



### FEATURES |

#### **Supreme Court Denies Stay of County 9-1-1 Surcharges**

On July 11, 2008, The Michigan Supreme Court denied Applications for Leave to Appeal and Motions for Stay of the Michigan Public Service Commission's ("Commission") establishment of various 9-1-1 surcharges filed by several Michigan counties which had 9-1-1 surcharges approved by the Commission which were lower than what the Counties had requested.

The Commission, in MPSC Case No. U-15489, found on March 11, 2008, that the Counties did not submit sufficient support for approving a surcharge that would likely generate . . .

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#### ORDERS |

No Telecommunications Orders have been issued by the Commission during the previous fortnight.

#### APPLICATIONS AND COMPLAINTS |

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- U-13227 AT&T Michigan and New Par d/b/a Verizon Wireless and Muskegon Cellular Partnership d/b/a Verizon Wireless (ica)
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*Supreme Court Denies Stay of County 9-1-1 Surcharges* | continued from Page 1

. . . revenues greater than 2.7 percent above the 2007 level, the amount statutorily permitted. The Counties initially appealed the Commission’s Order to the Court of Appeals, and when a stay was denied there, the Counties appealed to the Supreme Court. The Counties filing the Appeal were Grand Traverse, Montcalm, Delta, Hillsdale, Houghton, Dickinson, Cass, Chippewa, Menominee, Tuscola, Cheboygan, Emmet, Charlevoix, Saginaw, Newyago, Ionia, Gogebic, Ogemaw, Mackinac, Alpena, Huron and Alcona Counties. The Counties’ initial appeal to the Court of Appeals will proceed to be heard on its merits.

# # #

*Michigan Supreme Court Holds That MTA Section 502 Complaints Require Complainants To Show Intent To Make False Statements* |

On July 23, 2008, the Michigan Supreme Court issued an opinion requiring complainants filing complaints alleging a provider made a statement that was “false, misleading, or deceptive” must show that a statement was intentionally false.

The case arose from a complaint filed by William and Sandra Rovas claiming that SBC’s service technician on a service call told them the problem was with the Rovas’ inside wiring. SBC later conceded that the service technician was wrong, and that the problem was actually with the outside wiring. SBC sent an invoice to the Rovas for \$71, which was later rescinded. The Rovas’ filed a complaint before the Michigan Public Service Commission (“Commission”), MPSC Case No. U-13079, alleging that SBC had violated MCL 484.2502(1)(a) by making a statement or representation that was “false” in stating incorrectly that the problem was with inside wiring and in sending an invoice stating that SBC was owed the \$71. The Commission agreed and fined SBC \$15,000 in an order issued on August 1, 2005.

The Michigan Court of Appeals had affirmed this finding by holding, among other things, that Commission orders interpreting the statute were entitled to deference by the courts, and that the Commission’s interpretation, while not necessarily the preferred interpretation, was a permissible interpretation.

The Michigan Supreme Court found that the Commission’s interpretations of statutes is not entitled to deference, which the Court described as implying that the courts would “yield” to the agency’s interpretation of the statute. The Court found that use of a deferential standard by the courts would abdicate the judicial authority to interpret statutes, which would be a greater deference than that given to interpretations by lower courts. The Court found that the proper standard was to give respectful consideration to the agency’s interpretation and to provide cogent reasons when disagreeing with the agency. Further, the agency’s interpretation can be used as an aid for discerning the Legislature’s intent where the law is doubtful or obscure, but the agency’s interpretation is not binding on the courts and cannot conflict with the Legislature’s intent as expressed in the language of the statute at issue. The Court also declined to apply federal doctrine that indicates that if the agency’s interpretation is permissible it will not be overturned, stating that it was inconsistent with the judiciary’s duty to interpret statutes.

Applying that standard, the Court found that the proper interpretation of MCL 484.2502(1)(a) depended on the meaning of the term “false” statement. SBC argued that a misdiagnosis of a problem that is later corrected is not a violation of the statute. Complainants and the Commission argued that any untrue statement, regardless of intent, is a violation of the statute. The Court agreed with SBC, finding that a false statement is only punishable under the Michigan Telecommunications Act (“MTA”) where it tends to deceive or mislead. The Court concluded that only statements that are intentionally false qualify as violations of the MTA. A mere mistaken communication is not sufficient to bring the penalties of the MTA to bear.

The Court affirmed a prior remand of the Court of Appeals that clarified that the Commission cannot prohibit a provider from charging for services associated with a problem caused by inside wiring.

The entire Michigan Supreme Court opinion can be viewed at <http://www.michbar.org/opinions/supreme/2008/072308/40040.pdf>.

# # #

## 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.

Senate Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.
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.

Senate Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.
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.

Senate Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.
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.

Senate Resolution # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.
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.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.
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.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.
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.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.
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.

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.

House Resolution # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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

Public Act #	Effective Date	Description	Enrolled Bill No. and Sponsor
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

*No Telecommunications Orders have been issued by the Commission during the previous fortnight.*

## APPLICATIONS AND COMPLAINTS

Case No. U-12758

Interconnection Agreement

AT&T Michigan and T-Mobile USA, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=12758>

On July 15, 2008, AT&T Michigan and T-Mobile USA, Inc. jointly filed an Application with the Michigan Public Service Commission (“Commission”) requesting approval of the Sixth Amendment to their Interconnection Agreement. According to the Application, the Sixth Amendment extends the term of the Agreement for a period of three (3) years commencing January 7, 2008 to January 7, 2011.

Case No. U-13227

Interconnection Agreement

AT&T Michigan and New Par d/b/a Verizon Wireless and Muskegon Cellular Partnership d/b/a Verizon Wireless

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=13227>

On July 15, 2008, AT&T Michigan and New Par d/b/a Verizon Wireless and Muskegon Cellular Partnership d/b/a Verizon Wireless, Inc. jointly filed an Application with the Michigan Public Service Commission (“Commission”) requesting approval of the Sixth Amendment to their Interconnection Agreement. According to the Application, the Sixth Amendment replaces the Collocation Rate Summary in the Agreement.

Case No. U-15303

Interconnection Agreement

AT&T Michigan and Birch Telecom of the Great Lakes, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15303>

On July 11, 2008, AT&T Michigan and Birch Telecom of the Great Lakes, Inc. jointly filed an Application with the Michigan Public Service Commission (“Commission”) requesting approval of the Tenth Amendment to their Interconnection Agreement. According to the Application, the Tenth 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 TC3 Telecom, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15547>

On July 21, 2008, AT&T Michigan and TC3 Telecom, Inc. jointly filed an Application with the Michigan Public Service Commission (“Commission”) requesting approval of the Thirteenth Amendment to their Interconnection Agreement. According to the Application, the Thirteenth 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.

Case No. U-15618

2-1-1

Volunteer Center of Battle Creek, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15618>

On July 3, 2008, the Volunteer Center of Battle Creek (“VCBC”) filed an Application with the Michigan Public Service Commission (“Commission”) requesting that it be designated the 2-1-1 community resource information and referral entity answering point for the Burr Oak, Centreville, Colon, Constantine, Mendon, Sturgis, Three Rivers, and White Pigeon exchanges, each located totally or partially in St. Joseph County, Michigan. According to the Application, VCBC was previously designated the 2-1-1 community resource information and referral entity answering point for Calhoun County, in MPSC Case No. U-13304, on May 16, 2002, and in fact serves as the 2-1-1 community resource information and referral answering point for the Battle Creek, Athens, Marshall, Albion, Olivet, Charlotte, Union City, Tekonsha, Burlington, Homer, Litchfield, Mosherville, Springport, Concord, Banfield, and Bellevue exchanges. As part of its Application, VCBC requests that it replace Gryphon Place as the 2-1-1 community resource information and referral answering point for the Mendon exchange. Gryphon Place was so designated in MPSC Case No. U-13640 on February 20, 2003 and consents to this change.

Case No. U-15619

2-1-1

Jackson 2-1-1 Call Center

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15619>

On July 22, 2008, Jackson 2-1-1 Call Center (“Jackson 2-1-1”) filed an Application with the Michigan Public Service Commission (“Commission”) requesting that the Commission designate Jackson 2-1-1 as the 2-1-1 community resource information and referral entity answering point for Lenawee and Livingston Counties, including the Addison, Adrian, Blissfield, Brighton, Byron, Clayton, Deerfield, Fenton, Fowlerville, Hartland, Howell, Hudson, Linden, Morenci, Ogden Center, Onsted, Pinckney, Sand Creek, Tecumseh, and Waldron exchanges. On February 14, 2007, the Commission issued an Opinion and Order in MPSC Case No. U-15110, designating Jackson 2-1-1 as the 2-1-1 answering point for Clinton, Eaton, Hillsdale and Ingham Counties. On August 31, 2004, the Commission issued an Opinion and Order in MPSC Case No. U-14161, designating Jackson 2-1-1 as the 2-1-1 answering point for Jackson County. On September 26, 2006, the Commission issued an Opinion and Order in MPSC Case No. U-14395, designating United Way Regional Call Center as the 2-1-1 answering point for Livingston County. United Way Regional Call Center consents to designation of Jackson 2-1-1 in its place for Livingston County.

Case No. U-15623

License

Prayztel Communications, LLC

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15623>

On July 16, 2008, Prayztel Communications, LLC filed an Application with the Michigan Public Service Commission (“Commission”) for a license to provide basic local exchange service for temporary and permanent licenses to provide basic local exchange services throughout the State of Michigan, including the zone and exchange areas served by AT&T Michigan, Verizon North, Inc. Contel of the South, Inc., d/b/a Verizon North Systems. According to the Application, Prayztel Communications, LLC is a Delaware Limited Liability Company, headquartered in Hollywood, Florida.

Case No. U-15624

License

New Horizons Communications Corp.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15624>

On July 16, 2008, New Horizons Communications Corp. filed an Application with the Michigan Public Service Commission (“Commission”) for a license to provide basic local exchange service for temporary and permanent licenses to provide basic local exchange services throughout the State of Michigan, including the zone and exchange areas served by AT&T Michigan, Verizon North, Inc. Contel of the South, Inc., d/b/a Verizon North Systems. According to the Application, New Horizons Communications Corp. is a Delaware Corporation, headquartered in Lexington, Massachusetts.

Case No. U-15625

ETC

TracFone Wireless, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15625>

On July 17, 2008, TracFone Wireless, Inc. filed with the Michigan Public Service Commission (“Commission”) an Application to be designated an Eligible Telecommunications Carrier (“ETC”) for universal support purposes pursuant to Section 214(e)(2) of the Federal Telecommunications Act, 47 USC § 214(e)(2).

## **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.

Case No. U-15618

License

Volunteer Center of Battle Creek, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15618>

Comments Due: Wednesday, August 13, 2008

The Michigan Public Service Commission (“Commission”) has invited comments on the July 3, 2008 Application of the Volunteer Center of Battle Creek, Inc. (“VCBC”) requesting the

assignment of the abbreviated telephone digits 2-1-1 and designation as the community resource information and referral answering point for any telephone exchange located, in whole or in part, within St. Joseph County. Interested persons may file written and electronic comments on VCBC's Application. Comments must be received no later than 5:00 p.m. on **Wednesday, August 13, 2008**. Written comments should be sent to the: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909, with a copy mailed to David P. Lucas, Vandervoort, Christ & Fisher, P.C., 312 Fifth Third Bank Building, 67 West Michigan Avenue, Battle Creek, MI 49017-7016. Electronic comments may be e-mailed to: [mpscdockets@michigan.gov](mailto:mpscdockets@michigan.gov).

## **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-15435

License

Markur Communications, LLC

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15435>

Public Hearing: Tuesday, July 29, 2008, at 9:00 a.m.

The March 20, 2008 Application of Markur Communications, LLC for a temporary and permanent license to provide basic local exchange telecommunications service throughout the State of Michigan is set for an evidentiary hearing at **9:00 a.m. on Tuesday, July 29, 2008**, before Administrative Law Judge Mark Eyster 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 (JUNE 28, 2008 THROUGH AUGUST 8, 2008)

July 29, 2008, 9:00 a.m.

Case No. U-15435/evidentiary hearing

Markur Communications, LLC. (license)

### FUTURE TELECOM HEARINGS SCHEDULED

Aug. 26, 2008, 9:00 a.m.

Case No. U-15546/evidentiary hearing

Momentum Telecom, Inc. (license)

Oct. 9-10, 2008, 9:00 a.m.

Case No. U-15434/evidentiary hearings

Michigan Cable Telecommunications Association  
and Charter Communications Operating, LLC v  
Consumers Energy Company (pole attachments)

## 2008 REGULAR MPSC MEETING DATES\* |

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<u>Month &amp; Date</u>	<u>Day</u>	<u>Time</u>
July 29	Tuesday	8:30 a.m. <sup>‡</sup>
August 12	Tuesday	1:30 p.m.
August 26	Tuesday	1:30 p.m.
September 9	Tuesday	1:30 p.m.
September 23	Tuesday	1:30 p.m.
October 7	Tuesday	1:30 p.m.
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

<sup>‡</sup> On July 1, 2008, the Michigan Public Service Commission ("Commission") announced that it has changed the time of its July 29, 2008 Regular Commission Meeting. The Regular Commission Meeting on July 29, 2008 will be held at 8:30 a.m. at the Commission's office, located at 6545 Mercantile Way, Lansing, Michigan.

## SUBSCRIPTION INFORMATION |

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