

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

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

**Vol. 21, No. 25, December 16, 2005**

In this issue . . .

page no.

2

- **MPSC Chairman Lark to host consumer forums**

3 Legislative Update

4 Pending Legislation

9 Public Acts of 2005

10 Orders

10 Notices of Hearing

11 PSC Hearings Schedule

11 Applications and Complaints

14 Opportunities for Comment

14 PSC Meetings

14 MTR Subscription Information

MICHIGAN TELECOMMUNICATIONS REPORT (ISSN 08980357) is published every other week by Clark Hill PLC., 212 East Grand River Avenue, Lansing, Michigan 48906-4328. 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).

## Index of Highlighted Cases

### ORDERS:

*No orders have been issued by the MPSC in the previous two-week period. Next regular meeting is scheduled for Dec. 20, 2005*

### APPLICATIONS AND COMPLAINTS:

U-11098 – MCI/metro/SBC: ICA

U-11178 – MCI/metro/SBC: ICA

U-13218 – RACC Enterprises/SBC: ICA

U-13791 – Winn Telephone/Verizon: ICA

U-13980 – Granite Telecom/SBC: ICA

U-14037 – CIMCO/SBC: ICA

U-14605 – Verizon North: discontinuance of service

U-14730 – IBFA Acquisition/SBC: ICA

U-14733 – United Telecom/Verizon: ICA

U-14735 – VCI/SBC: ICA

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

**CLARK HILL PLC  
212 East Grand River Avenue  
Lansing, MI 48906-4328  
(517) 318-3100 – phone  
(517) 318-3099 –fax**

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## **FEATURES**

*Note: the following two press releases regarding consumer forums in Hudsonville and Farmington Hills were issued by the MPSC on December 1, 2005 and December 9, 2005 respectively.*

### **Michigan Public Service Commission Chairman J. Peter Lark to Host Consumer Forum in Hudsonville**

Contact: Judy Palnau (517) 241-3323  
December 1, 2005

Michigan Public Service Commission Chairman J. Peter Lark will host a consumer forum at 6 p.m. on Thursday, Dec. 15, in Hudsonville. The consumer forum is designed to inform consumers about changes in the electric, natural gas and telephone industries.

Chairman Lark will answer consumer questions and highlight the latest information on electric and natural gas rates for the winter, opportunities to select an alternative electric or natural gas provider, and the status of local and long distance telephone service.

The forum will take place in the council chambers of the Hudsonville City Hall, located at 3275 Central Blvd.

### **Michigan Public Service Commission Chairman J. Peter Lark to Host Consumer Forum in Farmington Hills**

Contact: Judy Palnau (517) 241-3323  
December 9, 2005

Michigan Public Service Commission Chairman J. Peter Lark will host a consumer forum at 6 p.m. on Tuesday, Jan.10, in Farmington Hills. The consumer forum is designed to inform consumers about changes in the electric, natural gas and telephone industries.

Chairman Lark will answer consumer questions and highlight the latest information on electric and natural gas rates for the winter, opportunities to select an alternative electric or natural gas provider, and the status of local and long distance telephone service.

The forum will take place at the William M. Costick Activities Center (Shannon Hall), located at 28600 W. Eleven Mile Rd.

\* \* \*

## LEGISLATIVE UPDATE

**HOUSE BILL 5483**, introduced by Representative Tom Pearce on December 6, 2005, amends the Michigan Vehicle Code and provides for one point for each conviction to be added to a driver license record when it is determined that the use of a cellular telephone contributed to the cause of the traffic violation. Specifically, the Secretary of State shall add 1 point to each conviction, civil infraction determination, or probate court disposition. The bill would also prohibit a novice driver, an individual who is issued a temporary instruction permit or a level 1 or 2 graduated licensing status, from using a handheld cellular telephone while operating a motor vehicle. An individual who violates this provision is responsible for a civil infraction. If it is determined that the use of a cellular telephone contributed to the cause of the violation, the civil fine ordered will be increased by \$25.00.

**HOUSE BILL 5488**, introduced by Representative David Farhat, pertaining to public utilities, would amend sec. 6g of 1939 PA 3 (MCL 460.6g), would specifically establish pole attachment authority, and would provide, among other things, that a utility pole owner ensure all of the following:

- that schools, educational institutions, and other attaching parties are able to promptly attach telecommunications and technology facilities to utility poles and facilities at just and reasonable rates, terms, and conditions within 120 days of an initial request to attach;
- that all attachment fees, charges, make ready costs, by whatever description, practices, and procedures are specifically provided for in its tariffs on file with and approved by the commission;
- that the utility cooperates with schools, educational institutions, and other attaching parties and does not delay any attaching from promptly attaching to the utility's poles or facilities within the time period required under subdivision (A);
- that the utility provides reliable make ready cost estimates within 45 days from the date an attaching party makes an application for attachment, and that once the make ready cost estimates have been provided, no greater amount may be charged to a school or educational institution even for subsequently arising make ready issues or pole modifications for at least 5 years, unless the changes were planned at the time of the school's or educational institution's attachment application and fully disclosed to the school or educational institution before the attachment was made;
- that the utility performs all necessary make ready work within 60 days from the date the attaching party applicant approves the make ready cost estimate;
- that the utility continuously maintains all poles and facilities, as required by law, rule, or safety regulations, so as to facilitate prompt attachments as provided under this section;
- that the utility does not require attaching parties to enter into separate pole attachment agreements; the commission shall ensure that all attachment rates, fees, make ready costs, terms, conditions, practices, and procedures are just and reasonable and in the public interest.

**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 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 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
SB 737 Thomas III	9/6/05	Traffic control; violations; use of cellular telephone while operating a vehicle driving in a left lane of a highway; prohibit and provide penalties. Amends 1949 PA 300 (MCL 257.1 - 257.923) by adding sec. 682c.	To Senate Committee on Transportation; 11/9/05 reported favorably with recommendation for referral to Committee on Technology and Energy
SB 754 Brown	9/13/05	Communications; telecommunications; general amendments; provide for. Amends secs. 102, 202, 208 & 304 of 1991 PA 179 (MCL 484.2102 et seq.) & repeals sec. 304b of 1991 PA 179 (MCL 484.2304b).	10/11/05 Passed roll call -Yeas 38 Nays 0 Excused 0 not voting 0; 10/12/05 referred to House Committee on Energy and Technology
SB 806 Patterson	10/11/05	Public utilities; public service commission; regulation of public service commission; establish.	To Senate Committee on Technology and Energy

SB 814 Patterson	10/18/05	Traffic control; civil infraction procedures; points added to driver license record when determined that use of cellular telephone contributed to cause of traffic violation; provide for, and prohibit novice drivers from using handheld cellular telephones while operating a motor vehicle.	10/19/05 Reassigned to Senate Committee on Technology and Energy
SB 885 Hardiman	11/10/05	Crimes; other; damaging, destroying, or preventing access to telecommunication device to prevent report of domestic violence or to summon assistance required as a result of domestic violence; prohibit and provide penalties. Amends 1931 PA 328 (MCL 750.1 - 750.568) by adding sec. 411u.	To Senate Committee on Judiciary
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

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
HB 4952 Miller	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).	To House Committee on Tax Policy
HB 5115 Bieda	9/6/05	Environmental protection; recycling; collection for recycling or disposal of used cellular telephones by retailers; require. Amends 1994 PA 451 (MCL 324.101 - 324.90106) by adding pt. 175.	To Committee on Natural Resources, Great Lakes, Land Use, and Environment
HB 5122 Vander Veen	9/6/05	Trade; antitrust; refusals to deal by providers of electronic data interchange and value added network services; prohibit. Amends title & sec. 1 of 1984 PA 274 (MCL 445.771) & adds sec. 3a.	To Committee on Energy and Technology
HB 5133 Law	9/7/05	Traffic control; violations; use of cell phone while operating a vehicle by an individual in the graduated licensing program; prohibit and establish penalties. Amends sec. 907 of 1949 PA 300 (MCL 257.907) & adds sec. 602b.	10/20/05 passed House; given immediate effect; Roll Call # 524 Yeas 78 Nays 27; 10/25/05 referred to House Committee on Technology and Energy
HB 5272 Elsenheimer	10/06/05	Communications; telecommunications; disclosure of early termination fees or penalties; require.	To Committee on Energy and Technology

HB 5392 Kolb	11/1/05	Disabilities; accessible electronic information service; establish and provide funding source. Creates new act.	To Committee on Energy and Technology
HB 5483 Pearce	12/6/05	Traffic control; civil infraction procedures; points added to driver license record when determined that use of cellular telephone contributed to cause of traffic violation; provide for, and prohibit novice drivers from using handheld cellular telephones while operating a motor vehicle. Amends secs. 320a & 907 of 1949 PA 300 (MCL 257.320a & 257.907) & adds sec. 602b.	To Committee on Energy and Technology
HB 5488 Farhat	12/7/05	Public utilities; other; pole attachment authority; establish. Amends sec. 6g of <a href="#">1939 PA 3</a> (MCL <a href="#">460.6g</a> ).	To Committee on Energy and Technology

### **PUBLIC ACTS OF 2005**

Listed below are Public Acts related to telecommunications that have been passed during the current legislative session (2005-2006). Copies of 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.

Public Act No.	Effective Date	Description	Enrolled Bill No. and Sponsor
2005 PA 58	6/30/05	Communications; telecommunications; rule making and eliminate sunset of the Michigan telecommunications act; provide for. Repeals enacting section 1 of 2004 PA 591.	SB 551  Patterson

2005 PA 103	07/22/05	Public utilities, other; use of highway by public utilities; provide for under certain conditions. Amends sec. 13 of 1925 PA 368 (MCL 247.183).	SB 522 McManus
2005 PA 235	11/22/05	Communications; telecommunications; general amendments; provide for. Amends secs. 101, 102, 103, 201, 202, 203, 203a, 204, 205, 210, 213, 214, 301, 302, 303, 304, 305, 306, 307, 309, 309a, 310, 312, 314a, 315, 316, 316a, 317, 321, 352, 353, 355, 357, 358, 359, 401, 502, 503, 504, 505 & 604 of 1991 PA 179 (MCL 484.2101 et seq.); adds secs. 211a, 252, 301a, 305a, 305b, 310a, 314b & 353a & repeals (See bill).	HB 5237 Nofs

### ORDERS

*Note: No MPSC meetings have been held during the previous two-week period. The next regular meeting is scheduled for December 20, 2005.*

\* \* \*

### 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-14675**  
**Quality Telephone Inc**  
**(license)**

The October 27, 2005 application of Quality Telephone, Inc., for a license to provide basic local exchange service throughout the State of Michigan in the zone and exchange areas served by Verizon North Incorporated, Contel of the South, Inc., d/b/a Verizon North Systems, CenturyTel of Michigan, Inc., CenturyTel Midwest-Michigan, Inc., CenturyTel of Northern Michigan, Inc., CenturyTel of Upper Michigan, Inc., and SBC Michigan, is set for an evidentiary hearing at **9:00 a.m. on January 5, 2006**. Interventions are due on or before **January 3, 2006**. The Michigan Public Service

Commission has directed Quality Telephone, Inc. to issue a notice of hearing in accordance with 1991 PA 179, as amended, and to file a copy of the notice of hearing and proofs of issuance with the Commission by the hearing on January 5, 2006.

\* \* \*

### **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 5 - 9, 2005)**

Dec. 6, 2005, 9:00 a.m.

Case No. U-14653/evidentiary hearing  
PAC-West Telecomm (license)

Dec. 8, 2005, 9:00 a.m.

Case No. U-14646/evidentiary hearing  
Comtel Telecom Assets (license)

#### **Hearings Scheduled for This Week December 12 - 16, 2005)**

Dec. 13, 14, 15, 2005, 9:00 a.m.

Case No. U-11830/cross all parties  
SBC Michigan (checklist)

Dec. 14, 2005, 9:00 a.m.

Case No. U-14681/evidentiary hearing  
Gellis v SBC Michigan (slamming)

Dec. 13, 2005, 9:00 a.m.

Case No. U-14682/evidentiary hearing  
Kerrison v Verizon (false, misleading and deceptive stmts.)

#### **Future Hearings Scheduled**

none

### **APPLICATIONS AND COMPLAINTS**

#### **Case No. U-11098**

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

On December 12, 2005 MCImetro Access Transmission Services LLC (as successor in interest to MCI WORLDCOM Communications, Inc.) and SBC Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of the Twelfth Amendment to their Interconnection Agreement. The parties state that the Twelfth Amendment incorporates into the Agreement terms and conditions mandated by the Commission in its order issued September 20, 2005 in Case No. U-14447 (TRO/TRRO Order).

**Case No. U-11178**  
**MCImetro Access Transmission Services LLC and SBC Michigan**  
**(interconnection agreement)**

On December 12, 2005 MCImetro Access Transmission Services LLC (as successor in interest to Brooks Fiber Communications of Michigan, Inc.) and SBC Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of the Eleventh Amendment to their Interconnection Agreement. The parties state that the Eleventh Amendment incorporates into the Agreement terms and conditions mandated by the Commission in its order issued September 20, 2005 in Case No. U-14447 (TRO/TRRO Order).

**Case No. U-13218**  
**RACC Enterprises LLC and SBC Michigan**  
**(interconnection agreement)**

On December 12, 2005 RACC Enterprises LLC and SBC Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of the Third Amendment to their Interconnection Agreement. The parties state that the Third Amendment incorporates into the Agreement terms and conditions mandated by the Commission in its order issued September 20, 2005 in Case No. U-14447 (TRO/TRRO Order).

**Case No. U-13791**  
**Winn Telephone Co and Verizon**  
**(interconnection agreement)**

On December 6, 2005 Winn Telephone Company, d/b/a Winn Telecom ("Winn") and Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, Inc. (collectively, "Verizon") jointly applied to the Michigan Public Service Commission for approval of Amendment No. 2 to their Interconnection Agreement. The parties state that Amendment No. 2, among other things, amends the terms and conditions between Winn and Verizon with respect to Mid Span Fiber Meet.

**Case No. U-13980**  
**Granite Telecommunications LLC and SBC Michigan**  
**(interconnection agreement)**

On December 8, 2005 Granite Telecommunications LLC and SBC Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of the Third Amendment to their Interconnection Agreement. The parties state that the Third Amendment incorporates into the Agreement terms and conditions mandated by the Commission in its order issued September 20, 2005 in Case No. U-14447 (TRO/TRRO Order).

**Case No. U-14037**  
**CIMCO Communications Inc and SBC Michigan**  
**(interconnection agreement)**

On December 12, 2005 CIMCO Communications Inc. and SBC Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of the Thirteenth Amendment to their Interconnection Agreement. The parties state that the Thirteenth Amendment incorporates into the

Agreement terms and conditions mandated by the Commission in its order issued September 20, 2005 in Case No. U-14447 (TRO/TRRO Order).

**Case No. U-14605**

**Verizon North Inc**

**(discontinuance of service in local exchange of TDS Telecom)**

On December 9, 2005 Verizon North Inc. ("Verizon") provided notice to the Michigan Public Service Commission that it intends to discontinue the provision of Intrastate IntraLATA toll service on February 6, 2006 to customers in the Clayton exchange of TDS Telecom. Verizon notes that TDS Telecom serves approximately 26,000 access lines in the exchange, and that Verizon serves approximately 329 customers in the same area. Further, Verizon states that on or about December 6, 2005 it will publish a notice of discontinuance in newspapers of general circulation in the Clayton exchange.

**Case No. U-14730**

**IBFA Acquisition Co LLC and SBC Michigan**

**(interconnection agreement)**

On December 6, 2005 IBFA Acquisition Co LLC ("IBFA") and SBC Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of their Interconnection Agreement executed as of November 30, 2005. The parties state that IBFA requested to adopt the interconnection agreement dated February 20, 2002 between AT&T Communications of Michigan, Inc. and SBC Michigan which was approved by the Commission in an order issued on March 21, 2002 in Case No. U-12465, including several amendments.

**Case No. U-14733**

**United Telecom Inc and Verizon**

**(interconnection agreement)**

On December 7, 2005 United Telecom Inc., d/b/a UTMI.net, Inc. ("United Telecom"), and Verizon North Inc. and Contel of the South Inc., d/b/a Verizon North Systems (collectively, "Verizon"), jointly applied to the Michigan Public Service Commission ("Commission") for approval of their Interconnection Agreement. The parties state that United Telecom agreed to adopt the terms of the interconnection agreement between TelNet Worldwide, Inc. and Verizon previously approved by the Commission in Case No. U-13931.

**Case No. U-14735**

**VCI Company and SBC Michigan**

**(interconnection agreement)**

On December 8, 2005 VCI Company and SBC Michigan jointly applied to the Michigan Public Service Commission for approval of their multi-state Interconnection Agreement executed as of November 17, 2005.

\* \* \*

**PSC NOTICES OF OPPORTUNITY FOR COMMENT**

*Note: no notices of opportunity to comment have been issued by the MPSC in the previous two-week period.*

\* \* \*

**2005 REGULAR COMMISSION MEETING DATES\***

<b>Month &amp; Date</b>	<b>Day</b>	<b>Time</b>
December 20	Tuesday	1:30 p.m.

\*The MPSC may schedule special meetings, as needed, on 18 hours' notice.

**SUBSCRIPTION INFORMATION**

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