

M ICHIGAN **T** ELECOMMUNICATIONS **R** EPORT™

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*** MR. COY IS A MEMBER
IN THE CLARK HILL PLC LAW FIRM
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*No orders have been issued by the MPSC since
June 30, 2005*

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**CLARK HILL PLC
212 East Grand River Avenue
Lansing, MI 48906-4328
(517) 318-3100 – phone
(517) 318-3099 –fax**

FEATURES

Note: The Federal Communications Commission issued the following press release on July 7, 2005.

FEDERAL COMMUNICATIONS COMMISSION RELEASES DATA ON HIGH-SPEED SERVICES FOR INTERNET ACCESS

High-Speed Connections to the Internet Increased 34% During 2004 for a Total of 38 Million Lines in Service

Washington, D.C. – The Federal Communications Commission (FCC) today released new data on high-speed connections to the Internet in the United States. Twice a year, facilities-based broadband providers must report the number of high-speed connections in service pursuant to the FCC's local competition and broadband data gathering program (FCC Form 477).

For reporting purposes, *high-speed lines* are connections that deliver services at speeds exceeding 200 kilobits per second (kbps) in at least one direction, while *advanced services lines* are connections that deliver services at speeds exceeding 200 kbps in both directions.

For the purposes of this report we collected data from providers with at least 250 high-speed lines in a state. Statistics released today reflect data as of December 31, 2004 filed by providers on FCC Form 477 in the Commission's local competition and broadband data gathering program.

1) High-Speed Lines

- During the year 2004, high-speed lines serving residential, small business, larger business, and other subscribers increased by 34%, to

37.9 million lines. The increase was 17% during the second half of 2004, from 32.5 million to 37.9 million lines, compared to a 15% increase, from 28.2 million to 32.5 million lines, during the first half of the year.

- High-speed lines serving residential and small business subscribers increased by 36% during 2004, to 35.3 million lines. The increase was 17% during the second half of the year, from 30.1 million to 35.3 million lines, compared to a 16% increase, from 26.0 million to 30.1 million lines, during the first six months.
- During the year 2004, asymmetric digital subscriber line (ADSL) high-speed lines increased by 45%, to 13.8 million lines. They increased by 21% during the second half of 2004, from 11.4 million to 13.8 million lines, compared to a 20% increase, from 9.5 million to 11.4 million lines, during the preceding six months.
- High-speed coaxial cable connections (cable modem service) increased by 30% during 2004, to 21.4 million lines. They increased by 15% during the last six months of 2004, from 18.6 million to 21.4 million lines, compared to a 13% increase in the first half of the year, from 16.4 million to 18.6 million lines.
- The remaining 2.7 million high-speed connections in service at the end of 2004 were satellite or terrestrial wireless connections, fiber or powerline connections, or wireline connections other than ADSL. During 2004, satellite or terrestrial wireless connections increased by

50%, to 0.5 million, and fiber or powerline connections increased by 16%, to 0.7 million.

advanced services lines increased by 15%.

2) Advanced Services Lines

- Advanced services lines of all technology types increased by 42%, to 28.9 million lines, during the year 2004. They increased by 23% during the second half of 2004, from 23.5 million to 28.9 million lines, compared to a 15% increase during the first half of the year, from 20.3 million to 23.5 million lines.
- About 26.4 million of the 28.9 million advanced services lines served residential and small business subscribers.
- ADSL advanced services lines increased by 88% and cable modem advanced services lines increased by 36% during 2004. ADSL advanced services lines increased by 51% during the last six months of 2004, compared to a 19% increase for cable modem advanced services lines. During the first half of the year, ADSL advanced services lines increased by 24% and cable modem

3) Geographic Coverage

- At the end of 2004, the service providers that report to the Commission had at least one high-speed service subscriber in 95% of the nation's zip codes. Our analysis indicates that 99% of the country's population lives in these zip codes.

The summary statistics released today also include state-by-state, population density, and household income information, ranked by zip codes. As additional information becomes available, it will be posted on the Commission's Internet site.

The report is available for reference in the FCC's Reference Information Center, Courtyard Level, 445 12th Street, SW, Washington, DC. Copies may be purchased by calling Best Copy and Printing, Inc. at (800) 378-3160. The report can also be downloaded from the **FCC-State Link** Internet site at www.fcc.gov/wcb/stats.

- FCC -

PENDING LEGISLATION

The following is a list of active telecommunications bills that have been introduced during the current legislative session. Copies of bills and public acts referred to in this column may be obtained by contacting your state senator or representative, on the Michigan Legislature Web site, <<http://www.michiganlegislature.org/>> or from the Legislative Service Bureau Document Room at (517) 373-0169.

Senate Bill # Senator	Date Introduced	Description	Status
SB 48 Johnson	1/25/05	State; authorities; issuance of bonds for equipment associated with telecommunications on the campuses of Michigan institutions of higher education with lease options back to the institutions and the state; provide for. Amends sec. 7 of 1964 PA 183 (MCL 830.417).	To Senate Committee on Appropriations
SB 58 Cherry	1/25/05	Communications; telecommunications; 9-1-1 system to pinpoint caller location; provide for. Amends 1986 PA 32 (MCL 484.1101 – 484.1717) by adding sec. 408a	To Senate Committee on Technology and Energy
SB 127 Hardiman	2/1/05	Communications; cellular telephone; customer consent to list numbers in a cell phone directory; require. Amends 1991 PA 179 (MCL 484.2101 - 484.2701) by adding sec. 360a.	To Senate Committee on Technology and Energy
SB 221 McManus	2/17/05	Income tax; credit; tax credit for placement of a cell phone tower on an individual's property located in an underserved area; provide for. Amends 1967 PA 281 (MCL 206.1 - 206.532) by adding sec. 262.	5/25/05 passed Senate with Sub S-2, yeas 27, nays 9, excused 2, not voting 0; 5/25/05 referred to Committee on Tax Policy
SB 222 Barcia	2/17/05	Single business tax; credit; tax credit for companies that construct cell phone towers in rural areas; establish. Amends 1975 PA 228 (MCL 208.1 - 208.145) by adding sec. 35c.	5/25/05 passed Senate with Sub S-1, yeas 28, nays 9, excused 1, not voting 0; referred to House Committee on Tax Policy
SB 224 Van Woerkom	2/17/05	Communications; telecommunications; broadband development authority; require to designate a certain amount of financial assistance to rural underserved areas. Amends sec. 7 of 2002 PA 49 (MCL 484.3207).	6/7/05 passed, yeas 32, nays 2, excused 4, not voting 0; referred to House Committee on Energy and Technology
SB 528 Johnson	5/24/05	Communications; telecommunications; regulation of telecommunications industry; eliminate. Creates new act.	To Senate Committee on Technology and Energy
SB 551 Patterson	5/21/05	Communications; telecommunications; rule making and eliminate sunset of the Michigan telecommunications act; provide for. Repeals enacting section 1, rulemaking provision, of 2004 PA 591.	6/28/05 passed House, yeas 106, nays 1; 6/30 given immediate effect and ordered enrolled;

SB 595 Switalski	6/16/05	Use tax; rate; certain telecommunication services and motion picture films; include in taxable items. Amends sec. 3a of 1937 PA 94 (MCL 205.93a).	6/16 referred to Senate Committee on Appropriations
SCR 0021 Patterson	5/18/05	A concurrent resolution to urge the Federal Communications Commission (FCC) to use its authority post haste to require that Voice Over Internet Protocol (VOIP) service providers make enhanced 9-1-1 emergency call services available to all customers.	To Senate Committee on Technology and Energy

House Bill # Representative	Date Introduced	Description	Status
HB 4050 Lemmons III	1/27/05	Corrections; state facilities; telephone system for state correctional facilities; impose requirements. Amends 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 69b.	To House Committee on Judiciary
HB 4052 Lemmons III	1/27/05	Trade; consumer goods and services; sale of cellular telephones and pagers to a minor; require written parental consent. A bill to prohibit the sale of cellular telephones and pagers to certain minors without written parental consent; and to prescribe civil sanctions.	To House Committee on Judiciary
HB 4067 Schuitmaker	1/27/05	Communications; telecommunications; requirement for timely transfer of customers from 1 provider to another; provide for. A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 364.	To House Committee on Energy and Technology
HB 4397 Sak	2/23/05	Communications; telecommunications; cell phone numbers listed with directory assistance; provide for. Amends sec. 309 of 1991 PA 179 (MCL 484.2309).	To House Committee on Energy and Technology
HB 4423 Wojno	3/1/05	Prohibits telemarketers from leaving certain messages requesting consumers to return call. Am. Sec. 1c, PA 227, 1971 (MCL 445.111c) as added by PA	To House Committee on Energy and Technology

House Bill # Representative	Date Introduced	Description	Status
		612, 2002.	
HB 4563 Garfield	3/24/05	A bill to repeal 2002 PA 49, entitled "Michigan broadband development authority act," (MCL 484.3201 to 484.3225).	To House Committee on Energy and Technology
HB 4600 Drolet	4/13/05	Communications; telecommunications; regulation of telecommunications industry; eliminate. Creates new act entitled the "communications act" to be effective 01/01/06. A bill to promote deployment of and investment in communications services in this state; and to prescribe the powers and duties of certain state agencies and officials.	To House Committee on Energy and Technology
HB 4952	6/16/05	Use tax; rate; certain telecommunication services and motion picture films; include in taxable items. Amends sec. 3a of 1937 PA 94 (MCL 205.93a).	To House Committee on Tax Policy

PUBLIC ACTS OF 2005

Listed below are Public Acts related to telecommunications that have been passed during the current legislative session (2005-2006). 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.

Public Act No.	Effective Date	Description	Enrolled Bill No. and Sponsor
2005 PA 58	6/30/2005	Communications; telecommunications; rule making and eliminate sunset of the Michigan telecommunications act; provide for. Repeals enacting section 1 of 2004 PA 591.	SB 551 Patterson

ORDERS

No MPSC Orders have been issued since June 30, 2005

NOTICES OF HEARING

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-14469
C A Networks, Inc
(license)**

The March 28, 2005 application and its June 15, 2005 amended application of C A Networks, Inc. for a license to provide basic local exchange service throughout the State of Michigan in the zone and exchange areas served by SBC Michigan, Verizon North Incorporated, and Contel of the South, Inc., d/b/a Verizon North Systems, is set for an Evidentiary Hearing at **9:00 a.m. on July 19, 2005**. Interventions are due on or before **July 15, 2005**. A copy of the notice of hearing and proofs of issuance shall be filed with the Commission by the hearing on July 19, 2005.

**Case No. U-14536
BellSouth Long Distance Inc
(license)**

The May 26, 2005 application of BellSouth Long Distance, Inc. for a license to provide basic local exchange service throughout the State of Michigan in the zones and exchanges served by Verizon North Inc., Verizon North Systems and SBC Michigan is set for an evidentiary hearing at **9:00 a.m. on July 20, 2005**. Interventions are due on or before **July 18, 2005**.

* * *

PSC HEARINGS SCHEDULE

Note: Unless indicated otherwise, hearings are held in the offices of the Commission, 6545 Mercantile Way, Suite 7, Lansing.

Hearings Scheduled for Last Week (July 5 - 8, 2005)
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no telecom hearings were scheduled

Hearings Scheduled for This Week (July 11 - 15, 2005)
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July 12, 2005, 9:00 a.m.
Case No. U-14528/prehearing
Commission's Own Motion (Detroit Edison pole attachments)

Future Hearings Scheduled

July 19, 2005, 9:00 a.m.
Case No. U-14469/evidentiary hearing
C A Networks (license)

July 20, 2005, 9:00 a.m.
Case No. U-14534/public hearing
Ronald & Angela Nikolits v Close Call America
(slamming)

July 20, 2005, 9:00 a.m.
Case No. U-14536/evidentiary hearing
BellSouth Long Distance Inc (license)

APPLICATIONS AND COMPLAINTS

Case No. 11098

MCImetro Access Transmission Services LLC and SBC Michigan (interconnection agreement)

On June 29, 2005 MCImetro Access Transmission Services, LLC (as successor in interest to MCI WORLDCOM Communications) and SBC Michigan jointly applied to the Michigan Public Service Commission for approval of the Ninth Amendment to their Interconnection Agreement which the parties state “revises certain terms and conditions pertaining to reciprocal compensation and extends the term of the Agreement to June 30, 2007.”

Case No. U-11178

MCImetro Access Transmission Services LLC and SBC Michigan (interconnection agreement)

On June 29, 2005 MCImetro Access Transmission Services, LLC (as successor in interest to Brooks Fiber Communications of Michigan) and SBC Michigan jointly applied to the Michigan Public Service Commission for approval of the Eighth Amendment to their Interconnection Agreement which the parties state “revises certain terms and conditions pertaining to reciprocal compensation and extends the term of the Agreement to June 30, 2007.”

Case No. U-12454

CoreComm Michigan Inc and SBC Michigan (interconnection agreement)

On July 6, 2005 CoreComm Michigan, Inc. and SBC Michigan jointly applied to the Michigan Public Service Commission (“Commission”) for approval of the Second Amendment to their Interconnection Agreement reflecting new costs for unbundled network elements (UNEs) as ordered by the Commission in its January 25, 2005 Order in Case No. U-13531.

Case No. U-12798

Focal Communications Corp of Michigan and SBC Michigan (interconnection agreement)

On July 6, 2005 Focal Communications Corporation of Michigan and SBC Michigan jointly applied to the Michigan Public Service Commission for approval of the Eighth Amendment to their Interconnection Agreement, which extends the term of the Amendment Superseding Certain Intervening Law, Compensation, Interconnection and Trunking Provisions until December 31, 2006.

Case No. U-12927

DIECA d/b/a Covad Communications and SBC Michigan (interconnection agreement)

On July 5, 2005 DIECA d/b/a Covad Communications and SBC Michigan jointly applied to the Michigan Public Service Commission for approval of the Tenth Amendment to their Interconnection Agreement, which deletes language and rates from the underlying Sam Adams amendment pertaining to Shared Line Provisioning Intervals, Access to and Collocation of Remote Terminals, and Broadband

Services offered on NGDLC as well as deletion of Line Sharing and HFPL, HFPL cross connects and SBC ILEC splitter rates.

On July 8, 2005 DIECA d/b/a Covad Communications and SBC Michigan jointly applied to the Michigan Public Service Commission for approval of the Eleventh Amendment to their Interconnection Agreement reflecting new costs for unbundled network elements (UNEs) as ordered by the Commission in its January 25, 2005 Order in Case No. U-13531.

On July 8, 2005 DIECA d/b/a Covad Communications and SBC Michigan jointly applied to the Michigan Public Service Commission for approval of the Twelfth Amendment of their Interconnection Agreement (Post-TRO Remand ULS Rate Increase and Embedded Base Transition) which the parties state “conforms the Agreement to be consistent with at least the mass market unbundled local circuit switching findings by the FCC in its TRO Remand Order.”

On July 8, 2005 DIECA d/b/a Covad Communications and SBC Michigan jointly applied to the Michigan Public Service Commission for approval of the Thirteenth Amendment of their Interconnection Agreement (Post-TRO Remand ULS Rate Increase and Embedded Base Transition) which the parties state “conforms the Agreement to be consistent with at least the high capacity loop and dedicated transport findings by the FCC in its TRO Remand Order.”

Case No. U-13801
Access One Inc and SBC Michigan
(interconnection agreement)

On July 11, 2005 Access One, Inc. and SBC Michigan jointly applied to the Michigan Public Service Commission (“Commission”) for approval of the First Amendment to their Interconnection Agreement reflecting new costs for unbundled network elements (UNEs) as ordered by the Commission in its January 25, 2005 Order in Case No. U-13531.

Case No.. U-13805
grid4 Communications Inc and SBC Michigan
(interconnection agreement)

On July 6, 2005 grid4 Communications, Inc. and SBC Michigan jointly applied to the Michigan Public Service Commission (“Commission”) for approval of the First Amendment of their Interconnection Agreement reflecting new costs for unbundled network elements (UNEs) as ordered by the Commission in its January 25, 2005 Order in Case No. U-13531.

Case No. U-14278
KMC Telecom III LLC and SBC Michigan
(interconnection agreement)

On July 8, 2005 KMC Telecom III, LLC and SBC Michigan jointly applied to the Michigan Public Service Commission for approval of the Thirteenth Amendment to their Interconnection Agreement, which the parties state “establishes a Name Change to CenturyTel Acquisition, LLC d/b/a KMC Telecom III, LLC into the Agreement.”

Case No. U-14566

Christine F. Belles v Talk America Inc

(consumer complaint: false, misleading and deceptive statements)

On June 29, 2005 Christine F. Belles (“Complainant”), of Warren, filed a formal complaint with the Michigan Public Service Commission against Talk America, Inc. alleging that Talk America, Inc. changed its prices and local coverage areas from those originally represented to her when she ordered service. Complainant claims Talk America, Inc. changed its rates without notice, but that Talk America, Inc. claims that it simply corrected a billing error and that no notification was required. Complainant seeks reimbursement for out-of-pocket expenses totaling \$901.00, the imposition of fines and the entry of a cease and desist order against the company.

Case No. U-14567

Absolute Music LLC v Silv Communication Inc

(consumer complaint: slamming)

On June 30, 2005 Absolute Music, LLC (“Complainant”), of Michigan Center, filed a formal complaint with the Michigan Public Service Commission against Silv Communication, Inc. alleging that its telephone service provider was switched without authorization. Complainant seeks \$200 in out-of-pocket expenses, the imposition of fines and the entry of a cease and desist order against the company.

Case No. U-14568

Absolute Music LLC v Sprint

(consumer complaint: slamming)

On July 30, 2005 Absolute Music, LLC (“Complainant”), of Michigan Center, filed a formal complaint with the Michigan Public Service Commission against Sprint alleging that its telephone service provider was switched without authorization. Complainant seeks \$100 in out-of-pocket expenses, the imposition of fines and the entry of a cease and desist order against the company.

Case No. U-14584

Shannon Wygant v SILV Communication Inc

(consumer complaint: slamming)

On July 5, 2005 Shannon Wygant (“Complainant”), of Clarkston, filed a formal complaint with the Michigan Public Service Commission against SILV Communication, Inc., alleging that her telephone service provider was changed without her authorization. Complainant seeks reimbursement of out-of-pocket expenses totaling \$4,000.00, the imposition of fines and the entry of a cease and desist order against the company.

Case No. U-14585

Bloomington Telephone Co and Michiana Metronet d/b/a Centennial Wireless

(interconnection agreement)

On July 6, 2005 Bloomington telephone Company and Michiana Metronet d/b/a Centennial Wireless jointly applied to the Michigan Public Service Commission for approval of their Interconnection and Reciprocal Compensation Agreement.

Case No. U-14586
Sand Creek Telephone Co and Michiana Metronet d/b/a Centennial Wireless
(interconnection agreement)

On July 6, 2005 Sand Creek Telephone Company and Michiana Metronet d/b/a Centennial Wireless jointly applied to the Michigan Public Service Commission for approval of their Interconnection and Reciprocal Compensation Agreement.

Case No. U-14587
Springport Telephone Co and Michiana Metronet d/b/a Centennial Wireless
(interconnection agreement)

On July 6, 2005 Springport Telephone Company and Michiana Metronet d/b/a Centennial Wireless jointly applied to the Michigan Public Service Commission for approval of their Interconnection and Reciprocal Compensation Agreement.

Case No. U-14588
Upper Peninsula Telephone Co
(expanded local calling and adjusted rates)

On July 8, 2005 Upper Peninsula Telephone Company (“UPTel”) filed an application with the Michigan Public Service Commission for approval to offer expanded local calling and to adjust rates accordingly. UPTel states that although it is currently exempt from the expanded local calling provisions, it claims that because SBC, Verizon, CenturyTel, Pigeon, and Ace are all providing expanded local calling from adjacent exchanges, a call to a UPTel customer from an adjacent exchange is a local call, but, in many cases, a call in the opposite direction is a toll call and results in inquiries from UPTel’s customers. By expanding its local calling area, UPTel states it will be able to remedy this issue. UPTel proposes to implement an upward adjustment to its monthly rates of \$6.95 during the first year of the plan, and then increase rates by an additional \$1.00 in the second year of the plan, and by an additional \$1.00 in the third year of the plan.

Case No. U-14589
TDS Metrocom LLC and New Cingular Wireless PCS, LLC d/b/a Cingular Wireless
(interconnection agreement)

On July 7, 2005 TDS Metrocom LLC and New Cingular Wireless PCS, LLC d/b/a Cingular Wireless jointly applied to the Michigan Public Service Commission for approval of their Interconnection Agreement.

Case No. U-14590
TDS Metrocom LLC and Sprint Spectrum
(interconnection agreement)

On July 7, 2005 TDS Metrocom LLC and Sprint Spectrum jointly applied to the Michigan Public Service Commission for approval of their Interconnection Agreement.

* * *

PSC NOTICES OF OPPORTUNITY FOR COMMENT

Case No. U-14527
United Telecom, Inc.
(rate increases)

On May 19, 2005, United Telecom, Inc. filed an application with the Michigan Public Service Commission for approval of certain rate increases for basic local exchange service. The Michigan Public Service Commission directs United Telecom, Inc. to issue a notice of opportunity to comment in accordance with the Michigan Telecommunications Act, 1991 PA 179, as amended. The MPSC further directs that written and electronic comments may be filed with the Commission and must be received no later than **5:00 p.m. on July 22, 2005**. Written comments should be sent to the: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Electronic comments may be e-mailed to: mpscefilecases@michigan.gov. Customers may also contact the MPSC at (800) 292-9555. All comments should reference Case No. U-14527. Comments received in this matter will become public information.

Case No. U-14541
United Way for Southeastern Michigan 2-1-1 Partnership
(2-1-1 designation for Wayne County, Macomb County,
and Oakland County)

On June 3, 2005, the United Way for Southeastern Michigan 2-1-1 Partnership filed an application with the Michigan Public Service Commission (Commission) requesting assignment of the abbreviated telephone digits 2-1-1 and designation as the community resource information and referral answering point for any telephone exchange located, in whole or in part, within Wayne County, Macomb County, and Oakland County, Michigan. Any interested person may review the application at the offices of United Way for Southeastern Michigan 2-1-1 Partnership, or at the office of the Commission's Executive Secretary, 6545 Mercantile Way, Suite 7, Lansing, Michigan, between the hours of 8:00 a.m. and 12:00 p.m. and 1:00 p.m. and 5:00 p.m., Monday through Friday. Any interested person may submit comments on the application by sending comments, in writing, to the Commission by mail to: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909, with a copy mailed to Miller, Canfield, Paddock & Stone, PLC, One Michigan Avenue, Suite 900, Lansing, Michigan 48933. Electronic comments may be submitted to the Commission by e-mail at: mpscefilecases@michigan.gov. All comments should reference Case No. U-14541 and must be received by the Commission no later than **5:00 p.m. on July 29, 2005**. Comments received in this matter will become public information.

2005 REGULAR COMMISSION MEETING DATES*

Month & Date	Day	Time
July 19	Tuesday	1:30 p.m.
August 16	Tuesday	1:30 p.m.
September 20	Tuesday	1:30 p.m.
October 18	Tuesday	1:30 p.m.
November 3	Thursday	1:30 p.m.
December 20	Tuesday	1:30 p.m.

*Special meetings may be scheduled, as needed, on 18 hours' notice.

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