



FEATURES |

Eligible Telecommunications Carrier Reports Due June 1

Robin Ancona, Director of the Michigan Public Service Commission (“Commission”) Telecommunications Division has notified all Eligible Telecommunications Carriers (“ETCs”) in the State of Michigan that annual reports on how the ETC’s are meeting various federal criteria are due no later than June 1, 2009. On October 1st of each year, state commissions are required to submit a list of ETCs to the Federal Communications Commission (“FCC”) which meet the new criteria as set forth . . .

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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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. . . in 47 CFR 54.202, 54.209, 54.313 and 54.314. Without proper certification by the Commission by this date, ETCs will be unable to receive Universal Service Fund (“USF”) support for either some portion of or the entire 2010 funding year.

Based on the Commission’s April 13, 2006 Order in MPSC Case No. U-14530, existing ETCs do not have to submit a new application, but must comply with the reporting requirements contained in that Commission Order by June 1 of each year. Carriers seeking USF support in either the Lifeline/Linkup or High Cost categories must submit these annual reports to the MPSC by June 1, 2009 in MPSC Case No. U-15937. Attachment A of the April 13, 2006 Order in Case No. U-14530 provides a template for the annual reporting information required by the Commission for review.

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**Verizon Wireless Customers Are Covered During Tornado And Storm Season |
Company Installs Backup Generators at Cell Sites**

Note: The following Press Release was recently issued by Verizon Wireless. For additional information please contact Michelle Gilbert at <Michelle.Gilbert@VerizonWireless.com> (248) 855-6777.

Verizon Wireless has installed permanent backup generators at nearly 90 percent of its cell sites in Michigan, ensuring its customers can continue to communicate during power outages caused by tornados, flooding and other natural disasters.

The backup generators, which cost about \$35,000 each, enable Verizon Wireless’ network to remain operational in times of emergency when power goes out. Verizon Wireless’ network team members deploy portable generators in an emergency to the cell sites that do not have permanent backup generators – mostly due to environmental or location reasons – so that these remain operational as well.

“Network reliability is the No. 1 reason that customers choose and stay with Verizon Wireless,” said Greg Haller, president–Michigan/Indiana/Kentucky region, Verizon Wireless. “We build redundancy into our network so that our customers can depend on us every time they pick up their wireless devices – particularly in times of emergency.”

Installation of these permanent generators is part of Verizon Wireless’ continual effort to expand coverage, improve capacity and enhance the quality of its wireless voice and data network in Michigan and throughout the country. Verizon Wireless has invested more than \$50 billion since it was formed – \$5.5 billion on average every year – to increase the coverage and capacity of its national

network and to add new services. Since the company was formed in 2000, Verizon Wireless has invested \$1.2 billion on improvements to its network in Michigan.

About Verizon Wireless — Verizon Wireless operates the nation’s most reliable and largest wireless voice and data network, serving more than 80 million customers. Headquartered in Basking Ridge, N.J., with more than 85,000 employees nationwide, Verizon Wireless is a joint venture of Verizon Communications (NYSE: VZ) and Vodafone (NYSE and LSE: VOD). For more information, visit www.verizonwireless.com. To preview and request broadcast-quality video footage and high-resolution stills of Verizon Wireless operations, log on to the Verizon Wireless Multimedia Library at www.verizonwireless.com/multimedia.

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2009 LEGISLATION |

The following list of telecommunications bills 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 012 Hardiman	01/14/2009	Campaign finance; public disclosure; disclosure of committees that employ and registration of persons who make “robocalls” in campaigns.	Referred to Senate Committee on Campaign and Election Oversight.
SB 013 Hardiman	01/14/2009	Administrative procedure; rules; state office of administrative hearings and rules; require policy posting of revisions and assessment of impact on the rules in the private sector.	Referred to Senate Committee on Government Operations and Reform.
SB 036 Pappageorge	01/27/2009	Education; curricula; internet safety instruction in schools; require. Amends 1976 PA 451 (MCL 380.1 - 380.1852) by adding sec. 1163.	Referred to Senate Committee on Education.
SB 149 Patterson	01/29/2009	Communications; internet; obtaining personal information by false pretenses; prohibit. Amends secs. 3, 7 & 9 of 2004 PA 452 (MCL 445.63 et seq.) & adds sec. 7a.	04/23/09 Passed Senate, 34 Yeas, 0 Nays; Referred to House Committee on Judiciary.
SB 190 2009 PA 4 Thomas	02/04/2009	Communications; video services; dispute resolution process; provide for. Amends sec. 10 of 2006 PA 480 (MCL 484.3310).	04/02/2009 Signed by Governor Granholm’ assigned 2009 PA 4 with immediate effect.

Senate Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
SB 371 Garcia	03/12/2009	Communications; cellular telephone; active duty military personnel; allow to cancel cellular telephone contract without penalties. Creates new act.	Referred to Senate Committee on Senior Citizens and Veterans Affairs.
SB 397 Thomas	03/19/2009	Communications; video services; 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 402 Thomas	03/24/2009	Traffic control; violations; operation of a vehicle while using certain electronic devices; prohibit. Amends sec. 320a of 1949 PA 300 (MCL 257.320a).	Referred to Senate Committee on Transportation.
SB 417 Basham	03/31/2009	Traffic control; violations; use of hand-free wireless telephones while operating a motor vehicle; allow. Amends sec. 320a of 1949 PA 300 (MCL 257.320a) & adds sec. 602b.	Referred to Senate Committee on Transportation.
SB 467 Kahn	04/23/2009	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 468 Kahn	04/24/2009	Traffic control; violations; use of handheld wireless telephone while operating a motor vehicle; prohibit under certain circumstances and permit use of hands-free wireless telephone. Amends sec. 320a of 1949 PA 300 (MCL 257.320a) by adding sec. 602b.	Referred to Senate Committee on Transportation.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HB 4232 Horn	02/10/2009	Communications; telecommunications; disclosure of person paying for automated telephone communication; require. Amends 1976 PA 388 (MCL 169.201 - 169.282) by adding sec. 48.	Referred to House Committee on Ethics and Elections.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HB 4247 Mayes	02/11/2009	Communications; video services; dispute resolution process; provide for. Amends sec. 10 of 2006 PA 480 (MCL 484.3310).	03/04/2009 Passed House with amendment, 108 Yeas, 0 Nays, given immediate effect; transmitted to Senate; 03/05/2009 Referred to Senate Committee on Energy Policy and Public Utilities.
HB 4257 Melton	02/11/2009	Communications; telecommunications; provision relating to toll access service rates; modify. Amends sec. 310 of 1991 PA 179 (MCL 484.2310).	Referred to House Committee on Energy and Technology.
HB 4362 Rocca	02/19/2009	Transportation; school vehicles; use of cellular telephone while operating a school bus; prohibit.	Referred to House Committee on Transportation.
HB 4369 Polidori	02/19/2009	Traffic control; violations; use of mobile phones while operating a motor vehicle; prohibit, and provide penalties.	Referred to House Committee on Transportation.
HB 4370 Polidori	02/19/2009	Traffic control; violations; entry of points for operating a motor vehicle while sending or receiving a message on an electronic wireless device; prohibit.	Referred to House Committee on Transportation.
HB 4394 Gonzales	02/24/2009	Traffic control; violations; penalties for operating a motor vehicle while reading, writing, or sending a message on an electronic wireless device; provide for. Amends sec. 320a of 1949 PA 300 (MCL 257.320a) & adds sec. 602b.	Referred to House Committee on Transportation.
HB 4451 Smith	02/24/2009	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 4576 Barnett	03/12/2009	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 4833 McMillin	04/29/2009	Libraries; policies and practices; installation of internet filter software on computers; require. Amends sec. 6 of 1982 PA 455 (MCL 397.606).	Referred to House Committee on Judiciary.

PUBLIC ACTS OF 2009

Listed below are Public Acts related to telecommunications that were passed during the current legislative session (2009-2010). 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 # and Sponsor
2009 PA 4	04/02/2009	Communications; video services; dispute resolution process; provide for. Amends sec. 10 of 2006 PA 480 (MCL 484.3310).	SB 190 Thomas

ORDERS ISSUED BY MPSC |

The Michigan Public Service Commission (“Commission”) issued the following Orders at its regularly schedule meeting held on April 30, 2009 at 1:30 p.m.:

Case No. U-15641

Consumer Complaint: Billing Dispute

Farrand Page v AT&T Michigan

On April 30, 2009, the Michigan Public Service Commission (“Commission”) issued an Order dismissing, with prejudice, the August 20, 2009 Complaint of Farrand Page against AT&T Michigan alleging improper billing practices. At an October 2, 2008 hearing, Administrative Law Judge Mark D. Eyster (“ALJ”) issued an oral Proposal for Decision recommending the grant of a Motion to Dismiss filed by AT&T and dismissal of the Complaint, without prejudice. AT&T Michigan and Mr. Page filed exceptions. While agreeing with the ALJ’s recommendation to dismiss the Complaint, the Commission did so with prejudice. The Commission stated that because AT&T Michigan has stated that “it has waived the past due amounts Mr. Page is complaining about, there is no reason to continue with this particular complaint.” The Commission found that “Mr. Page has had ample opportunity to have his complaints heard. Mr. Page’s most recent complaint does not convince the Commission that his position and request for damages should be upheld. This is particularly true where the outcome of this proceeding results in Mr. Page obtaining all of the relief possible for this Commission to grant.”

Case No. U-15798

License

iNetworks Group, Inc.

<http://efile.mpSC.cis.state.mi.us/efile/viewcase.php?casenum=15798>

On April 30, 2009, the Michigan Public Service Commission (“Commission”) issued an Order granting the February 20, 2009 Application of iNetworks Group, Inc. for a license to provide basic local exchange service throughout the State of Michigan. This license replaces the temporary license granted to iNetworks Group, Inc. on April 16, 2009.

Case No. U-15916
NSW Telecom, Inc.
<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15916>

License

On April 30, 2009, the Michigan Public Service Commission (“Commission”) issued an Order granting NSW Telecom, Inc. a temporary license to provide basic local exchange service throughout the State of Michigan. This temporary license will expire upon the grant or denial of NSW Telecom, Inc.’s April 10, 2009 Amended Application for a permanent license.

Case No. U-15917
Charter Fiberlink CC VIII, LLC,
<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15916>

License

On April 30, 2009, the Michigan Public Service Commission (“Commission”) issued an Order granting Charter Fiberlink CC VIII, LLC, a temporary license to provide basic local exchange service throughout the State of Michigan. This temporary license will expire upon the grant or denial of Charter Fiberlink CC VIII, LLC’s March 13, 2009 Application for a permanent license.

Case No. U-15946
AT&T Michigan and PaeTec Communications, Inc.
<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15946>

Interconnection Agreement

Application filed April 14, 2009 for approval of an Interconnection Agreement (adoption of the agreement approved on April 8, 2002, in Case No. U-13124, including the First Amendment (replace physical collocation provisions), Fourth Amendment (intraLATA access rates), Seventh Amendment (rates approved in Case No. U-13531), Eighth Amendment (TRRO terms and conditions), Ninth Amendment (extends reciprocal compensation terms), Eleventh Amendment (extends the term of the agreement), Thirteenth Amendment (adds post-TRO remand provisions), Fourteenth Amendment (revises the Midwest Performance Measurements Appendix), Fifteenth Amendment (revises rates, terms, and conditions related to DS-1 cross connects), and a negotiated Sixteenth Amendment (adds a new Superseding Reciprocal Compensation Amendment).

Case No. U-15948
AT&T Michigan and CloseCall America, Inc.
<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15948>

Interconnection Agreement

Application filed April 14, 2009 for approval of an Interconnection Agreement (the existing Interconnection Agreement approved on August 20, 2002, in Case No. U-13492 terminates upon approval of this Interconnection Agreement).

Case No. U-15954
AT&T Michigan and BCN Telecom, Inc.
<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15954>

Interconnection Agreement

Application filed April 22, 2009 for approval of an Interconnection Agreement.

On April 30, 2009, the Michigan Public Service Commission (“Commission”) issued an Order approving the Interconnection Agreements and Amendments listed above.

PROPOSALS FOR DECISION |

Case No. U-15773

Interconnection Arbitration

TC3 Telecom, Inc., ACD Telecom, Inc., Arialink Telecom, LLC, Clear Rate Communications, Inc., DayStarr LLC, Michigan Access, Inc. and TelNet Worldwide, Inc. v Verizon North Inc. and Contel of the South, Inc. d/b/a Verizon North Systems

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15773>

On April 24, 2009, an Arbitration Panel, appointed by the Michigan Public Service Commission (“Commission”) and consisting of Administrative Law Judge Daniel E. Nickerson, Jr. and Telecommunications Division Staff Members, Anne-Marie Clark and Paul D. Negin, issued a Decision of the Arbitration Panel (“DAP”) regarding the January 16, 2009 Arbitration for an Interconnection Agreement filed by TC3 Telecom, Inc., ACD Telecom, Inc., Arialink Telecom, LLC, Clear Rate Communications, Inc., DayStarr LLC, Michigan Access, Inc. and TelNet Worldwide, Inc. (collectively “Petitioners”) Verizon North Inc. and Contel of the South, Inc. d/b/a Verizon North Systems (collectively “Verizon”). Though the parties brought 22 issues before the Arbitration Panel, 11 of those were resolved prior to the issuance of the DAP. The DAP recommends that the Commission address the remaining issues as follows:

60-day Backbill Limitation, General Terms and Conditions – The Petitioners proposed that the backbill limitation should remain substantially unchanged with only one minor change. The Petitioners proposed that the meaning of the term “audit” should be clarified in a manner more consistent with the intent of the Baseline Agreement. Verizon proposed to alter the existing Baseline Agreement in a manner more consistent with the determinations of the Arbitration Panel in MPSC Case No. U-13931. Verizon stated that the existing language is incorrect and does not accurately reflect the TelNet arbitration decision. The Panel found in favor of Verizon on this issue. The Panel found that the TelNet Order in MPSC Case No. U-13931 recognized a 12-month period for the purpose of backbilling. The Panel found that the Commission’s rejection of Verizon’s proposed clarifying language was directly related to the language concerning fraudulent and misconduct backbilling deadlines.

Transport Issue/Interconnection Method – In their petition, the Petitioners stated that Verizon initially argued that a Competitive Local Exchange Carrier (“CLEC”) should be required to pay for transporting both its originating calls to Verizon’s network and Verizon’s originating calls to its network. The Petitioners also point out that Verizon claims that the Commission’s decision in MPSC Case No. U-15534 that required Sprint to establish multiple points of interconnection (“POI”) with CenturyTel supports their position. The CLECs argue that this issue was already decided in MPSC Case No. U-13931, this decision was affirmed in federal court, and that the decision in MPSC Case No. U-15534 did not reverse this. While Verizon claimed that its network is similar to that of CenturyTel and that as a result, the conclusions reached in MPSC Case No. U-15534 should apply to it, the bulk of Verizon’s response to this issue centered around the Petitioners’ use of virtual NXX (“VNXX”) in Verizon exchanges. Verizon stated that when a CLEC uses VNXX Verizon must pay to transport these calls to the CLEC while the CLEC rarely has to pay a corresponding cost to transport calls back to Verizon due to the treatment of VNXX calls as local and since VNXX traffic is frequently one way. Verizon proposed that for VNXX traffic the CLECs be required to pay for transport from Verizon’s network while non-VNXX traffic will be treated as specified in the Baseline Agreement. Verizon argued that this proposal is consistent with the Commission’s decision in MPSC Case No. U-15534 and that a similar regime for VNXX traffic was recently approved in California and upheld by the Ninth Circuit Court of Appeals. The Panel found for the Petitioners and

recommended the use of the Baseline Agreement on this issue based on the fact that the decision in MPSC Case No. U-15534, which Verizon used as justification for its position on this issue, did not have anything to do with VNXX traffic. That issue involved the number and location of POIs that Sprint was required to establish on the incumbent carrier's network.

Change of Law and New Charges – The Petitioners opposed Verizon's request to automatically make effective new rates or rate structures when the Commission or other controlling authority may change the cost rules. Verizon pointed out that the Baseline Agreement expressly recognizes that rates for services in the Pricing Attachment must be cost based. Verizon stated that this provision permits automatic suspension of the rates in the Baseline Agreement when a new Verizon cost study is approved and becomes effective. The Panel agreed with Verizon.

Access Charge and Entrance Facilities – In an issue concerning whether the Interconnection Agreement should take specific notice of the pending Sixth Circuit Court of Appeals' decision regarding the appropriate pricing of entrance facilities used for interconnection purposes, the Petitioners stated that because the issue in the pending Sixth Circuit Court case involves whether an ILEC must provide transport for interconnection at TELRIC rates, and the decision is expected very shortly, the Interconnection Agreement should be crafted in a manner reflecting such a possible ruling so that renegotiation in a few months may be avoided. Verizon's position was that there is no need to create a special carve-out for one specific potential change in applicable law. Verizon stated that this issue would be covered by the broader provision in the Baseline Agreement regarding change in existing law. The Panel agreed with Verizon on this issue. The Panel saw no compelling reason to adopt the Petitioners' position.

Line and Station Transfer Charge – The Petitioners have proposed that the non-recurring charge ("NRC") for line and station transfers that is contained in the Baseline Agreement should be reduced to zero. In their petition, they stated that this NRC is not supported by Verizon's current cost study and that Verizon is not allowed to impose charges that are not supported by a Commission approved cost study. In response, Verizon argued that the Petitioners previously agreed to this charge and did not raise objections to it during either the initial proceeding in MPSC Case No. U-13931 or during the negotiations surrounding the TRO amendment to the Interconnection Agreement. The Panel found for the Petitioners, but rather than set the rate at zero, will allow Verizon to charge the line and station transfer charges, with the provision that a retroactive true-up will take place once Verizon's pending cost case in MPSC Case No. U-15210 is given final approval by the Commission.

Information about the Availability of Routes – The Petitioners argued for the addition of language to the Baseline Agreement to require that Verizon provide additional information regarding the availability of routes to determine and verify whether particular dark fiber transport is available. Verizon responded that the number of used and unused fibers on a segment is competitively sensitive information, it does not provide this information to any other telecommunications providers in Michigan, and providing such information to the Petitioners would be burdensome. The Panel found that Section 8.2.14 of the Network Elements Attachment, which contains the 25% provision referenced by the Petitioners in their argument, is not applicable to the usual determination that a segment is unavailable and that the additional information sought by the Petitioners will not function as an effective verification tool.

Trouble Ticket Payment, Network Element Attachment – The Petitioners requested a more detailed procedure providing more incentive for Verizon to provide reliable service to the Petitioners. The reliable services the Petitioners sought through this request involve repair services to the Petitioners' end user customers. Verizon states that the Petitioners have not sustained their burden to

justify their proposed changes to the Baseline Agreement. The Panel found for the Petitioners, because it was persuaded that there are existing problems with the current system.

Estimation of Time and Materials-Arbitration – The Petitioners proposed that a new dispute resolution procedure be added to the Baseline Agreement that would apply to Verizon estimates of time and materials for projects requested by a CLEC. This procedure would allow for the arbitration of an estimate that the Petitioners believed was excessive without having to first negotiate for 45 days as stipulated in the dispute resolution procedures in Section 14 of the Baseline Agreement. Verizon responded that the dispute resolution procedures contained in the Baseline Agreement are adequate and that the Petitioners’ proposed addition is unnecessary due to the provision in the Baseline Agreement that allows a party to file for emergency relief at any time if that party believes it will be irreparably harmed. The Panel found for Verizon on this issue and recommended that the Baseline Agreement be preserved.

Delineation of Combined Elements – In addition to clearly defining the components of an enhanced extended link (“EEL”), which the parties ultimately resolved, the Petitioners proposed adding language to the Pricing Amendment of the Baseline Agreement specifying the availability for purchase from Verizon of certain combinations of elements, specifically EELs combined with different types of transport. Verizon argued that Section 3.5.2 of the Interconnection Agreement already addressed this issue. The Panel found that Verizon is generally obligated to combine unbundled network elements, but found that Section 3.5.2 contains language speaking to these types of combinations that reflects “a far more comprehensive and detailed approach” than the Petitioners’ proposed language.

Methods for Submitting Orders/Maintenance Requests other than Verizon’s Electronic Operations Support System and Performance Measures for Ordering/Maintenance Request Methods – The Petitioners proposed that they should have the option to use ordering methods other than Verizon’s Electronic Operations Support System. Verizon argued for maintaining the language of the Baseline Agreement which requires a CLEC to use Verizon’s electronic Operations Support System for submission of both orders and requests for maintenance and repair, unless “Verizon has not yet deployed an electronic capability” for that CLEC. The Panel found that the language of the Baseline Agreement should be maintained with minor modifications.

Performance Plan — The Petitioners proposed the adoption of the California OSS OII Performance Measurements, Joint Partial Settlement Agreement (“California Performance Plan”) into the Baseline Agreement. They argued that Verizon should be subject to a performance plan in Michigan due to poor performance with regard to order fulfillment and trouble ticket resolution. Verizon disputed any performance problems in Michigan and argued that the Baseline Agreement includes performance measurements that were originally developed and mandated by the FCC in connection with the Bell Atlantic – GTE merger order (the “FCC Performance Measurements”). The Panel found that the Petitioners did not meet their burden of showing why the Baseline Agreement should be changed for this Issue.

Parties have until May 4, 2009 to file objections, if any to the DAP.

On April 22, 2009, 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, Shannon Withenshaw and Thomas L. Saghy, issued a Decision of the Arbitration Panel (“DAP”) regarding the February 6, 2009, Petition for Arbitration filed by Sprint Communications Company L.P., Sprint Spectrum L.P., and Nextel West Corp. (collectively, “Sprint”) Petition for Arbitration of Interconnection rates terms and conditions with AT&T Michigan. In the Petition, Sprint sought a three-year extension for each of its Interconnection Agreements pursuant to Merger Commitment 7.4 of the Merger Commitments AT&T agreed to when it merged with BellSouth. Merger Commitment 7.4 provides, “[T]he AT&T/BellSouth ILECs shall permit a requesting telecommunications carrier to extend its current Interconnection Agreement, regardless of whether its initial term has expired, for a period of up to three-years, subject to amendment to reflect prior and future changes of law.” The Arbitration Panel found, that in light of the language of the Merger Commitment, Sprint’s arguments, regarding their single issue, were convincing. According to the Panel a fair reading of the Merger Order makes clear Sprint’s right, under federal law, to the three-year extension they have requested during negotiations and in arbitration. Additionally, under federal law, Petitioners’ right to extend their current ICAs is subject only to the requirement that the current ICAs be amended to reflect changes of law. The Panel noted that it “can not accept AT&T’s interpretation of Merger Commitment 7.4. Adopting AT&T’s position would effectively rewrite the commitment.” None of AT&T’s proposed amendments were adopted by the Panel. Parties have until May 1, 2009 to file objections to the DAP, if any.

APPLICATIONS AND COMPLAINTS

Case No. U-12627

Interconnection Agreement

AT&T Michigan and New Edge Network, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=12627>

On April 28, 2009, AT&T Michigan and New Edge Network, Inc. filed a Joint 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 adds the Federal Communications Commission’s ISP “all traffic” option and extends the Term of the Agreement for an additional three (3) years.

Case No. U-15942

License

NextGen Communications, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15942>

On April 16, 2009, NextGen Communications, Inc. filed an Application with the Michigan Public Service Commission (“Commission”) and on April 17, 2009 filed an Amended Application seeking a license to provide basic local exchange service throughout the State of Michigan. According to the Application, NextGen Communications, Inc. is a Maryland corporation headquartered in Annapolis, Maryland.

Case No. U-15954

Interconnection Agreement

AT&T Michigan and BCN Telecom, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15954>

On April 22, 2009, AT&T Michigan and BCN Telecom, Inc. filed a Joint Application with the Michigan Public Service Commission (“Commission”) requesting approval of an Interconnection Agreement

Case No. U-15966

Eligible Telecommunications Carrier

Virgin Mobile USA, L.P.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15966>

On April 29, 2009, Virgin Mobile USA, L.P. filed an Application with the Michigan Public Service Commission (“Commission”) requesting limited designation as an Eligible Telecommunications Carrier (“ETC”), pursuant to 47 USC § 214(e)(2) and 47 CFR 54.101(a). According to the Application Virgin Mobile seeks ETC designation only for the limited purpose of providing Lifeline-supported services to qualifying Michigan customers.

Case No. U-15967

Eligible Telecommunications Carrier

ACD Telecom of the North, LLC

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15966>

On April 29, 2009, ACD Telecom of the North, LLC filed an Application with the Michigan Public Service Commission (“Commission”) requesting designation as an Eligible Telecommunications Carrier (“ETC”), pursuant to 47 USC § 214(e)(2), 47 USC § 254 and 47 CFR 54.101(a), in the eight currently unassigned territories that ACD North has applied to serve in Case No. U- 15911. According to the Application, ACD North will apply for Universal Service Fund support for the costs to serve Michigan end users who currently have no access to just, reasonable, and affordable basic residential telecommunications service. Designation as an ETC is a prerequisite to receiving the Universal Service Fund support. ACD North notes that it will be unable to offer any service until designated as an ETC.

NOTICES OF OPPORTUNITIES TO COMMENT |

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>. Any comments should reference the applicable docket number.

Case No. U-15915

2-1-1

Gryphon Place

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15915>

Comments Due: Friday, May 15, 2009

The Michigan Public Service Commission (“Commission”) has requested that interested parties comment on the March 13, 2009, Application of Gryphon Place, amended on April 3, 2009, requesting that it be designated an information and referral entity and the 2-1-1 answering point for

Allegan, Berrien, Cass, and Van Buren Counties. Specifically Gryphon Place requests that it be the 2-1-1 answering point for the following 46 zone and exchange areas: Adamsville, Allegan, Bangor, Baroda, Benton Harbor, Berrien Springs, Bloomingdale, Bridgman, Buchanan, Cassopolis, Coloma, Covert, Decatur, Dorr, Dowagiac, Eau Claire, Edwardsburg, Fennville, Galien, Ganges, Glenn, Gobles, Grand Junction, Hamilton, Hartford, Hopkins, Lacota, Lawrence, Lawton, Marcellus, Martin, Moline, New Buffalo, Niles, Paw Paw, Pullman, Saugatuck, Sawyer, Sister Lakes, South Haven, St. Joseph, Three Oaks, Union, Vandalia, Watervliet, and Wayland. Written and electronic comments may be filed with the Commission by 5:00 p.m. on **Friday, May 15, 2009**. Written comments should be sent to the: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Electronic comments may be e-mailed to: <mpscdockets@michigan.gov>. All comments should reference MPSC Case No. U-15915.

Case No. U-15927

2-1-1

United Way 2-1-1: Midland Call Center

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15927>

Comments Due: Friday, May 15, 2009

The Michigan Public Service Commission (“Commission”) has requested that interested parties comment on the March 25, 2009, Application of United Way 2-1-1: Midland Call Center, requesting that it be designated an information and referral entity and the 2-1-1 answering point for Clare, Gladwin, Gratiot, Isabella, and Midland Counties. Specifically Midland Call Center requests that it be the 2-1-1 answering point for the following zone and exchange areas: Alma (Gratiot County), Barryton (Isabella and Mecosta Counties), Beaverton (Clare, Gladwin, Isabella and Midland Counties), Blanchard (Isabella, Mecosta and Montcalm Counties), Breckenridge (Gratiot and Midland Counties), Clare (Clare and Isabella Counties), Coleman (Isabella and Midland Counties), Crystal (Gratiot and Montcalm Counties), Farwell (Clare and Isabella Counties), Freeland (Midland and Saginaw Counties), Gladwin (Clare, Gladwin and Roscommon Counties), Harrison (Clare County), Hemlock (Midland and Saginaw Counties), Hope (Bay, Gladwin and Midland Counties), Houghton Lake (Clare, Gladwin, Missaukee and Roscommon Counties), Ithaca (Gratiot County), Merrill (Gratiot, Midland and Saginaw Counties), Midland (Bay, Midland and Saginaw Counties), Mt. Pleasant (Isabella and Midland Counties), Pinconning (Bay, Gladwin and Midland Counties), Remus (Isabella and Montcalm Counties), Rosebush (Isabella County), Sanford (Midland County), Shepherd (Gratiot, Isabella, Midland and Montcalm Counties), St. Louis (Gratiot, Isabella and Midland Counties), Weidman (Isabella County), West Branch (Arenac, Gladwin, Ogemaw and Roscommon Counties), and Winn (Isabella and Montcalm Counties). Written and electronic comments may be filed with the Commission by 5:00 p.m. on **Friday, May 15, 2009**. Written comments should be sent to the: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Electronic comments may be e-mailed to: <mpscdockets@michigan.gov>. All comments should reference MPSC Case No. U-15927.

Case No. U-15921

License Amendment

Allband Communications Cooperative

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15921>

Comments Due: Monday, May 4, 2009

The Michigan Public Service Commission (“Commission”) has requested that interested parties comment on the March 18, 2009 Application of Allband Communications Cooperative to amend the geographic area of its license to provide basic local exchange service. Allband requests authority to expand the geographic service area of its Robbs Creek Exchange into specific parts of Verizon’s Hillman, Lachine, Hubbard Lake, and Fairview exchanges. Written and electronic

comments may be filed with the Commission by 5:00 p.m. on Monday, **May 4, 2009**. Written comments should be sent to the: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Electronic comments may be e-mailed to: <mpscdockets@michigan.gov>. All comments should reference MPSC Case No. U-15921.

NOTICES OF HEARINGS |

The following Notices of Hearings 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-15911 License
ACD Telecom of the North, LLC
<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15911>
Public Hearing: Tuesday, May 19, 2009, at 9:00 a.m.

The March 4, 2009 Application of ACD Telecom of the North, LLC for a temporary and a permanent license to provide basic local exchange telecommunications service throughout the State of Michigan will be heard by the Michigan Public Service Commission ("Commission") at an evidentiary hearing at **9:00 a.m. on Tuesday, May 19, 2009**, before Administrative Law Judge Mark Cummins at the offices of the Michigan Public Service Commission, 6545 Mercantile Way, Suite 7, Lansing, Michigan.

Case No. U-15913 License
Broadvox-CLEC, LLC
<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15913>
Public Hearing: Thursday, May 14, 2009, at 9:00 a.m.

The March 4, 2009 Application of Broadvox CLEC, LLC for a temporary and a permanent license to provide basic local exchange telecommunications service throughout the State of Michigan will be heard by the Michigan Public Service Commission ("Commission") at an evidentiary hearing at **9:00 a.m. on Thursday, May 14, 2009**, before Administrative Law Judge Mark Eyster at the offices of the Michigan Public Service Commission, 6545 Mercantile Way, Suite 7, Lansing, Michigan.

Case No. U-15947 IntraState Access Charges
CMC Telecom, Inc. v MCI Communications Services, Inc., d/b/a Verizon Services
<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15947>
Prehearing Conference: Thursday, May 21, 2009, at 9:00 a.m.

The Michigan Public Service Commission ("Commission") will consider the complaint of CMC Telecom, Inc. against MCI Communications Services, Inc., d/b/a Verizon Services, for alleged violations of its M.P.S.C. Tariff No. 2R. A prehearing conference will be held in this matter at **9:00 a.m. on Thursday, May 21, 2009**, before Administrative Law Judge Daniel E. Nickerson, Jr. at the offices of the Michigan Public Service Commission, 6545 Mercantile Way, Suite 7, Lansing, Michigan.

MPSC HEARINGS SCHEDULE |

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 **(MAY 3, 2009 THROUGH MAY 15, 2009)**

May 14, 2009, 9:00 a.m.
Case No. U-15913/Evidentiary Hearing
Broadvox-CLEC, LLC (license)

FUTURE TELECOM HEARINGS SCHEDULED

May 21, 2009, 9:00 a.m.
Case No. U-15947/Prehearing Conference
CMC Telecom, Inc. v MCI Communications
Services, Inc., d/b/a Verizon Services

June 2, 2009, 9:00 a.m.
Case No. U-15917/Evidentiary Hearing
Charter Fiberlink CC VII, LLC (license)

May 19, 2009, 9:00 a.m.
Case No. U-15911/Evidentiary Hearing
ACD Telecom of the North, LLC

2009 REGULAR MPSC MEETING DATES* |

<u>Month & Date</u>	<u>Day</u>	<u>Time</u>
May 12	Tuesday	1:30 p.m
May 26	Tuesday	1:30 p.m
June 2	Tuesday	1:30 p.m
June 30	Tuesday	1:30 p.m
July 16	Thursday	1:30 p.m
July 30	Thursday	1:30 p.m
August 11	Tuesday	1:30 p.m
August 25	Tuesday	1:30 p.m
September 8	Tuesday	1:30 p.m
September 24	Thursday	1:30 p.m
October 13	Tuesday	1:30 p.m
October 27	Tuesday	1:30 p.m
November 10	Tuesday	1:30 p.m
December 1	Tuesday	1:30 p.m
December 15	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

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