



### FEATURES |

#### ***FCC Seeks Ways to Strengthen Universal Service***

The Federal Communications Commission (“FCC”) has issued a Notice of Inquiry (“NOI”), seeking comment on ways the FCC can strengthen management, administration, and oversight of the Federal Universal Service Fund (“USF” or “Fund”) and more clearly define the goals of the USF program.

The USF program was established by Congress in Section 254 of the Communications Act of 1934, as amended (the “Act”). USF is intended to ensure the availability of affordable telecommunications services to consumers living in high-cost . . .

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Clark Hill PLC  
212 East Grand River Avenue  
Lansing, Michigan 48906-4328  
P: 517.318.3100 | F: 517.318.3099

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. . . areas, low-income consumers, eligible schools and libraries, and rural health care providers. The USF consists of four programs: (1) high-cost, providing financial support to eligible telecommunications carriers (“ETCs”) serving high-cost areas; (2) schools and libraries (“E-Rate”), providing discounted telecommunications services, Internet access, and internal connections to eligible schools and libraries; (3) low-income, assisting low-income customers with discounted installation and monthly telephone services; and (4) rural health care, providing discounted telecommunications and information services to rural health care providers. In Michigan, carriers, consumers, rural health care providers schools and libraries take advantage of USF programs. All carriers, and by extension consumers, contribute funds to the program. According to the Michigan Department of Education, Michigan’s schools and libraries have received over \$32,317,796.38 in 2008 E-Rate funding.

The FCC has, in the past, taken action to detect and deter waste, fraud, and abuse in the USF program. For example, providers, schools and libraries participating in the E-rate program have been subject to audits to determine compliance with program rules and requirements. When such audits and investigations have uncovered issues ranging from poor program design to improper use of funds, including intentional efforts to defraud the program through unscrupulous actions, the audits and investigations have resulted in referral to the Department of Justice (“DOJ”) for prosecution.

In its NOI proceeding, WC Docket No. 05-195, the FCC is specifically asking commenters to suggest ways to further strengthen the administration, management, and oversight of the USF program, such as what additional measures the FCC can implement to prevent improper USF payments, to safeguard the USF from waste, fraud, and abuse, to ensure that all providers are properly contributing the amounts they have collected from their subscribers to the USF, and to help operate the program in a more efficient, effective manner. Comments will be due 30 days after the FCC’s NOI is published in the Federal Register.

Note: Clark Hill PLC is available to assist parties who wish to comment in this proceeding.

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## 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 # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
SB 002 Hardiman	01/10/2007	Campaign finance; public disclosure; disclosure of committees that employ and registration of persons who make “robocalls” in campaigns; require. Amends sec. 6 of 1976 PA 388 (MCL 169.206) & adds sec. 48.	Referred to Senate Committee on Campaign and Election Oversight.
SB 003 Hardiman	01/10/2007	Elections; campaign practices; do-not-call list for automated political telephone calls; provide for.	04/04/2007 Referred to Senate Committee of the Whole with Substitute S-3.
SB 004 Hardiman	01/10/2007	Communications; cellular telephone; customer consent to list numbers in a cell phone directory; require. Amends 1991 PA 179 (MCL 484.2101 <i>et seq.</i> ) by adding sec. 360a.	Referred to Senate Committee on Homeland Security and Emerging Technologies.
SB 058 Stamas	01/24/2007	Campaign finance; campaign practices; telephonic communications; require disclosure stating who is paying for call and whether authorized by candidate.	Referred to Senate Committee on Campaign and Election Oversight.
SB 108 Basham 2008 PA 130	01/30/2007	Communications; telecommunications; eligibility date to opt into METRO funds; revise. Amends sec. 13 of 2002 PA 48 (MCL 484.3113).	05/13/2008 Signed by Governor Jennifer Granholm; assigned PA 130 with Immediate Effect.
SB 131 Cherry	01/31/2007	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.	Referred to Senate Committee on Energy Policy.
SB 143 Brown	01/31/2007	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of installing spyware on another person’s computer without consent; enact. Amends sec. 17c, ch. XVII of 1927 PA 175 (MCL 777.17c). Tie Bar with SB 144.	Referred to Senate Committee on Judiciary.

Senate Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
SB 144 Brown	01/31/2007	Crimes; computer; installing spyware on another person's computer without consent; prohibit, and provide penalties. Amends sec. 7 of 1979 PA 53 (MCL 752.797) & adds sec. 5b.	Referred to Senate Committee on Judiciary.
SB 145 Brown	01/31/2007	Civil procedure; civil actions; installing spyware or adware onto another individual's computer without consent; prohibit and provide remedies for. Creates new act.	Referred to Senate Committee on Judiciary.
SB 284 Richardville	02/27/2007	Campaign finance; campaign practices; telephonic communications; require disclosure stating who is paying for call and whether authorized by candidate. Amends 1976 PA 388 (MCL 169.201 - 169.282) by adding sec. 48.	04/19/2007 Substitute S-2 passed Senate, 38 Yeas, 0 Nays. Referred to House Committee on Ethics and Elections.
SB 410 Brown  2007 PA 164	04/18/2007	Communications; telecommunications; funding system for the emergency telephone service enabling act; modify. Amends title & secs. 101, 102, 201, 202, 203, 205, 301, 302, 303, 306, 307, 308, 312, 319, 320 & 401 of 1986 PA 32 (MCL 484.1101 <i>et seq.</i> ) & adds secs. 401a, 401b & 401c. Tie Bar with SB 411.	12/27/2007 Signed by Governor Jennifer Granholm; assigned PA 164 with Immediate Effect.
SB 411 Brown  2007 PA 165	04/18/2007	Communications; telecommunications; funding system for the emergency telephone service enabling act; modify. Amends secs. 402, 403, 404, 405, 406, 407, 408, 410, 412, 413, 502, 504, 506, 601, 602, 605, 712, 714, 716 & 717 of 1986 PA 32 (MCL 484.1402 <i>et seq.</i> ) & repeals. Tie Bar with SB 410.	12/27/2007 Signed by Governor Jennifer Granholm; assigned PA 165 with Immediate Effect.
SB 449 Kahn	04/26/2007	Transportation; school vehicles; use of cellular telephone while operating a school bus; prohibit, and provide penalties. Amends 1990 PA 187 (MCL 257.1801 - 257.1877) by adding sec. 58.	Referred to Senate Committee on Education.
SB 585 Patterson	06/12/2007	Public utilities; restructuring; oversight of proposed mergers, sales, or acquisitions of public utilities; clarify. Amends 1939 PA 3 (MCL 460.1 - 460.10cc) by adding sec. 6r.	Referred to Senate Committee on Energy Policy and Public Utilities.

Senate Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
SB 636 Thomas	07/17/2007	Communications; other; video service provider; clarify public, education, and government access fee. Amends sec. 6 of 2006 PA 480 (MCL 484.3306).	Referred to Senate Committee on Energy Policy and Public Utilities.
SB 637 Thomas	07/17/2007	Communications; other; video service provider; clarify. Amends sec. 10 of 2006 PA 480 (MCL 484.3310).	Referred to Senate Committee on Energy Policy and Public Utilities.
SB 679 Patterson	08/22/2007	Communications; telecommunications; sunset on 9-1-1 emergency service district; extend. Amends sec. 717 of 1986 PA 32 (MCL 484.1717).	12/06/2007 Passed Senate 36 Yeas, 0 Nays, 1 Excused, 1 Not Voting; Referred to House Committee on Oversight and Investigations.
SB 783 Thomas	09/18/2007	Traffic control; violations; operation of a vehicle while using certain electronic devices; prohibit. Amends sec. 320a of 1949 PA 300 (MCL 257.320a) & adds sec. 602b.	Referred to Senate Committee on Energy Policy and Public Utilities.
SB 815 Patterson  2008 PA 48	09/25/2007	Communications; telecommunications; technical and operational charge for emergency telephone service enabling act; extend sunset. Amends sec. 401 of 1986 PA 32 (MCL 484.1401).	03/27/2008 Signed by Governor Jennifer Granholm; assigned PA 48 with Immediate Effect.
SB 819 Garcia	10/04/2007	Communications; cellular telephone; active duty military personnel; allow to cancel cellular telephone contract without penalties. Amends 1991 PA 179 (MCL 484.2101 - 484.2604) by adding sec. 304b.	Referred to Senate Committee on Senior Citizens and Veterans Affairs.
SB 945 Patterson	12/04/2007	Communications; internet; obtaining personal information by false pretenses; prohibit. Amends secs. 3 & 7 of 2004 PA 452 (MCL 445.63 & 445.67) & adds sec. 7a.	03/18/2008 Sub. S-1 passed Senate, 38 Yeas, 0 Nays; referred to House Committee on Judiciary.
SB 1036 Basham	01/22/2008	Traffic control; violations; use of hand-free wireless phones while operating a motor vehicle; allow. Amends sec. 320a of 1049 PA 300 (MCL 257.320a) & adds sec. 602b.	Referred to Senate Committee on Transportation.
SB 1088 Patterson	02/13/2008	Communications; telecommunications; sunset; eliminate. Amends title of 1991 PA 179 (MCL 484.2101 - 484.2604) & repeals sec. 604 of 1991 PA 179 (MCL 484.2604).	Referred to Senate Committee on Energy Policy and Public Utilities.

Senate Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
SB 1201 Garcia	03/11/2008	Consumer protection; unfair trade practices; active duty military personnel; allow to cancel cellular telephone contract without penalties. Creates new act.	04/24/2008 Passed Senate, 37 Yeas, 0 Nays, 1 Excused; Referred to House Committee on Military and Veterans Affairs and Homeland Security.
SB 1235 Olshove	03/26/2008	Communications; cable; access for subscriber to public, education, and government channels or lowest tier of service and without need for additional equipment; require. Amends sec. 4 of 2006 PA 480 (MCL 484.3304).	Referred to Senate Committee on Energy Policy and Public Utilities.
SB 1417 Pappageorge	06/26/2008	Education; curricula; internet safety instruction in schools; require.	Referred to Committee on Education.

Senate Resolution # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
SR 0135 Birkholz	01/09/2008	A resolution to request that the Michigan Public Service Commission create a Pole Attachment Remediation Fund and establish procedures to resolve pole attachment disputes.	Referred to Senate Committee on Energy Policy and Public Utilities.
SR 0140 Olshove	01/16/2008	A resolution to encourage cable operators to maintain public access channels at their existing, lower tier location and provide these channels at no additional cost to subscribers.	Referred to Senate Committee on Energy Policy and Public Utilities.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HB 4041 Lemmons	01/22/2007	Corrections; state facilities; telephone system for state correctional facilities; impose requirements.	Referred to House Committee on Judiciary.
HB 4057 Nofs	01/22/2007	Campaign finance; public disclosure; telephone or electronic campaigning; require message to include payer's identification and whether approved by candidate, and revise identifying statement for radio or television campaign ads.	Referred to House Committee on Ethics and Elections.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HB 4239 Sak	03/14/2007	Campaign finance; public disclosure; telephone or electronic campaigning; require message to include payer's identification and whether approved by candidate, and revise identifying statement for radio or television campaign ads.	Substitute H-1 Passed House, 107 Yeas, 0 Nays; referred to Senate Committee on Campaign and Election Oversight.
HB 4293 Miller	02/20/2007	Law enforcement; investigations; use of eavesdropping devices in hostage or other emergency situations; allow. Amends secs. 539a & 539g of 1931 PA 328 (MCL 750.539a & 750.539g) & adds sec. 539l.	Referred to House Judiciary Committee.
HB 4333 Wenke	02/27/2007	Campaign finance; public disclosure; disclosure of persons who make automated telephone calls related to candidates or elections; require.	Referred to House Committee on Ethics and Elections.
HB 4461 Rocca	03/15/2007	Transportation; school vehicles; use of cellular telephone while operating a school bus; prohibit. Amends 1990 PA 187 (MCL 257.1801 - 257.1877) by adding sec. 58.	Referred to House Committee on Transportation.
HB 4581 Condino	04/05/2007	Communications; telecommunications; tax on satellite television sales; provide for at same rate as cable franchise agreements. Amends secs. 1 & 2 of 1933 PA 167 (MCL 205.51 & 205.52).	Referred to House Committee on Tax Policy.
HB 4717 Opsommer	05/08/2007	Campaign finance; public disclosure; telephone or electronic campaigning; require message to include payer's identification and whether approved by candidate, and revise identifying statement for radio or television campaign ads. Amends sec. 47 of 1976 PA 388 (MCL 169.247) & adds sec. 48.	Referred to House Committee on Oversight and Investigations.
HB 4726 Cushingberry	05/08/2007	Communications; telecommunications; Amendments to the emergency telephone service enabling act; provide for. Amends sec. 102 of 1986 PA 32 (MCL 484.1102) & adds sec. 408a.	Referred to House Committee on Appropriations.
HB 4852 Cushingberry	05/24/2007	Communications; telecommunications; public safety charge; provide for. Amends 1986 PA 32 (MCL 484.1101 - 484.1717) by adding sec. 408a.	Referred to House Committee on Appropriations.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HB 4982 Polidori	06/27/2007	Traffic control; violations; use of mobile phones while operating a motor vehicle; prohibit. Amends sec. 320a of 1949 PA 300 (MCL 257.320a) & adds sec. 602b.	05/20/2008 Substitute H-2 reported by House Committee on Transportation with recommendation; referred to second reading.
HB 5047 Johnson	07/24/2007	Communications; other; video service provider; clarify public, education, and government access fee. Amends sec. 6 of 2006 PA 480 (MCL 484.3306).	Referred to House Committee on Energy and Technology.
HB 5048 Accavitti	07/24/2007	Communications; other; video service provider; clarify. Amends sec. 10 of 2006 PA 480 (MCL 484.3310).	02/20/2008 Reported by House Committee on Energy and Technology, with recommendation; referred to second reading.
HB 5090 Stakoe	08/08/2007	Civil rights; public records; access to home address and telephone number of a public employee; exclude from freedom of information act. Amends sec. 13 of 1976 PA 442 (MCL 15.243).	Referred to House Committee on Government Relations.
HB 5112 Robertson	08/21/2007	Crimes; telecommunications; malicious use of service provided by telecommunications service provider; provide for increased penalty under certain circumstances. Amends sec. 540e of 1931 PA 328 (MCL 750.540e).	Referred to House Committee on Judiciary.
HB 5113 Robertson	08/21/2007	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of malicious use of service provided by telecommunications service provider; enact. Amends sec. 16z, ch. XVII of 1927 PA 175 (MCL 777.16z). TIE BAR WITH: HB 5112'07.	Referred to House Committee on Judiciary.
HB 5117 Bieda	08/21/2007	Traffic control; violations; penalties for operating a motor vehicle while reading, manually writing, or sending a message on an electronic wireless device; provide for. Amends 1949 PA 300 (MCL 257.1 - 257.923) by adding sec. 602b.	05/20/2008 Substitute H-2 reported by House Committee on Transportation with recommendation; referred to second reading.
HB 5131 Dean	08/22/2007	Criminal procedure; sex offender registration; registered sex offenders to provide certain information regarding their internet service; require.	Referred to House Committee on Judiciary.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HB 5133 Law	08/22/2007	Criminal procedure; sex offender registration; reporting requirements; expand to include a valid electronic mail address and user name. Amends sec. 7 of 1994 PA 295 (MCL 28.727).	Referred to House Committee on Judiciary.
HB 5134 Law	08/22/2007	Crimes; criminal sexual conduct; access to commercial social networking websites by certain sex offenders; restrict. Amends 1931 PA 328 (MCL 750.1 - 750.568) by adding sec. 411u.	Referred to House Committee on Judiciary.
HB 5150 A. Smith	08/30/2007	Crimes; other; knowing an individual needs emergency help; require to call 9-1-1. Amends 1931 PA 328 (MCL 750.1 - 750.568) by adding sec. 499.	Referred to House Committee on Judiciary.
HB 5240 Garfield	09/18/2007	Communications; internet; Michigan broadband authority; eliminate. Repeals 2002 PA 49 (MCL 484.3201 - 484.3225).	Referred to House Committee on New Economy and Quality of Life.
HB 5338 Caul	10/23/2007	Communications; cellular telephone; individuals called into active duty; allow to cancel cellular telephone contract without penalties. Amends 1991 PA 179 (MCL 484.2101 - 484.2604) by adding sec. 304c.	06/03/2008 Rule suspended; Discharged from House Committee on Oversight and Investigations; Placed on second reading.
HB 5361 Moss	10/24/2007	Crimes; other; tampering with, defacing, or stealing utility equipment; increase penalties. Amends sec. 383a of 1931 PA 328 (MCL 750.383a).	Referred to House Committee on Judiciary.
HB 5396 Sak	10/31/2007	Traffic control; violations; penalties for operating a motor vehicle while sending or receiving a message on an electronic wireless device; provide for.	05/20/2008 Substitute H-1 reported by House Committee on Transportation with recommendation; referred to second reading.
HB 5591 Walker	01/09/2008	Communications; cellular telephone; purchase, photo identification, and retention of certain purchase information; require. Amends 1991 PA 1179 (MCL 484.2101 - 484.2604) by adding pt. J.	Referred to House Committee on Judiciary.
HB 5665 Accavitti 2008 PA 52	01/24/2008	Communications; telecommunications; sunset; eliminate. Amends title of 1991 PA 179 (MCL 484.2101 - 484.2604) & repeals sec. 604 of 1991 PA 179 (MCL 484.2604).	03/27/2008 Signed by Governor Jennifer Granholm; assigned PA 52 with Immediate Effect.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HB 5667 Rocca	01/24/2008	Communications; cable; access for subscriber to public, education, and government channels without need for additional equipment; require. Amends sec. 4 of 2006 PA 480 (MCL 484.3304).	Referred to House Committee on Energy and Technology.
HB 5684 Espinoza	02/06/2008	Communications; telecommunications; eligibility date to opt into METRO funds; revise.	Referred to House Committee on Energy and Technology.
HB 5693 Meadows	02/06/2008	Communications; cable; access for subscriber to public, education, and government channels or lowest tier of service and without need for additional equipment; require.	Referred to House Committee on Energy and Technology.
HB 5696 Law	02/06/2008	Traffic control; violations; use of cellular telephone while operating a vehicle by an individual in the graduated licensing program; prohibit, and establish penalties.	Referred to House Committee on Transportation.
HB 5892 Espinoza	03/13/2008	Communications; telecommunications; sunset for the emergency 9-1-1 service enabling act; extend. Amends sec. 717 of 1986 PA 32 (MCL 484.1717).	Referred to House Committee on Energy and Technology.
HB 5932 LeBlanc	04/08/2008	Consumer protection; unfair trade practices; termination of cellular telephone contracts by certain active military personnel; allow. Creates new act.	Referred to Committee on Military and Veterans Affairs and Homeland Security
HB 6044 Accavitti	05/06/2008	Public utilities; other; metropolitan authority; revise utilization of interest and earnings. Amends sec. 11 of 2002 PA 48 (MCL 484.3111).	Referred to House Committee on Energy and Technology.
HB 6065 Cheeks	05/06/2008	Communications; telecommunications; sunset for the emergency 9-1-1 service enabling act; repeal. Amends title of 1986 PA 32 (MCL 484.1101 - 484.1717) & repeals sec. 717 of 1986 PA 32 (MCL 484.1717).	Referred to House Committee on Appropriations.
HB 6070 Mayes	05/07/2008	Communications; telecommunications; funding for emergency 9-1-1 service enabling act; modify. Amends sec. 401b of 1986 PA 32 (MCL 484.1401b) & adds secs. 401f & 401g.	Referred to House Committee on Energy and Technology.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HB 6278 Law	06/24/2008	Education; curricula; internet safety instruction in schools; require. Amends 1976 PA 451 (MCL 380.1 - 380.1852) by adding sec. 1163.	Referred to House Committee on Education.
<b>HB 6469 Corriveau</b>	<b>09/18/2008</b>	<b>Education; curricula; internet safety instruction in schools; require. Amends 1976 PA 451 (MCL 380.1 - 380.1852) by adding sec. 1163.</b>	<b>Referred to House Committee on Education.</b>

House Resolution # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HCR 0064 Bieda	01/09/2008	A concurrent resolution to encourage cable operators to maintain public access channels at their existing, lower tier location and provide these channels at no additional cost to subscribers.	Referred to House Committee on Energy and Technology.
HR 0245 Bieda	01/09/2008	A resolution to encourage cable operators to maintain public access channels at their existing, lower tier location and provide these channels at no additional cost to subscribers.	Referred to House Committee on Energy and Technology.
HR 0283 Angerer	02/21/2008	A resolution declaring February 20, 2008, as Digital Transition Day in the State of Michigan.	02/21/2008 Adopted.

## PUBLIC ACTS OF 2007 & 2008

Listed below are Public Acts related to telecommunications that have been passed during the current legislative session (2007-2008). 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. Acts passed since the previous edition of the *Michigan Telecommunications Report* are in bold.

Public Act #	Effective Date	Description	Enrolled Bill No. and Sponsor
2007 PA 164	12/27/2007	Communications; telecommunications; funding system for the emergency telephone service enabling act; modify. Amends title & secs. 101, 102, 201, 202, 203, 205, 301, 302, 303, 306, 307, 308, 312, 319, 320 & 401 of 1986 PA 32 (MCL 484.1101 <i>et seq.</i> ) & adds secs. 401a, 401b & 401c. Tie Bar with Enrolled SB 411.	Enrolled SB 410  Brown
2007 PA 165	12/27/2007	Communications; telecommunications; funding system for the emergency telephone service enabling act; modify. Amends secs. 402, 403, 404, 405, 406, 407, 408, 410, 412, 413, 502, 504, 506, 601, 602, 605, 712, 714, 716 & 717 of 1986 PA 32 (MCL 484.1402 <i>et seq.</i> ) & repeals. Tie Bar with Enrolled SB 410.	Enrolled SB 411  Brown
2008 PA 48	03/27/2007	Communications; telecommunications; technical and operational charge for emergency telephone service enabling act; extend sunset. Amends sec. 401 of 1986 PA 32 (MCL 484.1401).	Enrolled SB 815  Patterson
2008 PA 52	01/24/2008	Communications; telecommunications; sunset; eliminate. Amends title of 1991 PA 179 (MCL 484.2101 - 484.2604) & repeals sec. 604 of 1991 PA 179 (MCL 484.2604).	Enrolled HB 5665  Accavitti
2008 PA 130	05/13/2008	Communications; telecommunications; eligibility date to opt into METRO funds; revise. Amends sec. 13 of 2002 PA 48 (MCL 484.3113).	Enrolled SB 108  Basham

## ORDERS ISSUED BY MPSC |

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*The Michigan Public Service Commission  
has not issued any Telecommunications Orders  
during the previous fortnight.*

## PROPOSALS FOR DECISION |

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Case No. U-15609

Interconnection Arbitration

Allendale Telephone Company, Barry County Telephone Company, Deerfield Farmers' Telephone Company, Drenthe Telephone Company, Lennon Telephone Company, Ogden Telephone Company, Pigeon Telephone Company, Springport Telephone Company, and Waldron Telephone Company v T-Mobile USA, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15609>

On September 12, 2008 an Arbitration Panel appointed by the Michigan Public Service Commission ("Commission") and consisting of Administrative Law Judge Mark D. Eyster, and Telecommunications Division Staff members Anne-Marie Clark and Thomas L. Saghy issued its Decision of the Arbitration Panel ("DAP") in the above captioned proceeding. In their Petition for Arbitration, Allendale Telephone Company, Barry County Telephone Company, Deerfield Farmers' Telephone Company, Drenthe Telephone Company, Lennon Telephone Company, Ogden Telephone Company, Pigeon Telephone Company, Springport Telephone Company, and Waldron Telephone Company (collectively the "Petitioners") raised four (4) disputed issues: (1) whether the parties' Interconnection Agreement should contain the rates, terms, and conditions proposed by the Petitioners in their final proposed agreement; (2) whether the parties' Interconnection Agreement should contain the rates regarding local switching, local transport-termination, and local transport facility terminating Cellular Mobile Radio Service ("CMRS") traffic that the Petitioners claimed were equal to rates approved by the Commission in prior orders; (3) whether the parties' Interconnection Agreement should contain a 5% default factor as Petitioners' proposed as an estimate of traffic subject to switched access compensation, to be used for billing purposes, based on the Petitioner's intrastate access tariff, until actual recorded and verifiable interMTA traffic is available; and (4) whether the Parties' Interconnection Agreement should contain an 80/20 land-to-mobile traffic factor (i.e. 80% of the traffic originates on mobile and terminates on landline, and 20% of the traffic originates on landline and terminates on mobile) as an estimate of traffic subject to reciprocal compensation, for T-Mobile to use for billing purposes until T-Mobile has the ability to record the traffic exchange between the parties and the recorded use can be verified. In its response to the Petition for Arbitration, T-Mobile identified several additional items in dispute, namely whether or not T-Mobile should be allowed to opt-in to the Petitioners' Interconnection Agreements with Verizon Wireless pursuant to Section 250(1) via the Federal Telecommunication Act. The Arbitration Panel spent a great deal of time discussing whether or not T-Mobile had negotiated in good faith prior to the filing of the Petition for Arbitration. T-Mobile claims that it was its understanding that substantive negotiations would not take place until the Petitioners had established new rates for the transport and termination of local telephone calls in MPSC Case Nos. U-14781 and U-15035. Prior to the filing of the Petition for Arbitration T-Mobile had requested a list of Interconnection Agreements available for opt-in, but the Petitioners had not responded to this request. The Panel found that T-Mobile failed to negotiate in good faith since no substantive negotiations took place. The Panel specifically chose to hold this finding against T-Mobile in its deliberations. Because the Panel found that T-Mobile had not negotiated in good faith, the Panel found that T-Mobile's request to opt-in to agreements is

inconsistent with and impermissible under the Federal Telecommunications Act. The Panel recommended denial of T-Mobile's request to opt-in to the Verizon Wireless agreements. Regarding the proper rates to be charged the Panel found that on a going-forward basis the rates approved for the Petitioners by the Commission in its July 1, 2008 orders in Case Nos. U-14781 and U-15035 should be adopted. In addition these rates should be adopted on a symmetric basis based on prior Commission orders. However for periods prior to July 1, 2008 the Panel found that the Petitioners' prior rates should be used because the Parties did not have an agreement prior to July 1, 2008 and the Commission order in MPSC Case No. U-14781 was specific that the retroactivity of the rates only applied to existing Interconnection Agreements. The Panel found that based on prior Commission orders and especially in Case No. U-14889 on August 31, 2006 the Commission had previously adopted a 70/30% factor for local telecommunications that originates on the Petitioners' network and terminates on the T-Mobile network. Thus the Panel adopted T-Mobile's position with regard to the percent factor for interMTA traffic, because T-Mobile failed to negotiate and therefore it would be unreasonable and not in the public interest to find for T-Mobile on this issue. The Panel noted that neither Party had presented any traffic studies and therefore they were choosing the Petitioners' 5% factor as an estimate of the traffic subject to switched access compensation to be used for billing purposes, based on Petitioners' interstate access tariff until actual recorded verifiable interMTA traffic measurements are available.

The Parties have until Tuesday, September 23, 2008 to file any objection to the decision of the Arbitration Panel. A final Commission order in this proceeding is due on or before October 19, 2008.

## **APPLICATIONS AND COMPLAINTS |**

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Case No. U-12954

Interconnection Agreement

AT&T Michigan and Buckeye Telesystem, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=12954>

On September 16, 2008, AT&T Michigan and Buckeye Telesystem, Inc. jointly filed an Application with the Michigan Public Service Commission ("Commission") requesting approval of the Twelfth Amendment to their Interconnection Agreement. According to the Application, the Twelfth Amendment replaces the Tenth Amendment and the existing performance measures and remedies provisions in the Interconnection Agreement with a new AT&T Midwest Performance Remedy Plan Appendix.

Case No. U-14238

Interconnection Agreement

AT&T Michigan and Drenthe Telephone Company d/b/a Drenthe Telephone and Communications

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=14238>

On September 10, 2008, AT&T Michigan and Drenthe Telephone Company d/b/a Drenthe Telephone and Communications jointly filed an Application with the Michigan Public Service Commission ("Commission") requesting approval of the Seventh Amendment to their Interconnection Agreement. According to the Application, the Seventh Amendment complies with a September 26, 2007 United States District Court for the Eastern District of Michigan Order reversing, in part, the Michigan Public Service Commission's TRO/TRRO Order in Case No. U-14447. The Amendment revises the definition of business lines to comply with the Court Order and a Federal Communications Commission rule which provides that entrance facilities are not required to be provided by incumbent carriers to CLECs on an unbundled basis.

AT&amp;T Michigan and New Cingular Wireless PCS, LLC

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15262>

On September 10, 2008, AT&T Michigan and New Cingular Wireless PCS, LLC jointly filed an Application with the Michigan Public Service Commission (“Commission”) requesting approval of the Third Amendment to their Interconnection Agreement. According to the Application, the Third Amendment replaces the Collocation Rate Summary in the Interconnection Agreement.

Case No. U-15619

2-1-1

United Way Regional Call Center

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15654>

On September 11, 2008, United Way Regional Call Center (“UWRCC”), a service of Washtenaw United Way and United Way of Monroe County, filed an Application with the Michigan Public Service Commission (“Commission”) requesting that it be relieved of its obligation and assignment to serve as the 2-1-1 Community Resource Information and Referral Entity Answering Point for Washtenaw and Monroe Counties, including the following zones and exchanges primarily in Washtenaw and Monroe Counties: Gregory, Chelsea, Manchester, Tipton, Clinton, Saline, Milan, Ann Arbor, Whitmore Lake, Pinckney, Dexter, Ypsilanti, Willis, Milan, Britton, Dundee, Petersburg, Lambertville, North Sylvania, Lost Peninsula, Temperance, Erie, Ida, Monroe, Newport, Carlton, and Maybee. UWRCC’s Application is conditioned upon a Commission grant of the September 11, 2008 Application of United Way for Southeastern Michigan 2-1-1 Partnership (“UWSEM”) for assignment and designation as the 2-1-1 Community Resource Information and Referral Entity Answering Point for Washtenaw and Monroe Counties.

Case No. U-15654

2-1-1

United Way for Southeastern Michigan 2-1-1 Partnership

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15654>

On September 11, 2008, United Way for Southeastern Michigan 2-1-1 Partnership (“UWSEM”) filed an Application with the Michigan Public Service Commission (“Commission”) requesting that the Commission designate UWSEM as the 2-1-1 Community Resource Information and Referral Entity Answering Point for Washtenaw and Monroe Counties, including the Gregory, Chelsea, Manchester, Tipton, Clinton, Saline, Milan, Ann Arbor, Whitmore Lake, Pinckney, Dexter, Ypsilanti, and Willis zone and exchange areas primarily in Washtenaw County and the Milan, Britton, Dundee, Petersburg, Lambertville, North Sylvania, Lost Peninsula, Temperance, Erie, Ida, Monroe, Newport, Carlton, and Maybee zone and exchanges primarily in Monroe County. UWSEM was previously designated by the Commission on August 15, 2005 in MPSC Case No. U-14541 as the 2-1-1 Community Resource Information and Referral Entity Answering Point for Wayne, Oakland, and Macomb Counties. The Commission had previously designated United Way Regional Call Center (“UWRCC”) as the 2-1-1 Community Resource Information and Referral Entity Answering Point for Washtenaw and Monroe Counties, on September 26, 2006 in MPSC Case No. U-14935. On July 23, 2008 UWRCC sent a letter to the Commission requesting that the Commission relieve UWRCC from serving as the 2-1-1 Community Resource Information and Referral Entity Answering Point for Washtenaw and Monroe Counties. United Way Regional Call Center is working with UWSEM to coordinate a change of providers for these counties and on September 11, 2008, UWRCC filed a formal Application in MPSC Case No. U-14935 asking the Commission to relieve it from its designation as the 2-1-1 Community Resource Information and Referral Entity Answering Point for Washtenaw and Monroe Counties. According to the Application, to preserve continuity of services,

UWSEM's Application is conditioned upon the Commission relieving UWRCC from its obligation as as the 2-1-1 Community Resource Information and Referral Entity Answering Point for Washtenaw and Monroe Counties.

Case No. U-15653

Dispute Between Carriers

Quick Communications, Inc. and Zenk Group, LTD v AT&T Michigan  
<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15653>

On September 10, 2008, Quick Communications, Inc. ("Quick") and Zenk Group, LTD ("Zenk Group") filed a formal Complaint with the Michigan Public Service Commission ("Commission") against AT&T Michigan alleging that AT&T is refusing to process the transfer of the Zenk's resale customers from Zenk to Quick's service. The Complaint seeks emergency relief and a request for declaratory ruling. On September 17, 2008, Quick and Zenk filed an Amended Complaint. According to the Amended Complaint, on July 29, 2008 the Commission issued an order in Case No. U-15517 authorizing AT&T to discontinue service to Zenk no earlier than September 12, 2008. On or about August 8, 2008 Zenk and Quick entered into an agreement wherein Quick would acquire substantially all of the assets of Zenk. The Complainants argue that though Quick has committed to AT&T that it will assume full responsibility for payment of the underlying wholesale services required to serve Zenk's T1 customers, AT&T has refused to transfer these T1 customers to Quick and has threatened to disconnect them. The Complaint alleges that AT&T is delaying or refusing interconnection to Quick and is improperly trying to charge Quick for past amounts due by Zenk. Quick and Zenk request that the Commission order AT&T to transfer the circuits to Quick and grant other relief as appropriate.

Case No. U-15655

Inter-carrier Billing Dispute

Telnet Worldwide, Inc. v AT&T Michigan  
<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15655>

On September 11, 2008 Telnet Worldwide, Inc. filed a formal Complaint with the Michigan Public Service Commission ("Commission") against Michigan Bell Telephone Company d/b/a AT&T Michigan relating to certain 9-1-1 facilities and alleged improper back billing. According to the Complaint, AT&T refuses to disconnect E9-1-1 facilities and trunking services that AT&T previously provided to Telnet, even though AT&T allegedly has not been providing such services to Telnet for over a year. The Complaint states that AT&T has improperly billed Telnet approximately \$164,477.08 for these E9-1-1 facilities and trunking services. The Complaint further alleges that AT&T has converted certain Telnet loop/transportation facilities from Unbundled Network Element ("UNE") status to special access status. The Complaint alleges that such a conversion has resulted in retroactive rate increases to Telnet for which AT&T is attempting to back bill Telnet despite a 180-day time limitation on back billing under the parties' Interconnection Agreement. Telnet alleges that AT&T has improperly back billed Telnet for amounts outside this 180-day period in the amount of approximately \$550,149.13. Telnet further alleges that AT&T's actions are in violation of Sections 305(m) and 502(1)(a)(h) of the Michigan Telecommunications Act. Telnet requested the Commission order AT&T to cease billing for the amounts in question and that the Commission impose fines and require AT&T to pay Telnet's costs and attorney's fees.

## NOTICES OF OPPORTUNITIES TO COMMENT |

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The following Notices of Opportunity to Comment have been issued by the Michigan Public Service Commission's Executive Secretary. Any interested person may submit comments on the application by sending written comments to the Commission by mail to: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Electronic comments may be e-mailed to: <mpscefilecases@michigan.gov>. Any comments should reference the applicable docket number.

*The Michigan Public Service Commission ("Commission") does not currently have any known Telecommunications Notices of Opportunities to Comment pending.*

## NOTICES OF HEARINGS |

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The following notices of hearing have been issued by the Michigan Public Service Commission's Executive Secretary. 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-15572

License

BLC Management LLC, d/b/a Angles Communication Solutions, d/b/a Mexicall Communications

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15572>

Public Hearing: Wednesday, October 1, 2008, at 9:00 a.m.

The May 5, 2008 Application of BLC Management LLC, d/b/a Angles Communication Solutions, d/b/a Mexicall Communications for a temporary and permanent license to provide basic local exchange telecommunications service throughout the State of Michigan in the zones and exchanges served by AT&T Michigan, Verizon North Inc., and Verizon North Systems is set for an evidentiary hearing at **9:00 a.m. on Wednesday, October 1, 2008**, before Administrative Law Judge Sharon Fledman at the offices of the Michigan Public Service Commission, 6545 Mercantile Way, Suite 7, Lansing, Michigan.

## MPSC HEARINGS SCHEDULE |

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Note: Unless indicated otherwise, hearings are held in the offices of the Commission, 6545 Mercantile Way, Suite 7, Lansing, Michigan. Hearing dates and times are subject to change or cancellation. Please check with the Commission's Executive Secretary at (517) 241-6160 to confirm that a hearing will be taking place.

### KNOWN TELECOM HEARINGS SCHEDULED FOR THE NEXT FORTNIGHT (SEPTEMBER 22, 2008 THROUGH OCTOBER 3, 2008)

October 1, 2008, 9:00 a.m.

Case No. U-15572/Evidentiary Hearing

BLC Management LLC d/b/a Angles

Communication Solutions d/b/a Mexicall

Communications (license)

## FUTURE TELECOM HEARINGS SCHEDULED

No known hearings scheduled.

## **MPSC CONSUMER FORUMS |**

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The Michigan Public Service Commission (“Commission”) will host a series of consumer forums around Michigan in October. The forums are designed to give consumers the latest information on electric and natural gas rates for the winter and the status of local and long distance telephone service.

One of the MPSC's three Commissioners - Chairman Isiogu, Commissioner Monica Martinez, or Commissioner Steven A. Transeth - will be available at each forum to discuss these issues, explain how the Commission makes decisions, and listen to questions and comments regarding utility service.

An American Sign Language interpreter will be available at the Detroit forum for those in attendance who are deaf or hard of hearing.

Following is information on each upcoming consumer forum:

### **Detroit**

Thursday, October 2, 6 p.m.  
Northwest Activities Center -- Ballroom  
18100 Meyers Road

### **Escanaba**

Thursday, October 9, 6 p.m.  
Bay de Noc Community College  
Joseph Heirman University Center  
Conference Room 952  
2001 North Lincoln Road

### **Ann Arbor**

Monday, October 13, 6 p.m.  
Forsythe Middle School -- Auditorium  
1655 Newport Road

### **Pontiac**

Tuesday, October 14, 6 p.m.  
City Hall - Council Chambers (2nd Floor)  
47450 Woodward Avenue

### **Midland**

Wednesday, October 22, 2 p.m.  
Senior Services Center - Room 160  
4700 Dublin Avenue

### **Cadillac**

Thursday, October 23, 6 p.m.  
City Hall - Council Chambers  
200 North Lake Street

### **Benton Harbor**

Tuesday, Oct. 28, 6 p.m.  
Michigan Works! Service Center - Anchor  
Room  
499 West Main Street

## **2008 REGULAR MPSC MEETING DATES\* |**

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<b><u>Month &amp; Date</u></b>	<b><u>Day</u></b>	<b><u>Time</u></b>
September 11 <sup>†</sup>	Thursday	2:00 p.m.
September 23	Tuesday	1:30 p.m.
October 7	Tuesday	1:30 p.m.

<u>Month &amp; Date</u>	<u>Day</u>	<u>Time</u>
October 21	Tuesday	1:30 p.m.
November 13	Thursday	1:30 p.m.
December 9	Tuesday	1:30 p.m.
December 23	Tuesday	1:30 p.m.

\* Additional Special Meetings may be scheduled, as needed, on 18-hours notice as permitted by Section 5(4) of the Michigan Open Meetings Act, MCL 15.265(4). Agendas for all Regular and Special Meetings will be posted on 18 hours notice. A posted agenda is subject to Amendment as determined by the Commission. Any person with a question about a Regular or a Special Meeting of the Michigan Public Service Commission may make an inquiry by calling the Commission's Executive Secretary at (517) 241-6160

‡ On September 10, 2008, the Michigan Public Service Commission ("Commission") announced that a Special Commission Meeting would be held on September 11, 2008 at 2:00 p.m. On Thursday, September 11, 2008, the Commission cancelled the Special Meeting.

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