-14541
United Way for Southeastern Michigan 2-1-1 Partnership
(2-1-1 designation for Wayne County, Macomb County,
and Oakland County)

On June 3, 2005, the United Way for Southeastern Michigan 2-1-1 Partnership filed an application 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 Wayne County, Macomb County, and Oakland County, Michigan. Any interested person may review the application at the offices of United Way for Southeastern Michigan 2-1-1 Partnership, or at the office of the Commission's Executive Secretary, 6545 Mercantile Way, Suite 7, Lansing, Michigan, between the hours of 8:00 a.m. and 12:00 p.m. and 1:00 p.m. and 5:00 p.m., Monday through Friday. Any interested person may submit comments on the application by sending comments, in writing, to the Commission by mail to: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909, with a copy mailed to Miller, Canfield, Paddock & Stone, PLC, One Michigan Avenue, Suite 900, Lansing, Michigan 48933. Electronic comments may be submitted to the Commission by e-mail at: mpscefilecases@michigan.gov . All comments should reference Case No. U-14541 and must be received by the Commission no later than **5:00 p.m. on July 29, 2005**. Comments received in this matter will become public information.

* * *

2005 REGULAR COMMISSION MEETING DATES*

Month & Date	Day	Time
July 19	Tuesday	1:30 p.m.
August 16	Tuesday	1:30 p.m.
September 20	Tuesday	1:30 p.m.
October 18	Tuesday	1:30 p.m.
November 3	Thursday	1:30 p.m.
December 20	Tuesday	1:30 p.m.

*Special meetings may be scheduled, as needed, on 18 hours' notice.

SUBSCRIPTION INFORMATION

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