



FEATURES |

MPSC Commences Informal Rulemaking on Location Specific 9-1-1

The Michigan Public Service Commission (“Commission”), Telecommunications Division, has commenced an informal rulemaking proceeding for the implementation of Section 405 of the Emergency 9-1-1 Services Enabling Act, MCL 484.1405, 1986 PA 32. Section 405 allows the Commission to promulgate rules that would “require each service user with a multiline telephone system to install no later than December 31, 2011 the necessary equipment and software to provide specific location . . .

Continued on page 2

IN THIS ISSUE:

- 1 Features
 - ♦ MPSC Commences Informal Rulemaking on Location Specific 9-1-1
- 3 2009 Legislation
- 6 Public Acts of 2009
- 6 Orders issued by MPSC
- 6 Applications & Complaints
- 7 Opportunities to Comment
- 8 Notices of Hearings
- 8 MPSC Hearings Schedule
- 8 MPSC Meetings
- 9 MTR Subscriptions

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

INDEX OF HIGHLIGHTED CASES |

ORDERS |

The Michigan Public Service Commission (“Commission”) did not issue any Telecommunications Orders during the previous fortnight.

APPLICATIONS & COMPLAINTS |

- U-16056 Clear Rate Communications, Inc. (license)
- U-16057 Time Warner Cable Information Services (Michigan), LLC (license)
- U-16058 AT&T Michigan and NOS Communications, Inc. (ica)

MPSC Commences Informal Rulemaking on Location Specific 9-1-1 | continued from Page 1

. . . information of a 9-1-1 call.” If such rules are promulgated, the statute requires that they apply “to multiline telephone systems regardless of the system technology.”

The current version of the draft rules would interpret the statute to require that any service user that installs or operates a multiline telephone system to assure that the telephone system is connected to the public switched telephone network in a manner that transmits, along with calls, to 9-1-1 accurate automatic number and location identification to the Public Safety Answering Point (“PSAP”). In addition, businesses with multiple buildings at the same street address or with buildings of greater than 40,000 square feet would be required to transmit an “Emergency Response Location” or (“ERL”) to the PSAP along with the 9-1-1 call. The ERL would be a location to which a 9-1-1 emergency response team may be dispatched that is specific enough to provide a reasonable opportunity for the emergency response team to quickly locate a caller anywhere within the location from which the call is originated. This should be the building floor location of the caller and specific area identification of the caller’s location that is not larger than 7,000 square feet.

The draft informal rules have a potential impact on business as well as telecommunications carriers. If adopted, businesses that maintain an internal phone system, regardless of whether such telephone system is on the Plain Old Telephone Network or connected via Voice over Internet Protocol would have to make significant changes to ensure they are in compliance with the rules.

Because this is currently an informal rulemaking process, the Commission has not yet requested authorization from the Office of Regulatory Reform (“ORR”) to begin the formal process to promulgate these rules. However the Commission is soliciting comments from interested parties. The informal rules are available for viewing on the Commission’s website under the Telecommunications Division / Numbering and 911 at <<http://www.michigan.gov/mpsc/0,1607,7-159-16372-216254--00.html>>. The Commission has asked that comments be sent to Karen G. Norcross, Sr. Numbering Resources Specialist, Operations and Tariffs Section, Telecommunications Division, Michigan Public Service Commission via e-mail at <norcrossk@michigan.gov> no later than August 20, 2009. The Commission has requested that reply comments be submitted no later than September 10, 2009. Clark Hill PLC is available to assist interested parties with the drafting and filing of such comments.

Once the Commission has requested rulemaking authority from ORR, another round of Comments will be invited.

#

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 <i>et seq.</i>) & 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.
SB 371 Garcia	03/12/2009	Communications; cellular telephone; active duty military personnel; allow to cancel cellular telephone contract without penalties. Creates new act.	06/11/2009 Passed Senate, 34 Yeas, 0 Nays, 3 Excused; Referred to House Committee on Military and Veterans Affairs and Homeland Security; 06/04/2009 Reported favorably without amendment by the Senate Committee on Senior Citizens and Veterans Affairs.

Senate Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.
SB 611 Thomas	05/27/2009	Communications; telecommunications; provision relating to toll access service rates; modify. Amends sec. 310 of 1991 PA 179 (MCL 484.2310).	Referred to Senate Committee on Energy Policy and Public Utilities.

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	02/24/209	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.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HB 5079 Warren	06/11/2009	Crimes; computer; unauthorized use of internet; remove prohibition and penalty. Amends sec. 540 of 1931 PA 328 (MCL 750.540).	Referred to House Committee on Judiciary.
HB 5102 LeBlanc	06/16/2009	Communications; cellular telephone; termination of cellular telephone contracts by certain active military personnel; allow. Creates new act.	Referred to House Committee on Military and Veterans Affairs and Homeland Security.

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”) did not issue any Telecommunications Orders during the previous fortnight.

APPLICATIONS AND COMPLAINTS |

Case No. U-16056

License

Clear Rate Communications, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16056>

On July 30, 2009, Clear Rate Communications, Inc. filed an Application with the Michigan Public Service Commission (“Commission”) requesting permanent and temporary authority to amend its license to provide basic local exchange service to include all zone and exchange areas, throughout the State of Michigan, served by incumbent local exchange carriers. According to the Application, Clear Rate Communications, Inc., was previously licensed by the Commission, on May 28, 2003 in MPSC Case No. U-13662, to provide basic local exchange service in all zone and exchange areas, throughout the State of Michigan, served by Verizon North, Inc., Contel of the South, Inc., d/b/a Verizon North Systems, and AT&T Michigan.

Case No. U-16057

License

Time Warner Cable Information Services (Michigan), LLC

<http://efile.mpasc.cis.state.mi.us/efile/viewcase.php?casenum=16057>

On August 5, 2009, Time Warner Cable Information Services (Michigan), LLC filed an Application with the Michigan Public Service Commission (“Commission”) requesting a permanent license and a temporary license to provide facilities-based local exchange services throughout the State of Michigan. According to the Application, Time Warner Cable Information Services (Michigan), LLC is a Delaware Limited Liability Company headquartered in New York, New York.

Case No. U-16058

Interconnection Agreement

AT&T Michigan and NOS Communications, Inc.

<http://efile.mpasc.cis.state.mi.us/efile/viewcase.php?casenum=16058>

On July 28, 2009, AT&T Michigan and NOS Communications, Inc.. jointly filed an Application with the Michigan Public Service Commission (“Commission”) requesting approval of an Interconnection Agreement.

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-16016

2-1-1

HandsOn Battle Creek, Inc. f/k/a The Volunteer Center of Battle Creek, Inc.

<http://efile.mpasc.cis.state.mi.us/efile/viewcase.php?casenum=16016>

Comments Due: Monday, August 24, 2009

The Michigan Public Service Commission (“Commission”) has requested that interested parties comment on the July 10, 2009, Application of HandsOn Battle Creek, Inc. f/k/a The Volunteer Center of Battle Creek, Inc. requesting that it be designated an information and referral entity and the 2-1-1 answering point for the Bronson, Coldwater, Coldwater Lake, and Quincy rate centers, each located totally or partially in Branch County. Written and electronic comments may be filed with the Commission by 5:00 p.m. on **Monday, August 24, 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-16016.

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-15942

License

Next Generation Communications, Inc.

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

Public Hearing: Tuesday, August 11, 2009, at 9:00 a.m.

The April 16, 2009 Application of Next Generation Communications, Inc. for a license to provide basic local exchange 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, August 11, 2009**, before Administrative Law Judge Marc Cummins 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 (AUGUST 10, 2009 THROUGH AUGUST 21, 2009)

August 11, 2009, 9:00 a.m

Case No. U-15942/Evidentiary Hearing

Next Generation Communications, Inc. (license)

August 18, 2009, 9:00 a.m.

Case no. U-16019/Prehearing Conference

MISS DIG System, Inc. v AT&T Michigan (8-1-1)

FUTURE TELECOM HEARINGS SCHEDULED

September 10, 2009, 9:00 a.m

Case No. U-16001/Evidentiary Hearing

Velocity The Greatest Phone Company Ever, Inc.
(license)

September 10, 2009, 9:00 a.m

Case No. U-16002/Evidentiary Hearing

Dynalink Communications, Inc. (license)

2009 REGULAR MPSC MEETING DATES* |

<u>Month & Date</u>	<u>Day</u>	<u>Time</u>
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

<u>Month & Date</u>	<u>Day</u>	<u>Time</u>
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

SUBSCRIPTION INFORMATION |

Annual subscription rates (U.S. currency): single subscription: \$400; each additional subscription within the same firm: \$175. Please complete the form below and make checks payable to Clark Hill PLC. Mail to Circulation Mgr., Clark Hill, PLC, 212 E. Grand River Avenue, Lansing, MI 48906-4328, or fax to (517) 318-3099. You can reach us by phone at (517) 318-3100.

Name: _____

Title: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone number: _____

E-mail address: _____

If you currently receive the **MTR** and would prefer to receive an electronic copy on the date of publication, please call Haran Rashes at (517) 318-3019.

**WE KNOW
OUR CLIENTS'
BUSINESS
INSIDE**

& OUT



Clark Hill attorneys can comprehend and address the complex legal issues faced by our clients. That's a given. By also understanding the business, financial and operational challenges they face, we can offer real-world solutions that improve performance and bottom-lines.

We Understand Your Challenges
We Offer You Solutions
We Share Your Passion

Count on More.

800.949.3124 | WWW.CLARKHILL.COM

CLARK HILL
PLC
ATTORNEYS AT LAW

COUNT ON MORE.™