



FEATURES |

MPSC Directs Two Cable Television Companies to Show Cause Why They Should Not Be Found in Violation of the Uniform Video Services Local Franchise Act

Note: The following Press Release was issued by the Michigan Public Service Commission on January 11, 2010. For additional information contact Judy Palnau at (517) 241-3323.

The Michigan Public Service Commission (“MPSC”) today directed Pine River Cable and CableMax Communications to show cause why they should not be found in violation of several sections of the Uniform Video Services Local Franchise Act . . .

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. . . (Public Act 480 of 2006).

In Case No. U-16181, the MPSC noted that there are nine residential complaints open and one informal complaint submitted by the Village of Marion related to Pine River Cable. The MPSC staff has asserted that there are several alleged violations of the Act, including an alleged failure to enter into uniform video services local franchise agreements before operating video service in Michigan; allegedly failing to provide notice to local communities of any changes that may be occurring; an alleged violation dealing with the designation and payment of franchise fees; alleged violations that deal with customer protections and dispute resolution procedures; and an alleged violation dealing with response time to customer complaints. The affected communities include the villages of Perrinton, Maple Rapids and Marion; Fulton Township; and the cities of McBain and Carson City.

Pine River Cable is directed to file a response by 5 p.m. on Feb. 12 to each of the allegations. It is also directed to appear at a pre-hearing conference at 9 a.m. on March 9 before an administrative law judge at the MPSC office in Lansing.

In Case No. U-16182, the MPSC noted that the MPSC staff has asserted that CableMax Communications may be in violation of several sections of the Act, including all the alleged violations noted above in Case No. U-16181. The affected communities are: Brutus, Fine Lake, Akron/Fairgrove, Unionville, Mesick, Kaleva, and Nashville.

CableMax Communications is directed to file a response by 5 p.m. on Feb. 12 to each of the allegations. It is also directed to appear at a pre-hearing conference at 10 a.m. on March 9 before an administrative law judge at the MPSC office in Lansing.

The MPSC is an agency within the Department of Energy, Labor & Economic Growth.

Case Nos. U-16181 and U-16182

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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.
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.

Senate Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.
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.
SB 1068 Basham	01/20/2009	Communications; broadcasting; employment contracts for broadcasters; prohibit certain provisions.	Referred to Senate Committee on Commerce and Tourism

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.
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.

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

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.
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.
HB 5750 Miller	01/19/2010	Communications; broadcasting; employment contracts for broadcasters; prohibit certain provisions. Amends sec. 4a of 1984 PA 274 (MCL 445.774a).	Referred to House Committee on Judiciary

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 January 11, 2010 at 10:00 a.m.:

Case No. U-13758

Interconnection Agreement

AT&T Michigan and MCImetro Access Transmission Services, LLC

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=13758>

Application filed on February 19, 2009 for approval of an Eleventh Amendment to an Interconnection Agreement (revises definition of “business lines” to comply with U.S. District Court, Eastern District of Michigan, order reversing in part the MPSC’s TRO/TRRO order in Case No. U-14447).

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>

Application filed on December 23, 2009 for approval of a Twenty-second Amendment to an Interconnection Agreement (adds CompleteLink 2.0 Win/Winback Pricing application).

Case No. U-15069

Interconnection Agreement

AT&T Michigan and Superior Spectrum Telephone and Data, LLC

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15069>

Application filed on December 11, 2009 for approval of an Eighth Amendment to an Interconnection Agreement (revises the Interconnection and Trunking Provisions).

On January 11, 2010 the Michigan Public Service Commission (“Commission”) issued an Order approving the above-listed Interconnection Agreements and Amendments.

Case No. U-16181

Video Franchise - Show Cause

Pine River Cable

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16181>

On January 11, 2010 the Michigan Public Service Commission (“Commission”) issued an Order requiring Pine River Cable (“Pine River”) to show cause why it should not be found to be in violation of various provisions of the Uniform Video Services Local Franchise Act, 2006 PA 480, MCL 484.3301 *et seq.* (the “Act”). According to the Order, Commission Staff has reported that Pine River has been the subject of nine residential customer complaints and an informal complaint submitted by the Village of Marion. Staff has reported that in the Village of Perrinton, Pine River left the community around September 2009 without notification and it is unclear as to whether the community had a franchise agreement with Pine River; in Fulton Township Pine River discontinued service to the community without notification and no franchise agreement existed; in McBain City Pine River shut service off around November 23, 2009 without notification to the community, and though Pine River had taken cable over from Charter Communications, the community is not aware of any franchise agreement that Pine River had entered into; in the Village of Maple Rapids Pine River tried getting an updated franchise agreement, but after the community signed it, they never received a completed signed copy back from Pine River and Pine River owes the community franchise fees; also in the Village of Maple Rapids, Pine River shut service off around Aug/Sept 2009 without any notification. (the Village found out only because they had been calling to collect back payments and then it was told at that time over the phone that services would not be restored); in Carson City, Pine River did not have a franchise agreement with the city, no franchise fees are being paid to the city, and services were shut off

without notification to the city by Pine River; and, in the Village of Marion, 3% franchise fees are not being paid and that the company was not authorized to provide service to the community. Staff believes that these alleged violations may constitute the following violations of the Act: violations of MCL 484.3302(2) due to alleged failures to enter into Uniform Video Services Local Franchise Agreements before operating video service in Michigan; violations of MCL 484.3303(1) to MCL 484.3303(6) for allegedly failing to enter into Uniform Video Service Local Franchise Agreements and by allegedly failing to provide notice to local communities of any changes that may be occurring; violations of MCL 484.3306(1), which pertains to the designation and payment of franchise fees; violations of MCL 484.3310, which pertains to customer protections and dispute resolution procedures; and violations of MCL 484.3310(5)(a), which requires a provider to respond to an informal customer complaint in 10 days. Pine River is ordered to file a response to these allegations by 5:00 p.m. on February 12, 2010, and to appear at a prehearing conference scheduled for 9:00 a.m. on March 9, 2010.

Case No. U-16182

Video Franchise - Show Cause

CableMax Communications

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16182>

On January 11, 2010 the Michigan Public Service Commission (“Commission”) issued an Order requiring CableMax Communications (“CableMax”) to show cause why it should not be found to be in violation of various provisions of the Uniform Video Services Local Franchise Act, 2006 PA 480, MCL 484.3301 *et seq.* (the “Act”). According to the Order, Commission Staff has reported that CableMax has been the subject of twelve residential customer complaints regarding either total service outages or the loss of at least 50% of the channels on their service line-ups. Staff has reported that several customers are reporting that 50%-100% of the cable services have been removed without notification; attempts by customers and the Staff to contact the company have been unsuccessful – a recorded message indicates that the phone number is no longer in service; customers report that services paid for are not being received; CableMax apparently lacks a franchise to provide video services in the following communities: Brutus, Fine Lake, Akron/Fairgrove, Unionville, Mesick, Kaleva, and Nashville; CableMax is alleged to have shut off service to customers without any notification to them or the community. Staff believes that these alleged actions may constitute the following violations of the Act: violations of MCL 484.3302(2) due to alleged failures to enter into Uniform Video Services Local Franchise Agreements before operating video service in Michigan; violations of MCL 484.3303(1) to MCL 484.3303(6) for allegedly failing to enter into Uniform Video Service Local Franchise Agreements and by allegedly failing to provide notice to local communities of any changes that may be occurring; violations of MCL 484.3306(1), which pertains to the designation and payment of franchise fees; violations of MCL 484.3310, which pertains to customer protections and dispute resolution procedures; and violations of MCL 484.3310(5)(a), which requires a provider to respond to an informal customer complaint in 10 days. CableMax is ordered to file a response to these allegations by 5:00 p.m. on February 12, 2010, and to appear at a prehearing conference scheduled for 9:00 a.m. on March 9, 2010.

Case No. U-16183

Access Charge Reform

Commission’s Own Motion

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16183>

On January 11, 2010 the Michigan Public Service Commission (“Commission”) issued an Order implementing various provisions of 2009 PA 182 (previously HB 4257) (the “Act”), which was signed into law by Governor Jennifer Granholm on December 17, 2009. The Act is a comprehensive reform of the rates and rate mechanisms providers of toll access services charge to originating providers of intrastate toll telephone calls. The Act strives to require providers to set “rates for intrastate switched toll access services at rates that do not exceed the rates allowed for the same

interstate services by the federal government and shall use the access rate elements for intrastate switched toll access services that are in effect for that provider and are allowed for the same interstate services by the federal government.” Currently many toll access providers charge intrastate rates that far exceed interstate rates for the same services. Rates will be reduced in one of two ways, depending on the type of carrier involved.

“Eligible carriers” – incumbent local exchange carriers whose rates for intrastate switched toll access services were higher than their rates for the same interstate switched toll access services as of January 1, 2009 – are required to lower their rates to interstate rates within 270 days (by September 14, 2010). All other carriers are required to freeze their rates for intrastate access charges as of July 1, 2009 and reduce such rates, if higher than the rate charged for interstate toll access, to the rate charged for interstate toll access in no more than five steps of at least 20% each on January 1 of 2011, 2012, 2013, 2014 and 2015. As toll access rates are reduced, the providers receiving the reduced rates (the originating provider of an intrastate toll access call) are required to reduce rates charged to their customers by an equal amount.

The Commission’s Order begins the process of establishing a twelve year “restructuring mechanism” fund (“RMF”), from which only eligible providers will be entitled to draw upon to recover the lost intrastate switched toll access service revenues resulting from their required rate reductions to interstate toll access rate levels. The Commission is required to establish the RMF by September 14, 2009. The RMF is to be funded through mandatory monthly contributions by all providers of retail intrastate telecommunications services and all providers of commercial mobile service. However, providers of interconnected voice over internet protocol (“VoIP”) and providers of interconnected VoIP services are specifically exempt from the mandatory monthly contributions established in the Act, and providers of telecommunications services to a provider of interconnected VoIP services do not have to pay the mandatory monthly contribution related to those interconnected VoIP services.

To assist the Commission in establishing the RMF, the Commission has ordered carriers to provide the following information, along with a sworn affidavit attesting to the accuracy of the information, as follows by February 16, 2010:

All providers are required to submit:

1. The provider’s July 1, 2009 intrastate switched toll access rates by rate element. If using a combined rate, the provider shall include detail on how the rate is developed, including references to the provider’s tariffs wherein the rate or rates are found; and,
2. The provider’s July 1, 2009 interstate switched toll access rates by rate element. If using a combined rate, include detail on how the rate is developed, including references to the provider’s tariffs wherein the rate or rates are found; or,
3. If a provider is not providing toll access service, a statement to that effect.

Eligible providers¹ are required to submit:

1. The eligible provider's July 1, 2009 intrastate switched toll access rates by rate element. If using a combined rate, include detail on how the rate is developed, including references to the provider's tariffs wherein the rate or rates are found;
2. The eligible provider's July 1, 2009 interstate switched toll access rates by rate element. If using a combined rate, include detail on how the rate is developed, including references to the provider's tariffs wherein the rate or rates are found;
3. The eligible provider's total number of access lines in service as of December 31, 2008; and,
4. The eligible provider's intrastate switched access minutes of use for calendar year 2008 for each rate element, including number of terminations and mileage factors, as appropriate.

All contributing providers² are required to submit:

1. The contributing provider's 2008 total intrastate retail telecommunications services revenues;
2. The contributing provider's 2008 uncollectible intrastate retail telecommunications services revenues, actual or projected; and,
3. The contributing provider's 2008 total intrastate retail telecommunications revenues minus uncollectibles.

¹ The Commission's Order states that the Commission believes eligible providers are as follows: Ace Telephone Company, Allendale Telephone Company, Baraga Telephone Company, Barry County Telephone Company, Blanchard Telephone Company, Bloomingdale Telephone Company, Carr Telephone Company, CenturyTel of Michigan, CenturyTel Midwest--Michigan, Inc., CenturyTel of Northern Michigan, CenturyTel of Upper Michigan, Chapin Telephone Company, TDS Telecom/Chatham Telephone Company, Chippewa County Telephone Company, Climax Telephone Company, TDS Telecom/Communications Corporation of Michigan, Deerfield Farmers' Telephone Company, Drenthe Telephone Company, Frontier Telephone Company, Hiawatha Telephone Company, TDS Telecom/Island Telephone Company, Kaleva Telephone Company, Lennon Telephone Company, Midway Telephone Company, Ogden Telephone Company, Ontonagon Telephone Company, Peninsula Telephone Company, Pigeon Telephone Company, Sand Creek Telephone Company, TDS Telecom/Shiawassee Telephone Company, Springport Telephone Company, Upper Peninsula Telephone Company, Waldron Telephone Company, Westphalia Telephone Company, Winn Telephone Company, and TDS Telecom/Wolverine Telephone Company.

² Any provider that believes that it is not a contributing provider shall file a sworn affidavit by a person knowledgeable of the facts attesting to the fact that his or her company is not a contributing provider, and fully documenting the explanation for the position taken in the affidavit.

The Commission also ordered all eligible providers, upon the official start date of the restructuring mechanism, to file new tariffs that show rates no greater than interstate rates for the same elements. On January 1 of each year from 2011 through 2015, providers other than eligible providers will need to file a new tariff or a brief explanation of how the provider is already meeting requirements of the legislation.

APPLICATIONS AND COMPLAINTS |

Case No. U-16162

Interconnection Dispute

B&S Telecom, Inc. v AT&T Michigan

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16162>

On January 15, 2010, B&S Telecom, Inc. filed a First Amended Complaint with the Michigan Public Service Commission (“Commission”) against AT&T Michigan alleging that AT&T is charging rates greater than that approved by the Commission; failed to allow B&S to purchase separately-priced loop and switch ports, as required by the Michigan Telecommunications Act (“MTA”), and violated Section 502 of the MTA. B&S requests an order for emergency relief under Section 203 of the MTA alleging that AT&T “will delay or otherwise interfere with the timely processing of [B&S’] orders” during the pendency of the Complaint. The Amended Complaint replaces the December 17, 2009 Complaint, which Commission Staff alleged was not prima facie because “[t]he Commission does not have jurisdiction over private contracts or forcing one company to contract with another.”

Case No. U-16192

TSLRIC

Climax Telephone Company

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16192>

On January 20, 2010, Climax Telephone Company filed an Application with the Michigan Public Service Commission (“Commission”) seeking approval of a total service long run incremental cost (“TSLRIC”) study. According to the Application, Climax provides local exchange service in the Climax exchange, as well as in the Metro exchange (which covers the same areas as the Battle Creek, Galesburg, Kalamazoo and Scotts zones of AT&T Michigan). Climax states that it previously determined TSLRIC using the cost study of a provider with more than 250,000 end-users and now has chosen to develop its own study.

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.

There are presently no known Telecommunications
Notices of Opportunity to Comment pending
before the Michigan Public Service Commission

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.

There are presently no known Telecommunications
Notices of Hearing pending
before the Michigan Public Service Commission

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 25, 2010 THROUGH FEBRUARY 8, 2010)

There are presently no known Telecommunications hearings scheduled before the Michigan Public Service Commission during the next fortnight

FUTURE TELECOM HEARINGS SCHEDULED

March 9, 2010, 9:00 a.m.
Case No. U-16181/Prehearing Conference
Pine River Cable (video franchise show cause)

March 9, 2010, 9:00 a.m.
Case No. U-16182/Prehearing Conference
CableMax Communications (video franchise show cause)

2010 REGULAR MPSC MEETING DATES* |

<u>Month & Date</u>	<u>Day</u>	<u>Time</u>
January 25, 2010	Monday	1:30 p.m.
February 8, 2010	Monday	1:30 p.m.
March 2, 2010	Tuesday	1:30 p.m.
March 18, 2010	Thursday	1:30 p.m.
April 13, 2010	Tuesday	1:30 p.m.
April 27, 2010	Tuesday	1:30 p.m.
May 20, 2010	Thursday	1:30 p.m.
June 3, 2010	Thursday	1:30 p.m.
June 24, 2010	Thursday	1:30 p.m.
July 1, 2010	Thursday	1:30 p.m.
July 13, 2010	Tuesday	1:30 p.m.

<u>Month & Date</u>	<u>Day</u>	<u>Time</u>
July 27, 2010	Tuesday	1:30 p.m.
August 10, 2010	Tuesday	1:30 p.m.
August 24, 2010	Tuesday	1:30 p.m.
September 14, 2010	Tuesday	1:30 p.m.
September 28, 2010	Tuesday	1:30 p.m.
October 14, 2010	Thursday	1:30 p.m.
October 26, 2010	Tuesday	1:30 p.m.
November 10, 2010	Wednesday	1:30 p.m.
December 7, 2010	Tuesday	1:30 p.m.
December 21, 2010	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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