



### FEATURES |

#### ***Amendments to Emergency 9-1-1 Services Enabling Act***

The Michigan Legislature has passed HB 6070, a bill that amends the Emergency 9-1-1 Services Enabling Act (the “Act”). Enrolled HB 6070 was presented to Governor Jennifer Granholm on December 16, 2008 and she is expected to sign it into law. When signed into law, the bill will take immediate effect.

HB 6070 limits the amount of 9-1-1 service charges assessed by counties against service users, changes the date by . . .

Continued on page 2

### IN THIS ISSUE:

- 1 Features
  - ♦ Amendments to Emergency 9-1-1 Services Enabling Act
  - ♦ City of Clawson to Show Cause on Video Franchise
- 4 Pending Legislation
- 13 Public Acts of 2007 & 2008
- 14 Orders issued by MPSC
- 16 MPSC Minute Actions
- 17 Applications & Complaints
- 17 Opportunities to Comment
- 18 Notices of Hearings
- 18 MPSC Hearings Schedule
- 18 MPSC Meetings
- 19 *MTR* Subscriptions

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### INDEX OF HIGHLIGHTED CASES |

#### **ORDERS |**

- U-14301 AT&T Michigan and Quick Communications, Inc. (ica)
- U-15489 Commission's Own Motion (9-1-1 Surcharge)
- U-15649 Sage Spectrum, LLC (license)
- U-15653 Quick Communications, Inc. and Zenk Group, Ltd. v AT&T Michigan (ica dispute)
- U-15683 AT&T Michigan v City of Clawson (video franchise)
- U-15684 Allendale Telephone Company, Barry County Telephone Company, Bloomingdale Telephone Company, Chippewa County Telephone Company, Deerfield Farmers' Telephone Company, Hiawatha Telephone Company, Kaleva Telephone Company, Midway Telephone Company, Ontonagon County Telephone Company, Pigeon Telephone Company, Waldron Telephone Company, and Winn Telephone Company v. Alltel Communications, Inc. (interconnection dispute)
- U-15694 Nexus Communications, Inc. (etc)
- U-15711 Eye Spy Detective Agency (consumer complaint)
- U-15739 Solarity Communications LLC (license)

#### **MINUTE ACTIONS |**

- AT&T Michigan (9-1-1 costs)
- Verizon North, Inc. and Verizon North Systems (9-1-1 costs)

continued on page 2

**ORDERS** | continued from Page 1

- U-15689 A-1 Laundry Equipment & Repair v Cavalier Telephone Company (consumer complaint)  
U-15732 AT&T Michigan and Budget PrePay, Inc. (ica)

**APPLICATIONS & COMPLAINTS** |

- U-15739 Solarity Communications LLC (license)  
U-15755 Zayo Bandwidth LLC (license)

**FEATURES** | CONTINUED FROM PAGE 1

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***Amendments to Emergency 9-1-1 Services Enabling Act*** | continued from Page 1

. . . which counties have to notify the Emergency 911 Service Committee of pending changes in the 9-1-1 service charge from April 1 to May 15 of each year, permits the release of proprietary information protected under the Freedom of Information Act where required by statute, court order or subpoena, requires service providers to make an annual accounting of technical charges collected to the 9-1-1 service districts, and extends the sunset date of the Act to December 31, 2014.

The Act had previously allowed counties to impose a 9-1-1 service charge through resolution, voter approved millage, or through a combination of the two. The Amendment to the Act limits the amount of a county's 9-1-1 service charge, to be collected and assessed by service providers, and may eliminate the ability of a county to assess a 9-1-1 service charge through a millage. Under the Amendments, 9-1-1 service charges are limited to:

- a) up to \$0.42 per month by resolution;
- b) up to \$3.00 per month with approval of the voters in the county; or
- c) any combination of resolution or voter approval, with a maximum of \$3.00 per month.

For those counties which currently assess a 9-1-1 service charge that exceeds the \$0.42 limit or the \$3.00 limit, based on the Michigan Public Service Commission's ("MPSC" or "Commission") Orders in MPSC Case No. U-15489, those counties may continue to assess the amount approved by the Commission; however, any proposed increase to the amount approved by the Commission is subject to the \$0.42 limit or the \$3.00 limit.

The Act currently allows each local exchange provider within a 9-1-1 service district to provide a billing and collection service for an emergency telephone technical charge from all service users of the provider within the geographical boundaries of the emergency telephone or 9-1-1 service district to recover the cost of start-up costs, nonrecurring billing, installation, service, and equipment charges of the service supplier, including the costs of updating equipment necessary for conversion to 9-1-1 service. Under Enrolled HB 6070, service providers that collect a technical charge are required to make an annual accounting to the 9-1-1 service district of the use of the technical charge by the 90th day of the year. If the account demonstrates that the revenue collected exceeded the service provider's cost of implementing the service, the technical charge would be adjusted, subject to previous limits contained in the Act.

# # #

## **MPSC Directs City of Clawson to Explain Why It is Not in Violation of Uniform Video Services Local Franchise Act |**

*Note: The Michigan Public Service Commission issued the following Press Release on December 4, 2008. For more information contact Judy Palnau at (517) 241-3323.*

The Michigan Public Service Commission (“MPSC” or “Commission”) today directed AT&T Michigan and the City of Clawson (“Clawson”) to appear at a pre-hearing conference, and it directed Clawson to "show cause" why it should not be found in violation of Public Act 480 of 2006, also known as the Uniform Video Services Local Franchise Act.

AT&T Michigan filed a complaint on Oct. 24, seeking resolution of a dispute with Clawson under the Act. It also requested a declaratory ruling, an order to show cause, and expedited consideration of its filings.

AT&T's complaint alleges that Clawson improperly rejected its Sept. 30 uniform video service local franchise agreement as incomplete. Clawson, in a letter dated, Oct. 20, rejected the utility's franchise agreement as incomplete, citing a list of 30 questions.

The utility filed a complaint with the MPSC on Oct. 24. Informal mediation by the MPSC staff failed to resolve the dispute.

In granting the utility's request, the Commission noted that the allegations, if proven, would appear to be contrary to both the requirements of the Act and the legislative policy to streamline the franchising process and handle any disputes quickly.

Today's order directs the parties to appear at a pre-hearing conference at 9 a.m. on Jan. 13, 2009 at the Commission's Lansing office. The Administrative Law Judge in the case will establish a schedule that will allow the MPSC to issue a final order by March 20, 2009.

Section 14 of Public Act 480 of 2006 authorizes the MPSC to order remedies and penalties for violations of the Act, including a fine.

# # #

## PENDING LEGISLATION |

The following is a list of active telecommunications bills that have been introduced during the 2007-2008 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.
SB 1527 Thomas	09/23/2008	Traffic control; traffic regulation; use of cellular telecommunication while operating a vehicle in a work zone; prohibit. Amends sec. 907 of 1949 PA 300 (MCL 257.907) & adds sec. 602b.	Referred to Committee on Transportation.
SB 1528 Thomas	09/23/2008	Traffic control; traffic regulation; use of cellular telecommunication while operating a vehicle in a work zone; prohibit. Amends sec. 907 of 1949 PA 300 (MCL 257.907) & adds sec. 602b.	Referred to Committee on Transportation.
SB 1543 Brown	09/25/2008	Communications; telecommunications; amendments to the emergency telephone service enabling act; provide for.	Referred to Senate Committee on Energy Policy and Public Utilities.

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.
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.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.
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.	12/04/2008 Substitute H-4 adopted; read a third time, postponed for the day.
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.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.	12/10/2008 Referred to Senate Committee on Transportation.
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.
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.	12/10/2008 Notice given to discharge from 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.	12/10/2008 Referred to Senate Committee on Transportation.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.
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.	11/05/2008 Referred to Senate Committee on Senior Citizens and Veterans Affairs.
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.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.
<b>HB 6070</b> Mayes	<b>05/07/2008</b>	<b>Communications; telecommunications; funding for emergency 9-1-1 service enabling act; modify. Amends sec. 401b of 1986 PA 32 (MCL 484.1401b) &amp; adds secs. 401f &amp; 401g.</b>	<b>12/16/2008 Presented to Governor.</b>
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.
HB 6469 Corriveau	09/18/2008	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.

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 issued the following Orders at the regularly scheduled Commission meeting held on December 23, 2008 at 1:30 p.m.:

Case No. U-14301 Interconnection Agreement  
AT&T Michigan and Quick Communications, Inc.  
<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=14301>  
Application filed on December 11, 2008 for approval of a seventh amendment to an interconnection agreement (establishes and/or clarifies the rates for DS1 loops, DS1 Transport and DS1 EELs).

On December 23, 2008, the Michigan Public Service Commission (“Commission”) issued an Order approving the Interconnection Agreement Amendment listed above.

Case No. U-15489 9-1-1 Service Charge  
Commission’s Own Motion  
<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15489>

On December 23, 2008, the Michigan Public Service Commission (“Commission”) issued an Order granting the December 5, 2008 request of Lake County to discontinue its Commission approved 9-1-1 Service Charge. According to Lake County’s request, the County’s 9-1-1 service charge has been replaced by a millage for 9-1-1 services. The Commission agreed with the County that the service charge is no longer necessary and should be discontinued. The Commission urges service providers with customers in Lake County to work with County 9-1-1 officials to eliminate the county 9-1-1 surcharge by January 1, 2009.

Case No. U-15649 License  
Sage Spectrum, LLC.  
<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15649>

On December 23, 2008, the Michigan Public Service Commission (“Commission”) issued an Order granting to Sage Spectrum, LLC a license to provide basic local exchange service throughout the State of Michigan. This license replaces the temporary license issued to New Horizons Communications Corp. by the Commission on October 21, 2008.

Case No. U-14935 Interconnection Dispute  
Quick Communications, Inc. and Zenk Group, Ltd. v AT&T Michigan  
<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=14935>

On December 23, 2008, the Michigan Public Service Commission (“Commission”) issued an Order dismissing the September 10, 2008 Complaint of Quick Communications, Inc. (“Quick”) and Zenk Group, Ltd. (“Zenk”) against AT&T Michigan. The Complaint alleged that an emergency relief order was needed to prevent approximately 150 customers from losing service on or shortly after September 12, 2008 due to an Interconnection Agreement dispute with AT&T Michigan. On September 24, 2008, AT&T filed a motion to dismiss the Complaint, arguing, among other issues, that Zenk and Quick essentially filed an action in an attempt to seek a rehearing of the Commission’s July 29, 2008 order in MPSC Case No. U-15517, and to circumvent requirements in AT&T Michigan’s access tariffs and the Interconnection Agreement between AT&T Michigan and Zenk. On October 21, 2008, a Commission Administrative Law Judge (“ALJ”) recommended dismissal of the

Complaint. Exceptions were due November 4, 2008 and none were filed. The Commission adopted the ALJ's determination to dismiss the complaint without prejudice.

Case No. U-15683

Video Franchise

AT&T Michigan v City of Clawson

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15683>

On December 23, 2008, the Michigan Public Service Commission ("Commission") issued an Order Establishing An Expedited Hearing and Directing The City Of Clawson To Show Cause in response to the October 24, 2008 Complaint of AT&T Michigan against the City of Clawson (the "City"). AT&T's Complaint alleged that the City improperly rejected AT&T's September 30, 2008 uniform video service local franchise agreement ("franchise agreement") as incomplete. The rejection was communicated by Clawson to AT&T in a letter dated October 20, 2008. Attached to the letter was a document titled "Questions Supporting Incomplete Information on the AT&T Application for Video Service Local Franchise Agreement," which contained a list of issues, stated as queries, that the City alleged must be addressed by AT&T prior to the franchise agreement being considered complete. AT&T alleged that the conditions violated the Uniform Video Services Local Franchise Act, 2006 PA 480 ("Act 480"); MCL 484.3301 *et seq.* and the Commission's issued Uniform Franchise. AT&T and the City were initially ordered to engage in the statutorily-mandated dispute resolution procedure for disputes between a provider and a franchising entity, MCL 484.3310(3). The Parties failed to reach a resolution through Mediation. In ordering a hearing and ordering the City to show cause why it is not in violation of Act 480, the Commission noted that the allegations, if proven, would appear to be contrary to both the requirements of the Act and the legislative policy to streamline the franchising process and handle any disputes quickly. The Commission ordered the parties to appear at a pre-hearing conference at 9:00 a.m. on January 13, 2009 at the Commission's Lansing office. The Administrative Law Judge in the case will establish a schedule that will allow the MPSC to issue a final order by March 20, 2009.

Case No. U-15684

Interconnection Dispute

Allendale Telephone Company, Barry County Telephone Company, Bloomingdale Telephone Company, Chippewa County Telephone Company, Deerfield Farmers' Telephone Company, Hiawatha Telephone Company, Kaleva Telephone Company, Midway Telephone Company, Ontonagon County Telephone Company, Pigeon Telephone Company, Waldron Telephone Company, and Winn Telephone Company v. Alltel Communications, Inc

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15684>

On December 23, 2008, the Michigan Public Service Commission ("Commission") issued an Order dismissing the September 29, 2008 Complaint of Allendale Telephone Company, Barry County Telephone Company, Bloomingdale Telephone Company, Chippewa County Telephone Company, Deerfield Farmers' Telephone Company, Hiawatha Telephone Company, Kaleva Telephone Company, Midway Telephone Company, Ontonagon County Telephone Company, Pigeon Telephone Company, Waldron Telephone Company, and Winn Telephone Company ("Complainants") filed a formal Complaint with the Michigan Public Service Commission ("Commission") against Alltel Communications, Inc. The Complaint alleged that Alltel had failed to pay the Complainants' charges for local and inter-MTA traffic termination and that Alltel disputed the rates charged by the Complainants pursuant to the Interconnection Agreements arbitrated by the Commission in MPSC Case No. U-14889. Pursuant to Sections 203(14) and 203a of the Michigan Telecommunications Act ("MTA"), MCL 484.2203(14) and 484.2203a, the Parties mediated the dispute and agreed to accept the Mediator's Recommended Settlement. Though the Mediator's Recommended Settlement remains

filed under seal, the Commission has adopted it as its Final Order in this proceeding pursuant to Section 203a(3) of the MTA, MCL 484.2203a(3).

Case No. U-15694

Eligible Telecommunications Carrier

Nexus Communications, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15694>

On December 23, 2008, the Michigan Public Service Commission (“Commission”) issued an Order granting the October 13, 2008 Application of Nexus Communications, Inc., d/b/a TSI Telephone Company (“Nexus”) requesting “clarification of its designation or for designation as an Eligible Telecommunications Carrier (“ETC”) throughout its licensed service area within the State of Michigan or for designation as an ETC for its wireless service,” per Section 214(e)(2) of the Federal Communications Act of 1934 (“FTA”), 47 USC § 214(e)(2), for purposes of low income Universal Service Fund (“USF”) support. Nexus was granted ETC status for the purpose of receiving Lifeline/Link-Up support for its wireline operations on March 14, 2006 in Case No. U-14742. In its October 13, 2008 filing, Nexus asked to include the wireless component of its telecommunications operations in its current ETC designation for purposes of claiming USF support for Lifeline/Link-up. The Commission granted Nexus ETC designation for its wireless services in the same geographic area in which it currently holds ETC designation for its wireline services, and under the same service area code.

Case No. U-15711

Consumer Complaint

Eye Spy Detective Agency v AT&T Michigan

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15694>

On December 23, 2008, the Michigan Public Service Commission (“Commission”) issued an Order dismissing, with prejudice, the October 24, 2008 Complaint of Eye Spy Detective Agency against AT&T Michigan, alleging violations of the Michigan Telecommunications Act. On November 13, 2008, Eye Spy Detective Agency filed a request to withdraw the complaint with prejudice.

Case No. U-15739

License

Solarity Communications LLC

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15739>

On December 23, 2008, the Michigan Public Service Commission (“Commission”) issued an Order granting to Solarity Communications LLC a temporary license to provide basic local exchange service throughout the State of Michigan. The temporary license shall expire upon issuance of the final order granting or denying Solarity Communications LLC’s December 18, 2008 Amended Application for a permanent license.

## **MINUTE ACTIONS |**

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The Michigan Public Service Commission issued the following Minute Actions at the regularly scheduled Commission meeting held on December 23, 2008 at 1:30 p.m.:

AT&T Michigan

9-1-1 Costs

On December 23, 2008, the Michigan Public Service Commission (“Commission”) issued a Minute Action approving AT&T Michigan Invoice No. 517 R41-0001 067 9, for the period of

September 1, 2008 – November 30, 2008 for wireless emergency service costs recoverable under 2007 PA 165, MCL 484.1408(4)(b) in the amount of \$130,237.44, for reimbursement by the Michigan Department of Treasury.”

Verizon North Inc., and Verizon North Systems

9-1-1 Costs

On December 23, 2008, the Michigan Public Service Commission (“Commission”) issued a Minute Action approving Verizon North Inc., and Verizon North Systems Invoice No. M19NZMTS911/M19NGMTS911 for the period of September 1, 2008 – November 30, 2008 for wireless emergency service costs recoverable under 2007 PA 165, MCL 484.1408(4)(b) in the amount of \$168,485.61, for reimbursement by the Michigan Department of Treasury.”

## **APPLICATIONS AND COMPLAINTS |**

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Case No. U-15739

License

Solarity Communications LLC

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15739>

On December 18, 2008, Solarity Communications LLC filed an Amended Application with the Michigan Public Service Commission (“Commission”) for a temporary and a permanent license to provide basic local exchange service throughout the State of Michigan. The Amended Application replaces the November 21, 2008 Application and corrects the geographic area Solarity seeks to serve. According to the Application, Solarity is a Texas limited liability company based in Dallas, Texas.

Case No. U-15755

License

Zayo Bandwidth, LLC

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15755>

On December 23, 2008, Zayo Bandwidth, LLC filed an Application with the Michigan Public Service Commission (“Commission”) for a temporary and a permanent license to provide basic local exchange service throughout the State of Michigan. According to the Application, Zayo Bandwidth, LLC is a Delaware limited liability company based in Louisville, Colorado.

## **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: <[mpscfilecases@michigan.gov](mailto:mpscfilecases@michigan.gov)>. Any comments should reference the applicable docket number.

The Michigan Public Service Commission has not issued any known pending Notices of Opportunities to Comment on Telecommunications Proceedings.

## **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.

The Michigan Public Service Commission has not issued any known pending Notices of Hearings for Telecommunications Proceedings.

## **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 (DECEMBER 29, 2008 THROUGH JANUARY 9, 2009)

January 5-6, 2009, 9:00 a.m.  
Case No. U-15682/Evidentiary Hearing  
AT&T Michigan v ACD Telecom, Inc. (Toll  
Access Rates)

### FUTURE TELECOM HEARINGS SCHEDULED

January 13, 2009, 9:00 a.m.  
Case No. U-15684/Prehearing Conference and  
Order to Show Cause  
AT&T Michigan v City of Clawson

January 28, 2009, 9:00 a.m.  
Case No. U-15726/Prehearing Conference  
B&S Telecom v AT&T Michigan (Interconnection  
Dispute)

February 23, 2009, 1:00 p.m. &  
February 24, 2009 9:00 a.m.  
Case No. U-15655/Evidentiary Hearing  
TelNet Worldwide, Inc. v AT&T Michigan  
(Interconnection Dispute)

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

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The Michigan Public Service Commission will likely issue a schedule of meetings for 2009 in early January.

## SUBSCRIPTION INFORMATION

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