



### FEATURES |

#### **Michigan Carriers to Tariff Reduction of Intrastate Toll Access Service Rates |**

A key component of Michigan's Toll Access Service Charge Reform bill, 2009 PA 182, takes effect on January 1, 2011. On that date, all providers of intrastate switched toll access service who were not eligible for disbursements from Michigan's Intrastate Switched Toll Access Restructuring Mechanism must begin to reduce the difference, if any, between their intrastate and interstate switched toll access service rates. Section 310(2) of the Michigan Telecommunications Act ("MTA"), as enacted by 2009 PA 182, states: . . .

... Continued on page 2

### IN THIS ISSUE:

- 1 Features
  - ♦ Carriers Required to Tariff Reduction in IntraState Toll Access Service Rates
- 3 2009 & 2010 Legislation
- 9 Public Acts of 2009 & 2010
- 11 Orders Issued by MPSC
- 14 MPSC Minute Actions
- 14 Applications & Complaints
- 15 Opportunities to Comment
- 16 Notices of Hearings
- 16 MPSC Hearings Schedule
- 16 MPSC Meetings
- 17 MTR Subscriptions

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### INDEX OF HIGHLIGHTED CASES |

#### **Orders |**

- U-12003 Range Corporation
- U-15489 Commission's Own Motion (9-1-1 Surcharges)
- U-16468 Ace Telephone Company of Michigan, Inc. (license)
- U-16477 Deerfield Farmers' Telephone Company and MetroPCS Michigan, Inc. (ica)
- U-16492 Ace Telephone Company of Michigan, Inc. (etc)
- U-16505 Granite Telecommunications, LLC and AT&T Michigan (ica)
- U-16508 Chippewa County Telephone Company and Verizon Wireless (ica)
- U-16509 Hiawatha Telephone Company and Verizon Wireless (ica)
- U-16510 Midway Telephone Company and Verizon Wireless (ica)
- U-16511 Ontonagon County Telephone Company and Verizon Wireless (ica)

#### **Minute Actions |**

- U-14000 AT&T Michigan (wireless emergency service costs)

#### **Applications and Complaints |**

- U-13328 AT&T Michigan and U.S. Signal Company, LLC (ica)
- U-15607 AT&T Michigan and DIECA Communications, Inc. d/b/a Covad Communications Company (ica)
- U-16518 AT&T Michigan and Quick Communications, Inc. (ica)
- U-16519 American Broadband and Telecommunications Company (etc)

**Michigan Carriers to Tariff  
Reduction of Intrastate Toll Access Service Rates** | continued from Page 1

. . . Providers other than eligible providers shall not charge intrastate toll access service rates in excess of those rates in effect as of July 1, 2009 and shall reduce the differential, if any, between intrastate and interstate switched toll access service rates in effect as of July 1, 2009 in no more than 5 steps of at least 20% each of the differential on the following dates: January 1, 2011; January 1, 2012; January 1, 2013; January 1, 2014; and January 1, 2015. Providers may agree to a rate that is less than the rate allowed by the federal government.

The first statutory reduction of “at least 20%” must be included in Michigan intrastate access tariffs on file with the Michigan Public Service Commission (“Commission”) as of January 1, 2011. In a letter sent to all licensed Michigan Competitive Local Exchange Carriers on December 8, 2010, Commission Telecommunications Division Director, Robin Ancona, instructed carriers to follow the normal tariff filing procedures in filing these updated tariffs. As part of such filing, carriers are asked to “include a cover sheet or other supporting documentation that includes information or links to the pre-January 1, 2011 *intrastate* switched toll access service rate, the corresponding *interstate* rate, and an explanation of the calculation methodology used to develop the revised rate.” (Emphasis in original).”

Those providers whose intrastate switched toll access service rates already mirror their interstate rates are required to send to the Commission a statement to that effect, along with links to the corresponding tariffs that demonstrate such rates.

Carriers who are eligible for disbursements from Michigan’s Intrastate Switched Toll Access Restructuring Mechanism – incumbent local exchange carriers, as defined in section 251 of the Telecommunications Act of 1996, 47 USC § 251, that as of January 1, 2009 had rates for intrastate switched toll access services higher than their rates for the same interstate switched toll access services – were required to reduce their intrastate switched toll access service rates to that of their interstate toll access service rates as of September 14, 2010.

Clark Hill PLC is available to assist carriers with their required tariff filings.

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## 2009 & 2010 LEGISLATION |

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.
<b>SB 149 2010 PA 318 Patterson</b>	<b>01/29/2009</b>	<b>Communications; internet; obtaining personal information by false pretenses; prohibit. Amends secs. 3, 7 &amp; 9 of 2004 PA 452 (MCL 445.63 et seq.) &amp; adds sec. 7a.</b>	<b>12/21/2010 Signed by Governor Granholm; assigned 2010 PA 318.</b>
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.
<b>SB 371 2010 PA 218 Garcia</b>	<b>03/12/2009</b>	<b>Communications; cellular telephone; active duty military personnel; allow to cancel cellular telephone contract without penalties. Creates new act.</b>	<b>12/09/2010 Signed by Governor Granholm; assigned 2010 PA 218 with immediate effect.</b>
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). Tie-Bar to SB 468.	01/26/2010 Substitute S-3 passed Senate, 31 Yeas, 6 Nays, 1 Excused; Referred to House Committee on Transportation.

Senate Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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  2010 PA 59	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.	05/04/2009 Signed into law by Governor Jennifer M. Granholm.
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	01/20/2010	Communications; broadcasting; employment contracts for broadcasters; prohibit certain provisions.	Referred to Senate Committee on Commerce and Tourism.
SB 1133 Garcia	02/10/2010	Communications; telecommunications; distribution of emergency 9-1-1 service enabling funds; modify. Amends sec. 408 of 1986 PA 32 (MCL 484.1408).	Referred to Senate Committee on Appropriations.

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  2010 PA 58	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.	05/04/2009 Signed into law by Governor Jennifer M. Granholm.
HB 4394 Gonzales  2010 PA 60	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.	05/04/2009 Signed into law by Governor Jennifer M. Granholm.
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  2010 PA 206	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).	10/11/2010 Signed by Governor Granholm; assigned 2010 PA 206 with immediate effect.
<b>HB 5622 Schuitmaker  2010 PA 248</b>	<b>12/1/2009</b>	<b>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).</b>	<b>12/16/2010 Signed by Governor Granholm; assigned 2010 PA 248 with immediate effect.</b>
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.
<b>HB 5927 Neumann</b>	<b>03/09/2010</b>	<b>Communications; telecommunications; 9-1-1 call centers; require consolidation plans. Amends 1986 PA 32 (MCL 484.1101 - 484.1717) by adding sec. 322.</b>	<b>12/01/2010 Placed on Order of Third Reading.</b>

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HB 6049 Sheltrown	04/20/2010	Appropriations; other; appropriation of public funds to a professional sports team; prohibit if home sporting event is blacked out in the previous fiscal year. Amends 1984 PA 431 (MCL 18.1101 - 18.1594) by adding sec. 399.	Referred to House Committee on Appropriations.
<b>HB 6153 Espinoza  2010 PA 285</b>	<b>05/11/2010</b>	<b>Appropriations; supplemental; funding for implementation of an IP-based 9-1-1 mapping system; provide for. Creates appropriation act.</b>	<b>12/16/2010 Signed by Governor Granholm; assigned 2010 PA 285 with immediate effect.</b>
HB 6327 Jones	07/21/2010	Crimes; computer; electronic mail fraud regulatory act; create.	07/21/2010 Referred to House Committee on Judiciary.
HB 6551 Melton	11/9/2010	Communications; telecommunications; telephone directory and service quality standard requirements for basic local exchange service providers; modify. Amends secs. 202 & 309 of 1991 PA 179 (MCL 484.2202 & 484.2309).	11/9/2010 Referred to House Committee on Energy and Technology.

Senate Resolution # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
SCR 041 Kuipers	05/18/2010	A concurrent resolution to memorialize the President, the Congress, and the Federal Communications Commission of the United States to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934.	05/19/2010 Adopted; 06/02/2010 House Concurrence Received.
SR 160 Patterson	05/18/2010	A resolution to memorialize the President, the Congress, and the Federal Communications Commission of the United States to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934.	05/19/2010 Adopted.

House Resolution # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HCR 057 Warren	05/14/2010	A resolution to memorialize the President, the Congress, and the Federal Communications Commission of the United States to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934.	05/26/2010 Adopted
HR 231 Byrum	03/18/2010	A resolution to urge Google to select Mid-Michigan as a test market community for its proposed super high-speed broadband fiber network.	03/18/2010 Referred to House Committee on Energy and Technology.
HR 285 Mayes	05/14/2010	A resolution to memorialize the President, the Congress, and the Federal Communications Commission of the United States to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934.	05/14/2010 Adopted

## **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

Public Act #	Effective Date	Description	Enrolled Bill # and Sponsor
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
2010 PA 58	07/01/2010	Traffic control; violations; entry of points for operating a motor vehicle while sending or receiving a message on an electronic wireless device; prohibit.	HB 4370 Polidori
2010 PA 59	07/01/2010	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.	SB 468 Kahn
2010 PA 60	07/01/2010	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.	HB 4394 Gonzales
2010 PA 206	10/12/2010	Communications; telecommunications; distribution of emergency 9-1-1 service enabling funds; modify. Amends sec. 408 of 1986 PA 32 (MCL 484.1408)	HB 5599 Cushingberry
<b>2010 PA 218</b>	<b>12/09/2010</b>	<b>Communications; cellular telephone; active duty military personnel; allow to cancel cellular telephone contract without penalties. Creates new act.</b>	<b>SB 371</b> <b>Garcia</b>
<b>2010 PA 248</b>	<b>12/16/2010</b>	<b>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).</b>	<b>HB 5622</b> <b>Schuitmaker</b>
<b>2010 PA 285</b>	<b>12/16/2010</b>	<b>Appropriations; supplemental; funding for implementation of an IP-based 9-1-1 mapping system; provide for. Creates appropriation act.</b>	<b>HB 6153</b> <b>Espinoza</b>
<b>2010 PA 318</b>	<b>04/01/2011</b>	<b>Communications; internet; obtaining personal information by false pretenses; prohibit. Amends secs. 3, 7 &amp; 9 of 2004 PA 452 (MCL 445.63 <i>et seq.</i>) &amp; adds sec. 7a.</b>	<b>SB 149</b> <b>Patterson</b>

## **ORDERS ISSUED BY THE COMMISSION |**

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The Michigan Public Service Commission (“Commission”) issued the following Orders at a Regularly Scheduled Meeting held on December 21, 2010 at 1:30 p.m.:

**Case No. U-12003**  
**Range Corporation**

**License**

On December 21, 2010, the Michigan Public Service Commission (“Commission”) issued an Order rescinding the September 28, 1999 grant to Range Corporation of a license to provide basic local exchange service in the State of Michigan. On December 1, 2010, Range Corporation applied to the Commission to surrender its license and indicated that it has no customers in Michigan and has never done business in Michigan.

**Case No. U-15489**  
**Commission’s Own Motion**

**9-1-1 Surcharges**

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15489>

On December 21, 2010, the Michigan Public Service Commission (“Commission”) issued an Opinion and Order reaffirming the county 9-1-1 surcharges set for 2008 for Alcona, Alpena, Cass, Charlevoix, Cheboygan, Chippewa, Delta, Dickinson, Emmet, Gogebic, Hillsdale, Houghton, Huron, Mackinac, Ionia, Menominee, Montcalm, Newaygo, Ogemaw, Saginaw, St. Clair, Tuscola, and Van Buren counties in the Commission’s March 11, 2008 order, and for Grand Traverse County in the Commission’s June 3, 2008 order in the above-captioned proceeding.

The Commission re-examined the 9-1-1 surcharges set for these counties on remand from an April 20, 2010 Michigan Court of Appeals decision. On June 24, 2010, the Commission issued an Order asking parties to submit briefs containing specific arguments addressing why, on the record previously submitted, the parties were entitled to a 2008 surcharge greater than the rates granted in the Commission’s March 11, 2008 Order. In that March 11, 2008 Order, the Commission approved surcharges for several counties and adjusted all estimated surcharges to bring revenues exceeding 2007 levels plus 2.7% down to that level, treating this formula as the statutory ceiling. Several counties, including Grand Traverse County and Huron County, petitioned the Commission for rehearing. The Commission issued an order rejecting Huron County’s assertion that the Commission had acted arbitrarily in modifying its surcharge to recover 2007 revenues plus 2.7%. The Commission stated that Huron County failed to submit sufficient evidence to support a surcharge that would likely generate revenues nearly 27% above the 2007 level, which is ten times the approved statutory level. Several counties appealed the Commission’s order. On April 20, 2010, the Court of Appeals vacated the portion of the Commission’s orders that adjusted downward the counties’ surcharges to 2007 revenues plus 2.7% and remanded the case to the Commission to review “each adjustment with individualized attention to what each affected county’s necessary and reasonable 9-1-1 funding levels for 2008 were.”

In its December 21, 2010 Order the Commission specifically examined each county’s supplemental brief and evidence to determine if each county was entitled to an increase in their surcharge beyond that established by the county’s 2007 revenues plus 2.7%, as required by Section 401e(2) of 2007 PA 164 (Act 164), the Emergency 9-1-1 Service Enabling Act, MCL 484.1101 *et seq.*

Based on July 23, 2010, filings made by the counties of Alcona, Alpena, Cass, Charlevoix, Cheboygan, Chippewa, Delta, Dickinson, Emmet, Gogebic, Grand Traverse, Hillsdale, Houghton, Huron, Mackinac, Ionia, Menominee, Montcalm, Newaygo, Ogemaw, Saginaw, and Tuscola, July 26, 2010 filings by St. Clair and Van Buren counties, and reply filings made on August 16, 2010, by the Telecommunications Association of Michigan (“TAM”), AT&T Michigan, and Frontier Communications of Michigan, Inc., Frontier Communications of America, Inc., Frontier North Inc., f/k/a Verizon North Inc., and Frontier Mid-States Inc., f/k/a Contel of the South, Inc., d/b/a Verizon North Systems (collectively, “Frontier”), the Commission denied the counties’ requests.

The counties argued that the Commission erred in not following the recommendation made by the Emergency Telephone Service Committee (“ETSC”), k/n/a State 9-1-1 Committee, to authorize every excess surcharge requested. However, the Commission pointed out in its order that in recommending adoption of the proposed surcharges, the “ETSC has a very different mandate from the limited one-time role thrust upon the Commission by Act 164. The ETSC is – and rightly so – interested in providing the best possible 9-1-1 service to all citizens of the state. The ETSC is not focused on cost, but rather on identifying the best equipment and processes for implementing and improving 9-1-1 service. The ETSC’s list of allowable costs includes all general categories of possible costs, including costs related to travel and lodging, memberships in associations, and the use of architects, attorneys, and consultants. Thus, the ETSC’s recommendations regarding appropriate surcharges for recovering allowable costs must be viewed in this light.” On the other hand, the Commission noted that it “is an agency that routinely set rates of many kinds. The Commission is a creature of statute, and is authorized to carry out only those duties defined by statute. Act 164 delegates to the Commission, for one year, full discretionary authority to set reasonable and necessary rates for county 9-1-1 service. MCL 484.1401e(2), 484.1401b(2). A widely accepted standard for rate-setting is to base the rate on a determination of the reasonable costs of doing business, or of providing the service.”

In examining each of the county’s original evidence and supplemental filings, the Commission found, that for most of the Counties, the county’s “application contains no evidence reflecting any of the costs of its 9-1-1 service. It contains no evidence supporting the amounts reflected in the attached budget, and no evidence regarding the actual cost of any of the items the county indicates that it wishes to purchase, such as proposals from vendors, contracts, or invoices.” Examining each of the 24 counties on an individual basis, the Commission did not find justification for any of the increased county 9-1-1 surcharges.

**Case No. U-16468**

**License**

**Ace Telephone Company of Michigan, Inc.**

**<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16491>**

On December 21, 2010, the Michigan Public Service Commission (“Commission”) issued an Order approving the October 12, 2010 Application of Ace Telephone Company of Michigan, Inc. for authority to expand the geographic area of its license to provide basic local exchange service to include the Old Mission exchange, which is currently owned by Peninsula Telephone Company. This Order replaces the temporary authority granted to Ace Telephone Company of Michigan, Inc. by the Commission in its Order of October 26, 2010.

**Case No. U-16477**

**Interconnection Agreement**

**Deerfield Farmers Telephone Company and MetroPCS Michigan, Inc.**

**<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16477>**

**Application filed on October 22, 2010 for approval of an Interconnection Agreement.**

**Case No. U-16505**

**Interconnection Agreement**

**Granite Telecommunications, LLC, and AT&T Michigan**

**<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16505>**

**Application filed on November 17, 2010 for approval of an Interconnection Agreement (incorporates certain rates, terms, and conditions resulting from determinations made in various arbitrations under 47 USC § 252 or from other requirements of state or federal regulatory agencies).**

**Case No. U-16508**

**Interconnection Agreement**

**Chippewa County Telephone Company and Verizon Wireless**

**<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16508>**

**Application filed on December 1, 2010 for approval of a First Amendment to an Interconnection Agreement (to include Chippewa's current rates based on Chippewa's Commission approved forward looking cost study as of August 26, 2008; and to use a default factor of 0% as an estimate for billing Inter-MTA Switched Access Compensation when actual measurement is not available as of August 1, 2010).**

**Case No. U-16509**

**Interconnection Agreement**

**Hiawatha Telephone Company and Verizon Wireless**

**<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16509>**

**Application filed on December 1, 2010 for approval of a First Amendment to an Interconnection Agreement (to include Hiawatha's current rates based on Hiawatha's Commission approved forward looking cost study as of August 26, 2008; and to use a default factor of 0% as an estimate for billing Inter-MTA Switched Access Compensation when actual measurement is not available as of August 1, 2010).**

**Case No. U-16510**

**Interconnection Agreement**

**Midway Telephone Company and Verizon Wireless**

**<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16510>**

**Application filed on December 1, 2010 for approval of a First Amendment to an Interconnection Agreement (to include Midway's current rates based on Midway's Commission approved forward looking cost study as of August 26, 2008; and to use a default factor of 0% as an estimate for billing Inter-MTA Switched Access Compensation when actual measurement is not available as of August 1, 2010).**

**Case No. U-16511**

**Interconnection Agreement**

**Ontonagon County Telephone Company and Verizon Wireless**

**<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16511>**

**Application filed on December 1, 2010 for approval of a First Amendment to an Interconnection Agreement (to include Ontonagon's current rates based on Ontonagon's Commission approved forward looking cost study as of August 26, 2008; and to use a default factor of 0% as an estimate for billing Inter-MTA Switched Access Compensation when actual measurement is not available as of August 1, 2010).**

On December 21, 2010, the Michigan Public Service Commission ("Commission") issued an Order approving Interconnection Agreements and Amendments listed above.

**Ace Telephone Company of Michigan, Inc.**<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16492>

On December 21, 2010, the Michigan Public Service Commission (“Commission”) issued an Order approving the November 3, 2010 Application of Ace Telephone Company of Michigan, Inc. for designation as an Eligible Telecommunications Carrier (“ETC”) for purposes of Universal Service Fund support in the Old Mission exchange. Previously, Ace Telephone Company of Michigan was designated an ETC in the Buckley, Copenish-Thompsonville, Hoxeyville, Mesick, and South Boardman exchanges.

## **MINUTE ACTIONS**

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The Michigan Public Service Commission (“Commission”) issued the following Minute Action at its regularly scheduled meeting held on November 4, 2010 at 1:30 p.m.:

**Case No. U-14000**

Wireless Emergency Service Costs

**AT&T Michigan**<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=14000>

On December 21, 2010, the Michigan Public Service Commission (“Commission”) issued a Minute Action approving AT&T Michigan invoice 517 R41-0001 067 9 for the period of September 1, 2010 to November 30, 2010, for wireless emergency service costs of \$130,237.44, recoverable under 2007 PA 165, MCL 484.1408(4)(b) and authorizing reimbursement by the Michigan Department of Treasury.

## **APPLICATIONS AND COMPLAINTS**

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**Case No. U-13328**

Interconnection Agreement

**AT&T Michigan and U.S. Signal Company, LLC**<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=13328>

On December 9, 2010, AT&T Michigan and U.S. Signal Company, LLC jointly filed an Application with the Michigan Public Service Commission (“Commission”) seeking approval of the Eleventh Amendment to their Interconnection Agreement. According to the Application, the Eleventh Amendment updates certain terms, conditions and other provisions in the General Terms and Conditions, Reciprocal Compensation and Unbundled Network Element appendices to comply with current law. In addition, the Eleventh Amendment extends the Term of the Agreement for an additional three years to February 27, 2014.

**Case No. U-15607**

Interconnection Agreement

**AT&T Michigan and DIECA Communications, Inc. d/b/a Covad Communications Company**<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15607>

On December 14, 2010, AT&T Michigan and DIECA Communications, Inc. d/b/a Covad Communications Company jointly filed an Application with the Michigan Public Service Commission (“Commission”) seeking approval of the Thirteenth Amendment to their Interconnection Agreement. According to the Application, the Thirteenth Amendment extends the terms of the AT&T Midwest

Performance Remedy Plan Appendix in the Twelfth Amendment for two additional (2) years ending December 31, 2012.

**Case No. U-16518**

**Interconnection Agreement**

**AT&T Michigan and Quick Communications, Inc.**

**<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16518>**

On December 14, 2010, AT&T Michigan and Quick Communications, Inc. jointly filed an Application with the Michigan Public Service Commission (“Commission”) seeking approval of an Interconnection Agreement. Pursuant to 47 USC § 252(i), the Interconnection Agreement is an adoption of the Interconnection Agreement between AT&T Michigan and Comcast Phone of Michigan, LLC that was initially approved by the Commission in an order issued on July 10, 2002 in MPSC Case No. U-13378.

**Case No. U-16519**

**Eligible Telecommunications Carrier**

**American Broadband and Telecommunications Company**

**<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16519>**

On December 14, 2010, American Broadband and Telecommunications Company filed an Application with the Michigan Public Service Commission (“Commission”) requesting designation as an Eligible Telecommunications Carrier (“ETC”) for purposes of federal Universal Service Fund support for its wireless service offerings.

## **NOTICES OF OPPORTUNITIES TO COMMENT |**

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The following Notices of Opportunity to Comment have been issued by the Michigan Public Service Commission’s Executive Secretary. Any interested person may submit comments on the application by sending written comments to the Commission by mail to: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Electronic comments may be e-mailed to: <mpscfilecases@michigan.gov>. Any comments should reference the applicable docket number.

**Case No. U-16491**

**License**

**BullsEye Telecom, Inc.**

**<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16491>**

**Comments Due: Monday, January 3, 2011 at 5:00 p.m.**

The Michigan Public Service Commission (Commission”) has invited interested persons to comment on the November 3, 2010 Application of BullsEye Telecom, Inc. seeking to amend its license to provide basic local exchange service to include the local exchange areas presently served by Frontier Communications of Michigan, Inc. Written and electronic comments may be filed with the Commission no later than 5:00 p.m. on **Monday, January 3, 2011**. Written comments should be sent to the: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Electronic comments may be sent via e-mail to: <mpscdockets@michigan.gov>. All comments should reference Case No. U-16491.

## NOTICES OF HEARINGS |

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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.

*No pending Notices of Hearing have been issued  
by the Michigan Public Service Commission at this time.*

## MPSC HEARINGS SCHEDULE |

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Note: Unless indicated otherwise, hearings are held in the offices of the Commission, 6545 Mercantile Way, Suite 7, Lansing, Michigan. Hearing dates and times are subject to change or cancellation. Please check with the Commission's Executive Secretary at (517) 241-6160 to confirm that a hearing will be taking place.

### KNOWN TELECOM HEARINGS SCHEDULED FOR THE NEXT FORTNIGHT (DECEMBER 27, 2010 THROUGH JANUARY 7, 2011)

*No telecommunications hearings are known to be scheduled before  
the Michigan Public Service Commission during the next fortnight.*

### FUTURE TELECOM HEARINGS SCHEDULED

January 11 2011, 9:00 a.m.  
Case No. U-16464/Evidentiary Hearing  
Assurance Home Phones, Inc. (License)

January 18 and 19, 2011, 9:00 a.m.  
Case No. U-16467/Evidentiary Hearing  
TDS Metrocom, LLC and McLeod USA  
Telecommunications Services, L.L.C., d/b/a  
PAETEC Business Services v AT&T Michigan  
(Alter Network Element Rate)

February 9, 2011, 9:00 a.m.  
Case No. U-16474/Evidentiary Hearing  
Talk America, Inc. d/b/a Cavalier Telephone and  
LDMI Telecommunications, Inc. d/b/a Cavalier  
Telephone v Sprint Communications Company  
L.P. (Intercarrier Dispute: Access Charges)

March 22 and 23, 2011, 9:00 a.m.  
Case No. U-16501/Evidentiary Hearing  
AT&T Michigan v B&S Telecom, Inc., Quick  
Communications, Inc. and Bruce Yuille  
(Interconnection Agreement Dispute)

## 2011 REGULAR MPSC MEETING DATES\* |

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

*The Michigan Public Service Commission  
has not yet announced its Meeting Schedule for 2011.*

\* 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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# *Happy Holidays*

*From the Telecommunications Group at*

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