



FEATURES |

Extension of Video Assessment Signed Into Law

On December 21, 2009 Governor Jennifer M. Granholm signed 2009 PA 191 into law (previously HB 4257). 2009 PA 191 (the “Act” or “PA 191”) extended an existing assessment on video service providers to provide funding for the Michigan Public Service Commission (“Commission”) to carry out its duties under the Uniform Local Video Services Franchise Act, 2006 PA 480 (“PA 480”). Under PA 480 the Commission’s ability to recover its cost of administering PA 480 from video service providers would have sunset on December 31, 2009. . . .

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. . . While PA 191 and the section of PA 480 it replaced provide for total assessment not to exceed \$1 million, the Commission has actually assessed a significantly lesser amount in past years. For fiscal year 2010 the Commission's budget, 2009 PA 130, authorizes an assessment of up to \$400,000. The money assessed under PA 191 is to be used to finance the Commission's principal duties under PA 480 in resolving three (3) different types of disputes: (1) customer complaints against providers; (2) disputes between providers and local units of government acting as franchising entities; and (3) disputes between providers. All monies assessed under PA 191 will be credited to a special account in the state treasury, to be utilized solely to finance the cost to the Commission of exercising its duties under the Uniform Local Video Services Local Franchise Act. PA 191 takes immediate effect and has a sunset date of December 31, 2015.

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2009 & 2010 LEGISLATION |

The following list of telecommunications bills have been introduced during the current legislative session (2009-2010). 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.	06/16/2009 Substitute S-1 Passed Senate, 20 Yeas, 16 Nays, 1 Excused; 06/17/2009 referred to House Committee on Great Lakes and Environment.
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.

Senate Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.	08/19/09 Reported by House Committee on Judiciary with recommendation and amendment; referred to second reading.
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.	11/10/2009 Reported with recommendation and without amendment by the House Committee on Military and Veterans Affairs and Homeland Security; Referred to Second Reading
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).	12/17/2009 Substitute S-3 placed on Order of third reading.
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.	12/17/2009 Substitute S-4 placed on Order of third reading.

Senate Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.
SB 770 Patterson	08/26/2009	Criminal procedure; sex offender registration; use of commercial social networking websites by sex offenders; prohibit. Amends 1994 PA 295 (MCL 28.721 - 28.736) by adding sec. 37.	Referred to Senate Committee on Judiciary.
SB 883 Deborah Cherry	09/17/2009	Use tax; collections; definition of interstate telecommunications services; expand to include international services.	Referred to Senate Committee on Finance.
SB 989 Switalski	12/09/2009	Traffic control; violations; use of handheld cellular telephone device while operating a motor vehicle; prohibit, and provide penalties. Amends sec. 320a of 1949 PA 300 (MCL 257.320a) & adds 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.
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 2009 PA 182	02/11/2009	Communications; telecommunications; provision relating to toll access service rates; modify. Amends sec. 310 of 1991 PA 179 (MCL 484.2310).	12/17/2009 Signed by Governor Granholm; assigned 2009 PA 182 with immediate effect.
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.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.	12/09/2009 Substitute H-2 passed House, 105 Yeas, 2 Nays; given immediate effect; Referred to Senate 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.	12/09/2009 Substitute H-5 passed House, 94 Yeas, 13 Nays; given immediate effect; Referred to Senate 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.
HB 4999 Mayes 2009 PA 146	05/26/2009	Traffic control; violations; weight restrictions during frost restriction periods; provide exemption for public utility subcontractors. Amends sec. 722 of 1949 PA 300 (MCL 257.722).	11/19/2009 Enrolled bill approved by Governor Granholm; assigned 2009 PA 146 with immediate effect.
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.	09/10/2009 Passed House, given immediate effect, 104 Yeas, 1 Nay; transmitted to Senate. 9/15/2009 Referred to Senate Committee on Senior Citizens and Veterans Affairs.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HB 5282 Haveman	08/26/2009	Criminal procedure; sex offender registration; use of commercial social networking websites by sex offenders; prohibit. Amends 1994 PA 295 (MCL 28.721 - 28.736) by adding sec. 37.	Referred to House Committee on Judiciary.
HB 5378 DeShazor	09/17/2009	Campaign finance; campaign practices; telephonic communications; require disclosure stating who is paying for call.	Referred to House Committee on Ethics and Elections.
HB 5390 Cushingberry	09/17/2009	Property tax; utility property; broadband investment credit; increase and sunset. Amends sec. 13b of 1905 PA 282 (MCL 207.13b) & repeals sec. 13b of 1905 PA 282 (MCL 207.13b).	Referred to House Committee on Tax Policy.
HB 5419 Meadows	09/17/2009	Use tax; collections; definition of interstate telecommunications services; expand to include international services. Amends sec. 3a of 1937 PA 94 (MCL 205.93a).	Referred to House Committee on Tax Policy.
HB 5459 Geiss	09/23/2009	Communications; video services; assessment of public service commission's costs against competitive video service providers; extend sunset. Amends sec. 6 of 2006 PA 480 (MCL 484.3306).	Referred to House Committee on Energy and Technology.
HB 5468 Haveman	09/25/2009	Communications; technology; validity of judgment or order created with an electronic record or signature; clarify. Amends sec. 7 of 2000 PA 305 (MCL 450.837).	Referred to House Committee on Judiciary.
HB 5556 Lindberg	10/28/2009	Communications; broadcasting; local zoning restrictions for amateur radio; require to conform to federal regulations. Amends 2006 PA 110 (MCL 125.3101 - 125.3702) by adding sec. 205a.	Referred to House Committee on Intergovernmental and Regional Affairs.
HB 5574 Geiss 2009 PA 191	11/05/2009	Communications; video services; assessment against video service providers for public service commission costs; modify. Amends 2006 PA 480 (MCL 484.3301 - 484.3314) by adding sec. 15.	12/21/2009 Signed by Governor Granholm; Assigned 2009 PA 191, with immediate effect.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HB 5599 Cushingberry	11/12/2009	Communications; telecommunications; distribution of emergency 9-1-1 service enabling funds; modify. Amends sec. 408 of 1986 PA 32 (MCL 484.1408).	Referred to House Committee on Appropriations.
HB 5622 Schuitmaker	12/1/2009	Communications; telecommunications; funding for implementation of an integrated IP- based 9-1-1 mapping system; provide for. Amends sec. 408 of 1986 PA 32 (MCL 484.1408).	Referred to House Committee on Energy and Technology.

PUBLIC ACTS OF 2009 & 2010

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
2009 PA 146	11/19/2009	Traffic control; violations; weight restrictions during frost restriction periods; provide exemption for public utility subcontractors. Amends sec. 722 of 1949 PA 300 (MCL 257.722).	HB 4999 Mayes
2009 PA 182	12/17/2009	Communications; telecommunications; provision relating to toll access service rates; modify. Amends sec. 310 of 1991 PA 179 (MCL 484.2310).	HB 4257 Melton
2009 PA 191	12/21/2009	Communications; video services; assessment against video service providers for public service commission costs; modify. Amends 2006 PA 480 (MCL 484.3301 – 484.3314) by adding sec. 15.	HB 5574 Geiss

ORDERS ISSUED BY MPSC |

The Michigan Public Service Commission (“Commission”) issued the following Orders at its specially scheduled meeting held on December 28, 2009 at 3:00 p.m.:

Case No. U-16127

License

Intelepeer, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16127>

On December 28, 2009, the Michigan Public Service Commission (“Commission”) issued an Order granting a temporary license to provide basic local exchange service throughout the State of Michigan to Intelepeer, Inc. The temporary license expansion will expire upon the Commission’s issuance of a final order granting or denying Intelepeer, Inc.’s November 6, 2009 Application for a permanent license amendment.

Case No. U-16142

License

Zayo Enterprise Networks, LLC

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16142>

On December 28, 2009, the Michigan Public Service Commission (“Commission”) issued an Order granting a temporary license to provide basic local exchange service throughout the State of Michigan to Zayo Enterprise Networks, LLC. The temporary license expansion will expire upon the Commission’s issuance of a final order granting or denying Zayo Enterprise Networks, LLC’s December 1, 2009 Application for a permanent license amendment.

APPLICATIONS AND COMPLAINTS |

Case No. U-13328

Interconnection Agreement

AT&T Michigan and US Signal Company L.L.C.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=13328>

On January 5, 2010, AT&T Michigan and US Signal Company L.L.C. 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 establishes a new rate for DS1 cross connects and clarifies the definition of DS1 cross connects and 4-wire cross connects in the Interconnection Agreement.

Case No. U-14795

Interconnection Agreement

AT&T Michigan and CMC Telecom, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=14795>

On December 23, 2009, AT&T Michigan and CMC Telecom, Inc. jointly filed an Application with the Michigan Public Service Commission (“Commission”) requesting approval of the Twenty-second Amendment to their Interconnection Agreement. According to the Application, the Twenty-second Amendment adds CompleteLink 2.0 Win/Winback Pricing Application for CMC Telecom, Inc.’s Existing Resale Business Customers into the Interconnection Agreement

AT&T Michigan and Cincinnati Bell Any Distance Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16179>

On January 5, 2010, AT&T Michigan and Cincinnati Bell Any Distance 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-16137

License

Michigan Access, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16137>

Comments Due: Tuesday, January 12, 2010

The Michigan Public Service Commission (“Commission”) has requested that interested parties comment on the November 25, 2009 Application of Michigan Access, Inc. requesting an amendment to its license to provide basic local exchange service throughout the State of Michigan to include two unserved territories. One of the territories is located in Oscoda County and Ogemaw County. The other territory is located entirely in Oscoda County. Written and electronic comments may be filed with the Commission by 5:00 p.m. on **Tuesday, January 12, 2010**. 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-16137.

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-16142

License

Zayo Enterprise Networks, LLC

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16142>

Public Hearing: Thursday, January 21, 2010, at 9:00 a.m.

The November 26, 2009 Application of Zayo Enterprise Networks, LLC 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 **Thursday, January 21, 2010**, before Administrative Law Judge Barbara Stump at the offices of the Michigan Public Service Commission, 6545 Mercantile Way, Suite 7, Lansing, Michigan. Parties wishing to intervene in this proceeding must do so by January 19, 2010.

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 (JANUARY 11, 2009 THROUGH JANUARY 22, 2010)

January 21, 2010, 9:00 a.m.
Case No. U-16142/Evidentiary Hearing
Zayo Enterprise Networks, LLC (license)

FUTURE TELECOM HEARINGS SCHEDULED

February 10, 2010, 9:00 a.m.
Case No. U-16082/Evidentiary Hearing
Lucre, Inc. v Verizon North, Inc. and Contel of the
South, Inc., d/b/a Verizon North Systems
(interconnection dispute)

2010 REGULAR MPSC MEETING DATES* |

<u>Month & Date</u>	<u>Day</u>	<u>Time</u>
January 11, 2010	Monday	10:00 a.m.

The Michigan Public Service Commission has not yet released a full schedule of Meetings for 2010.

* 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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