



### FEATURES |

#### **Annual Video Services Competition Report Shows More Providers Entering Michigan Market**

Note: The following Press Release was issued by the Michigan Public Service Commission on February 2, 2010. For additional information contact Judy Palnau at (517) 241-3323.

The Michigan Public Service Commission (MPSC) yesterday issued its third annual report on the status of competition for video services in Michigan. The report is required by the Uniform Video Services Local Franchise Act (Public Act 480 of 2006). . . .

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### **Annual Video Services Competition Report Shows More Providers Entering Michigan Market** | continued from Page 1

. . . “With three new companies entering the market in 2009, video and cable competition continues to grow in Michigan, giving customers more options,” said MPSC Chairman Orjiakor Isiogu. “In addition, a 2 percent growth in the number of cable customers, and the investment of hundreds of millions of dollars by providers are positive signs. And with a dispute resolution process now in place, the MPSC is equipped to handle complaints more effectively.”

The report includes sections on the responsibilities and activities of the MPSC; the 2009 commission survey of franchise entities and providers; 2009 legislative activity; conclusions; and recommendations.

Highlights of the report include:

- During 2009, 174 municipalities said they had one new provider file for a franchise agreement; 22 said they had at least two new providers file for a franchise agreement; four said they had three new providers file for a franchise agreement; and one said it had four new providers file for a franchise agreement.
- The three new companies that began offering video/cable services are: Drenthe Telephone Company, Michigan Cable Partners, and Ace Communications Group.
- During 2009, providers said Michigan has 2,365,147 video/cable customers in Michigan, an increase of 42,676 from the previous year.
- Since Jan. 1, 2007 (the date the Act became effective), nine video/cable providers have entered Michigan's market.
- The top three companies providing video/cable service in Michigan remain the same as 2008: Comcast, Charter Communications and Wideopenwest Michigan (WOW).
- The Act was amended in 2009 to provide the MPSC with authority to assist with complaints, and provide customers, providers and franchise entities with a dispute resolution process.
- The MPSC received 1,025 customer complaints in 2009, similar to the number received in 2008.

- The most common complaints were related to billing, charges, and credits; channel line-ups; and other issues.
- No new formal complaints were filed at the MPSC in 2009. Three formal complaints filed in 2008 were still active during part of 2009. Of those, one was dismissed; one was dismissed with prejudice; and the third accepted a mediator's decision.
- Providers report that they have invested \$894,207,814 into their Michigan video/cable markets since the Act became effective; in 2009 alone, they invested \$269,780,173 in their Michigan markets.
- The MPSC made two recommendations to the legislature: changing the due date of the annual report to March 1 from February 1 to provide survey respondents more time to provide information to the MPSC; requiring providers to provide certain contact information to the MPSC.

The entire report is available on the MPSC's Web site (click on the video/cable button): <<http://michigan.gov/mpsc>>.

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

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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 #<br>Primary<br>Sponsor | Date<br>Introduced | Description  | Status<br>(revisions in bold)  |
|-------------------------------------|--------------------|--|--|
| SB 012<br>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<br>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<br>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 #<br>Primary Sponsor | Date Introduced | Description   | Status<br>(revisions in bold)   |
|----------------------------------|-----------------|---|---|
| SB 149<br>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<br>2009 PA 4<br>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<br>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<br>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<br>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.   |
| SB 417<br>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<br>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<br>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. Tie-Bar to SB 402. | 01/26/2010 Substitute S-4 passed Senate, 31 Yeas, 6 Nays, 1 Excused; Referred to House Committee on Transportation.   |

| Senate Bill #<br>Primary Sponsor | Date Introduced   | Description   | Status<br>(revisions in bold)                                       |
|----------------------------------|-------------------|---|---|
| SB 611<br>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<br>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<br>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<br>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<br>Basham                | 01/20/2010        | Communications; broadcasting; employment contracts for broadcasters; prohibit certain provisions.   | Referred to Senate Committee on Commerce and Tourism.               |
| <b>SB 1133<br/>Garcia</b>        | <b>02/10/2010</b> | <b>Communications; telecommunications; distribution of emergency 9-1-1 service enabling funds; modify. Amends sec. 408 of 1986 PA 32 (MCL 484.1408).</b>  | <b>Referred to Senate Committee on Appropriations.</b>              |

| House Bill #<br>Primary Sponsor | Date Introduced | Description   | Status<br>(revisions in bold)   |
|---------------------------------|-----------------|---|---|
| HB 4232<br>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<br>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. |

| House Bill #<br>Primary<br>Sponsor   | Date<br>Introduced | Description   | Status<br>(revisions in bold)   |
|--------------------------------------|--------------------|---|---|
| HB 4257<br>Melton<br><br>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<br>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<br>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<br>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<br>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<br>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<br>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<br>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<br>Mayes<br><br>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.                               |

| House Bill #<br>Primary<br>Sponsor | Date<br>Introduced | Description  | Status<br>(revisions in bold)  |
|------------------------------------|--------------------|--|--|
| HB 5079<br>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<br>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<br>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<br>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<br>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<br>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<br>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<br>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.  |

| House Bill #<br>Primary Sponsor     | Date Introduced | Description   | Status<br>(revisions in bold)  |
|-------------------------------------|-----------------|---|--|
| HB 5556<br>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<br>Geiss<br><br>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<br>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<br>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<br>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<br>Thomas            |

| Public Act # | Effective Date | Description   | Enrolled Bill # and Sponsor |
|--------------|----------------|---|-----------------------------|
| 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<br>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<br>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<br>Geiss            |

## **ORDERS ISSUED BY MPSC |**

The Michigan Public Service Commission (“Commission”) issued the following Orders at its regularly scheduled meeting held on February 8, 2010 at 9:00 a.m.:

### **Case No. U-13328**

Interconnection Agreement

**AT&T Michigan and RVP Fiber Company, LLC**

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

**Application filed on January 5, 2010 for approval of a Tenth Amendment to an Interconnection Agreement (establishes a new rate for DS1 cross connects and clarifies the definition of DS1 cross connects and 4-wire cross connects).**

### **Case No. U-16170**

Interconnection Agreement

**AT&T Michigan and Tennessee Telephone Service, LLC d/b/a Freedom Communications USA, LLC**

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16170>

**Application filed on December 23, 2009 for approval of an Interconnection Agreement (adopts the Interconnection Agreement dated November 5, 2008 between AT&T Michigan and Budget Prepay, Inc. d/b/a Budget Phone, approved by the Commission in an order issued on December 4, 2008 in Case No. U-15732, including the First through Seventh amendments, known collectively as the MFN Agreement).**

### **Case No. U-16173**

Interconnection Agreement

**AT&T Michigan and Zayo Bandwidth, LLC**

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16173>

**Application filed on December 23, 2009 for approval of an Interconnection Agreement (adopts the Interconnection Agreement dated May 15, 2005, between AT&T Michigan and Metropolitan Telecommunications of Michigan, Inc. d/b/a MetTel DE, approved by the Commission in an order issued on June 30, 2005, in Case No. U-14553, including the First through Third amendments, known collectively as the MFN Agreement).**

On February 8, 2010, the Michigan Public Service Commission (“Commission”) issued an Order approving the above-listed Interconnection Agreements and Amendments.

On February 8, 2010, the Michigan Public Service Commission (“Commission”) issued an Order Approving Rules approving two sets of proposed rules. The first set of proposed rules govern the provision of unbundled network elements (“UNEs”) and local interconnection. The second set of proposed rules governs the transfer of customers from one provider to another. The proposed rules have been submitted to the Legislative Service Bureau and the State Office of Administrative Hearings and Rules for their formal approval. Upon formal approval of each set of proposed rules, the proposed rule shall be transmitted to the Joint Committee on Administrative Rules and become effective.

The set of proposed rules regarding UNEs and local interconnection were issued for comment by the Commission on August 25, 2009. Parties were invited to comment on the proposed rules by October 20, 2009, and a public hearing was held on October 6, 2009. The only comments received concerning this set of rules supported the Commission’s adoption of the rules as proposed.

The second set of proposed rules, dealing with the transfer of customers from one provider to another, was issued on August 25, 2009. Parties were invited to comment on the proposed rules by October 20, 2009, and a public hearing was held on October 6, 2009. Various parties did comment on this set of rules. The Michigan Cable Telecommunications Association (“MCTA”), AT&T Michigan, and the Midwest Association of Competitive Carriers (“MACC”) requested that the Commission delay this proceeding or wait until the Federal Communications Commission (“FCC”) completes its consideration of various issues pertinent to the migration of customers from one provider to another. The comments argued that the Commission’s rules could create conflict with emerging federal standards and term definition. The Commission found that it is not legally permitted to delay this proceeding to wait for the FCC to clarify what it intends to do with its own rules because Section 213 of the Michigan Telecommunications Act, MCL 484.2213, requires the Commission to complete the rulemaking proceeding within one-hundred eighty (180) days of the date the proceeding was commenced. The Commission did, however, modify the proposed rules based on other comments. The Commission modified Rule 3, R 484.83 to clarify that the phrase “simple stand alone number portability”, should be replaced with “simple port” because the FCC has various orders that refer to such as a “simple port”. The Commission modified Rule 5, R 484.85 to require providers to follow industry standard as well as federal law when porting an end-user’s number. The Commission also moved Rule 5(7) to make a new subrule 8(3) so that all service quality standards are stated in the same section of the proposed rules. In response to various comments received on Rule 6 regarding whether or not many Competitive Local Exchange Carriers have a method to populate the circuit identification numbers into a customer service record, the Commission modified the subrule to permit flexibility and avoid potential conflicts with the federal rules.

The initial proposed rules on the transfer of customers from one provider to another had an effective date seven (7) days after transmission to the Joint Committee on Administrative Rules. Various parties argued that seven days was not sufficient time to implement the changes required by the proposed rules. In its Order, the Commission extended the effective date to thirty (30) days and noted that there is Commission precedence for the granting of temporary waivers for implementation of new rules, and stated that the Commission is willing to entertain requests from individual providers for temporary waivers of up to sixty (60) days after the effective date.

**Case No. U-16085**

Eligible Telecommunications Carrier

**Michigan Access, Inc.****<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16085>**

On February 8, 2010, the Michigan Public Service Commission (“Commission”) issued an Order designating Michigan Access, Inc. an Eligible Telecommunications Carrier (“ETC”) for purposes of Universal Service Fund (“USF”) support pursuant to Section 214(e)(2) of the Federal Communications Act of 1934, 47 USC § 214(e)(2). Michigan Access initially applied for ETC Designation on September 11, 2009 and filed a revised Application on January 21, 2010.

**Case No. U-16118**

Eligible Telecommunications Carrier

**TC3 Telecom, Inc.****<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16118>**

On February 8, 2010, the Michigan Public Service Commission (“Commission”) issued an Order designating TC3 Telecom, Inc. an Eligible Telecommunications Carrier (“ETC”) for purposes of Universal Service Fund (“USF”) support pursuant to Section 214(e)(2) of the Federal Communications Act of 1934, 47 USC § 214(e)(2). TC3 Telecom initially applied for ETC Designation on October 19, 2009 and filed a revised Application on January 21, 2010.

**Case No. U-16127**

License

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

On February 8, 2010, the Michigan Public Service Commission (“Commission”) issued an Order granting to IntelePeer, Inc. a license to provide basic local exchange service throughout the State of Michigan. This license replaces the temporary license issued by the Commission on December 28, 2009.

**Case No. U-16142**

License

**Zayo Enterprise Networks, LLC****<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16142>**

On February 8, 2010, the Michigan Public Service Commission (“Commission”) issued an Order granting to Zayo Enterprise Networks, LLC a license to provide basic local exchange service throughout the State of Michigan. This license replaces the temporary license issued by the Commission on December 28, 2009.

**Case No. U-16171**

TSLRIC

**Upper Peninsula Telephone Company and Michigan Central Broadband Company, LLC****<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16192>**

On February 8, 2010, the Michigan Public Service Commission (“Commission”) issued an Opinion and Order regarding Upper Peninsula Telephone Company (“UPTel”) and Michigan Central Broadband Company, LLC’s (“MCBC”), January 29, 2010 Joint Application for approval of total service long run incremental cost (“TSLRIC”) studies. According to the Application, UPTel’s TSLRIC study covers UPTel’s TSLRIC to provide service in its 15 exchanges located in the Upper Peninsula, and MCBC’s TSLRIC study covers the MCBC’s TSLRIC to provide service in 4 exchanges located in the Lower Peninsula.

The Commission's Order establishes a schedule for a comment proceeding on UPTel and MCBC's Application. The Commission requests that any interested person seeking to participate in this proceeding file a Notice of Intent to Participate by Tuesday, February 16, 2010. An initial Prehearing Conference was scheduled and held on Thursday, February 18, 2010 at the Commission's offices for consideration of Climax's proposed Protective Order to cover confidential data in this proceeding. On or before March 15, 2010, parties shall file their initial comments in this docket. On or before April 5, 2010, parties shall file their reply comments. According to the Order, at this time, the Commission anticipates that its final order in this proceeding will be issued on April 27, 2010.

## **APPLICATIONS AND COMPLAINTS |**

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**Case No. U-11098**

**Interconnection Agreement**

**AT&T Michigan and MCImetro Access Transmission Services, LLC d/b/a  
Verizon Access Transmission Services  
<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=11098>**

On February 9, 2010, AT&T Michigan and MCImetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services jointly filed an Application with the Michigan Public Service Commission ("Commission") requesting approval of the Fifteenth Amendment to their Interconnection Agreement. According to the Application, the Fifteenth Amendment extends the terms of the Fourteenth Amendment pertaining to Superseding Certain Reciprocal Compensation, Interconnection and Trunking Terms through July 31, 2011.

**Case No. U-11178**

**Interconnection Agreement**

**AT&T Michigan and MCImetro Access Transmission Services, LLC d/b/a  
Verizon Access Transmission Services  
<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=11178>**

On February 9, 2010, AT&T Michigan and MCImetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services jointly filed an Application with the Michigan Public Service Commission ("Commission") requesting approval of the Fourteenth Amendment to their Interconnection Agreement. According to the Application, the Fourteenth Amendment extends the terms of the Thirteenth Amendment pertaining to Superseding Certain Reciprocal Compensation, Interconnection and Trunking Terms through July 31, 2011.

**Case No. U-13758**

**Interconnection Agreement**

**AT&T Michigan and MCImetro Access Transmission Services, LLC d/b/a  
Verizon Access Transmission Services  
<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=13758>**

On February 9, 2010, AT&T Michigan and MCImetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services jointly filed an Application with the Michigan Public Service Commission ("Commission") requesting approval of the Twelfth Amendment to their Interconnection Agreement. According to the Application, the Twelfth Amendment extends the terms of the Tenth Amendment pertaining to Superseding Certain Reciprocal Compensation, Interconnection and Trunking Terms through July 31, 2011.

**Case No. U-15334**

**Interconnection Agreement**

**AT&T Michigan and KMC Data LLC**

**<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15334>**

On February 10, 2010, AT&T Michigan and KMC Data LLC jointly filed an Application with the Michigan Public Service Commission (“Commission”) requesting approval of the Second Amendment to their Interconnection Agreement. According to the Application, the Second Amendment changes KMC Data, LLC’s name to Hypercube Telecom, LLC throughout the Interconnection Agreement.

**Case No. U-15966**

**Eligible Telecommunications Carrier**

**Virgin Mobile USA, LLC**

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

On February 16, 2010, Virgin Mobile USA, LLC filed an Application with the Michigan Public Service Commission (“Commission”) requesting an Amendment or, in the Alternative, Replacement of its Existing Designation as an Eligible Telecommunications Carrier (“ETC”), which was issued by the Commission on December 1, 2009. According to the Application, Virgin Mobile is now a facilities based pre-paid wireless carrier, following its acquisition by Sprint Nextel Corporation.

**Case No. U-16202**

**Interconnection Agreement**

**Verizon North Inc. and Contel of the South, Inc. d/b/a Verizon North Systems and Telecom Management, Inc. d/b/a Pioneer Long Distance**

**<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=16202>**

On February 5, 2010, Verizon North Inc. and Contel of the South, Inc. d/b/a Verizon North Systems and and Telecom Management, Inc. d/b/a Pioneer Long Distance jointly filed an Application with the Michigan Public Service Commission (“Commission”) requesting approval of an Interconnection Agreement.

## **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.

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

## **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.

**Case No. U-16181**

**Video Franchise - Show Cause**

**Pine River Cable**

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

The Michigan Public Service Commission ("Commission") will hold a public hearing regarding possible violations of the Uniform Video Services Local Franchise Act by Pine River Cable on **Tuesday, March 9, 2010 at 9:00 a.m.**, before Administrative Law Judge Sharon L. Feldman at the offices of the Michigan Public Service Commission, 6545 Mercantile Way, Suite 7, Lansing, Michigan. On January 11, 2010, the Commission issued an Order directing Pine River Cable to show cause why it should not be found in violation of the Uniform Video Services Local Franchise Act, 2006 PA 480, as amended, MCL 484.3301 *et seq.*

**Case No. U-16182**

**Video Franchise - Show Cause**

**CableMax Communications**

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

The Michigan Public Service Commission ("Commission") will hold a public hearing regarding possible violations of the Uniform Video Services Local Franchise Act by CableMax Communications on **Tuesday, March 9, 2010 at 10:00 a.m.**, before Administrative Law Judge Sharon L. Feldman at the offices of the Michigan Public Service Commission, 6545 Mercantile Way, Suite 7, Lansing, Michigan. On January 11, 2010, the Commission issued an Order directing CableMax Communications to show cause why it should not be found in violation of the Uniform Video Services Local Franchise Act, 2006 PA 480, as amended, MCL 484.3301 *et seq.*

## **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** **(FEBRUARY 22, 2010 THROUGH MARCH 5, 2010)**

There are presently no known telecommunications hearings before the Michigan Public Service Commission during the upcoming 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, 10:00 a.m.  
Case No. U-16182/Prehearing Conference  
CableMax Communications (video franchise show cause)

## **2010 REGULAR MPSC MEETING DATES\* |**

| <u>Month &amp; Date</u> | <u>Day</u> | <u>Time</u> |
|-------------------------|------------|-------------|
| 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.   |
| 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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