

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

A CLARK HILL PLC Publication, Roderick S. Coy*, Editor

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FEATURES

TELEPHONE, NATURAL GAS AND ELECTRIC INDUSTRIES ARE CHANGING – FIND OUT WHAT THIS MEANS FOR YOU!

Note: on August 2, 2005 the Michigan Public Service Commission (MPSC) announced its schedule of seven Consumer Forums to be held in Michigan cities this September as follows:

The Michigan Public Service Commission (MPSC) invites you to attend a consumer forum to learn about changes occurring in the electric, natural gas and

telephone industries. At the forum, you will be able to get the latest information on electric and natural gas rates for the winter, what opportunities you have to select an alternative electric or natural gas provider, and the status of local and long distance telephone service. A focus of this year's forums will be a discussion on the increase of wholesale natural gas prices and how the increase will impact monthly bills.

One of the Commission's three Commissioners - Chairman J. Peter Lark, Commissioner Laura Chappelle, or Commissioner Monica Martinez - will be available to discuss these changes, explain how the Commission makes decisions, and listen to your questions and comments regarding utility service.

"We are concerned about the impact of energy price increases on Michigan citizens this coming winter," said Commission Chairman J. Peter Lark. "My colleagues and I believe it is important for utility customers to have time to prepare for winter energy bills and make informed decisions about available options. We welcome the opportunity to meet utility customers and hear their comments and concerns on these and other important utility issues."

The remaining 2005 Consumer Forums are scheduled for:

Traverse City

Tuesday, September 27th, 6:30pm
Traverse Area District Library
Meeting Room
610 Woodmere Avenue

Detroit

Thursday, September 29th, 6:00pm
Wayne County Community College
District, Eastern Campus
Community Center – Cooper Room
5901 Conner Street

* * *

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
SB 737 Thomas III	9/6/05	Traffic control; violations; use of cellular telephone while operating a vehicle driving in a left lane of a highway; prohibit and provide penalties. Amends 1949 PA 300 (MCL 257.1 - 257.923) by adding sec. 682c.	To Senate Committee on Transportation
SB 754 Brown	9/13/05	Communications; telecommunications; general amendments; provide for. Amends secs. 102, 202, 208 & 304 of 1991 PA 179 (MCL 484.2102 et seq.) & repeals sec. 304b of 1991 PA 179 (MCL 484.2304b).	To Senate Committee on Technology and Energy
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

House Bill # Representative	Date Introduced	Description	Status
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 612, 2002.	To House Committee on Energy and Technology
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 Miller	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
HB 5115 Bieda	9/6/05	Environmental protection; recycling; collection for recycling or disposal of used cellular telephones by retailers; require. Amends 1994 PA 451 (MCL 324.101 - 324.90106) by adding pt. 175.	To Committee on Natural Resources, Great Lakes, Land Use, and Environment

HB 5122 Vander Veen	9/6/05	Trade; antitrust; refusals to deal by providers of electronic data interchange and value added network services; prohibit. Amends title & sec. 1 of 1984 PA 274 (MCL 445.771) & adds sec. 3a.	To Committee on Energy and Technology
HB 5133 Law	9/7/05	Traffic control; violations; use of cell phone while operating a vehicle by an individual in the graduated licensing program; prohibit and establish penalties. Amends sec. 907 of 1949 PA 300 (MCL 257.907) & adds sec. 602b.	To Committee on Judiciary

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
2005 PA 103	07/22/05	Public utilities, other; use of highway by public utilities; provide for under certain conditions. Amends sec. 13 of 1925 PA 368 (MCL 247.183).	SB 522 McManus

ORDERS

Case No. U-11098
SBC Michigan and MCI metro Access Transmission Services LLC,
as successor in interest to MCI WorldCom Communications, Inc.
Application filed August 3, 2005 for approval of a tenth amendment
to an interconnection agreement (interim solution for exchange of
out-of-exchange traffic)

Case No. U-11098

SBC Michigan and MCImetro Access Transmission Services LLC, as successor in interest to MCI WorldCom Communications, Inc. Application filed August 8, 2005 for approval of an eleventh amendment to an interconnection agreement (reciprocal compensation)

Case No. U-11178

SBC Michigan and MCImetro Access Transmission Services LLC, as successor in interest to Brooks Fiber Communications of Michigan, Inc Application filed August 3, 2005 for approval of a ninth amendment to an interconnection agreement (interim solution for exchange of out-of-exchange traffic).

Case No. U-11178

SBC Michigan and MCImetro Access Transmission Services LLC, as successor in interest to Brooks Fiber Communications of Michigan, Inc. Application filed August 8, 2005 for approval of a tenth amendment to an interconnection agreement (reciprocal compensation)

Case No. U-12465

SBC Michigan and AT&T Communications, Inc. Application filed August 4, 2005 for approval of a sixteenth amendment to an interconnection agreement (extends term of the agreement for 24 months and conforms to TRO and post-TRO remand requirements)

Case No. U-12465

SBC Michigan and TCG Detroit Holdings I, Inc. Application filed August 4, 2005 for approval of a fifteenth amendment to an interconnection agreement (extends term of the agreement for 24 months and conforms to TRO and post-TRO remand requirements)

Case No. U-12774

SBC Michigan and PaeTec Communications, Inc. Application filed August 17, 2005 for approval of a fifth amendment to an interconnection agreement (extends the term of the amendment until 5/1/06)

Case No. U-13124

SBC Michigan and McLeodUSA Telecommunications Services, Inc. Application filed July 29, 2005 for approval of a seventh amendment to an interconnection agreement (conforming to TELRIC cost studies in Case No. U-13531)

Case No. U-13580

SBC Michigan and Sprint Communications Company Limited Partnership

Application filed August 19, 2005 for approval of a sixth amendment to an interconnection agreement (adds language to SS7 tariffs)

Case No. U-13758

**SBC Michigan and MCI metro Access Transmission Services LLC
Application filed August 3, 2005 for approval of a sixth amendment to an interconnection agreement (interim solution for exchange of Out of Exchange Traffic)**

Case No. U-13758

**SBC Michigan and MCI metro Access Transmission Services LLC
Application filed August 8, 2005 for approval of a seventh amendment to an interconnection agreement (reciprocal compensation)**

Case No. U-13888

**Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, and MCI metro Access Transmission Services LLC
Application filed August 25, 2005 for approval of a third amendment to an interconnection agreement (UNE-P pricing extension)**

Case No. U-13889

**Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, and MCI metro Access Transmission Services LLC, as successor in interest to Brooks Fiber Communications of Michigan, Inc
Application filed August 25, 2005 for approval of the third amendment to an interconnection agreement (UNE-P pricing extension)**

Case No. U-13890

**Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, and MCI metro Access Transmission Services LLC, as successor in interest to MCI Worldcom Communications, Inc.
Application filed August 25, 2005 for approval of a third amendment to an interconnection agreement (UNE-P pricing extension)**

Case No. U-14398

SBC Michigan and Norlight Telecommunications, Inc.

Application filed August 29, 2005 for a second amendment to an interconnection agreement (incorporating certain rates, terms, and conditions pertaining to loop and transport rate increases and embedded base transition per the FCC TRO Remand Order of March 11, 2005)

Case No. U-14398

SBC Michigan and Norlight Telecommunications, Inc.

Application filed August 29, 2005 for a third amendment to an interconnection agreement (incorporating certain rates, terms and conditions pertaining to mass market unbundled local switching rate increases and embedded base transition per the FCC TRO Remand Order of March 11, 2005)

Case No. U-14592

SBC Michigan and Phone Co, Limited Partnership

Application filed September 7, 2005 for approval of a fifth amendment to an interconnection agreement (adds and replaces billing and insurance payment of charges)

Case No. U-14616

Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, and Easton Telecom Services, L.L.C.

Application filed on August 11, 2005 for approval of an interconnection agreement

Case No. U-14620

Upper Peninsula Telephone Company and Michiana Metronet, Inc., d/b/a Centennial Wireless

Application filed August 19, 2005 for approval of an interconnection and reciprocal compensation agreement

On September 20, 2005, the Michigan Public Service Commission (“Commission”) issued an order approving the interconnection agreements and amendments listed above.

Case No. U-14447

Commission’s Own Motion

(Accessible Letters: TRO/TRRO collaboration)

On September 20, 2005, the Michigan Public Service Commission (“Commission”) issued an order finding that the interconnection agreements between SBC and CLECs operating in Michigan should be amended as provided in the order, and allowing Verizon to negotiate with affected CLECs to come to an agreement on an appropriate amendment to their interconnection agreements pursuant to the process described in the order. The Commission had initiated this proceeding to provide for an orderly process to bring current interconnection agreements into compliance with the Federal Communications

Commission's ("FCC's") Triennial Review Order ("TRO") and its Triennial Review Remand Order ("TRRO").

On June 5, 2005, the Commission Staff ("Staff") filed on behalf of the active parties a joint list of disputed issues. Issues 15, 25, 26, and part of issue 23 were resolved by the parties prior to the Commission's order. In resolving the remaining issues, the Commission:

- Adopted SBC's definition of a building as primarily a "structure under one roof" but denied SBC's proposal to provide an exception for entire campuses or medical buildings to be considered a single building for purposes of the caps on the availability of DS1 and DS3 facilities.
- Rejected CLEC proposals to limit the removal of unbundling requirements for fiber to the home, fiber to the curb, and hybrid loops to the enterprise market.
- Defined the line between a mass market customer and an enterprise customer to include all residential customers and business locations served by a capacity of less than four DS0s.
- Found that, for a multiple dwelling unit to be considered predominantly residential, it must have greater than 50% of its rentable space allocated to residential use.
- Limited the definition of business lines to include only loops, whether UNE-P, UNE-L, or leased line, that actually serve business customers for purposes of determining whether wire centers are impaired.
- Rejected a CLEC proposal to include as affiliated carriers those entities that are currently subject to a binding agreement that, if consummated, would result in it becoming an affiliate of SBC.
- Directed that entrance facilities must still be made available at TELRIC rates to the extent required for interconnection.
- Found that SBC's 47 USC § 271 obligations should be included in interconnection agreements, the Commission held that CLECs must negotiate separately with SBC concerning the terms and conditions of such obligations, and rejected language suggested by both CLECs and SBC to address the issue.
- Held that, while at the conclusion of the FCC transition period CLECs should be operating without reliance upon network elements no longer required to be provided at UNE pricing, during the transition period SBC may not disconnect those services without the CLEC's prior authorization or request.
- Held that upon transition away from UNE-P and other no longer provided network elements, SBC may only charge for work actually performed. Where no physical work is required, there should be no charges other than the service order record simple charge.
- Held where and if a CLEC does not migrate its lines by the end of the transition period, and the delay is not attributable to SBC, SBC may charge a market rate until migration, defined as the rate for Local Wholesale Complete.
- Found that each CLEC must submit to SBC a transition plan by no later than October 20, 2005.
- Ordered that SBC must file a report with the Commission by November 21, 2005 listing the CLECs for which they have worked out a transition plan consensus.
- Required that SBC must continue to charge the transition period charge on converted lines until the end of the transition period.
- Found that where DS3 transport is available, the CLEC is limited to 10 DS1 circuits, the same as in wire centers that are not impaired for DS3 circuits.
- Found that SBC may update the list of non-impaired wire centers only once every six months.

- Found that there is no express time period after which a CLEC may not challenge the ILEC's designation of a wire center as unimpaired by self-certification.
- Found that the transition period after a designation of a wire center as unimpaired is to be 9 months for transitioning high capacity loops and transport and 12 months for transitioning dark fiber transport. The CLEC is to pay a 15% surcharge to SBC on those services during the transition period. In addition, the parties are to develop language that does not require SBC to provision new (not ordered prior to the transition period) high capacity loops and transport or dark fiber transport during the transition period.
- Found that where a customer wants redundant service from multiple wire centers for reliability, SBC is not required to provide unbundled high capacity loops to a building located in the serving area of the unimpaired wire center, even if the wire center providing the redundant service is impaired.
- Rejected a CLEC proposal that would have required SBC to post on a quarterly basis information advising when it believes a wire center has reached 90% of the business lines needed for the wire center to be classified as a Tier 1 or Tier 2 wire center, and to specify which wire centers it considers to have 2 or 3 fiber collocators.
- Rejected a CLEC proposal that would have required SBC to provide a commingling arrangement to a CLEC if SBC or any SBC RBOC affiliate provides the commingled arrangement to a CLEC anywhere in the United States.
- Rejected a CLEC proposal that, where a CLEC is forced off of DS1 or DS3 high capacity loops, termination penalties for disconnecting related special access or collocation arrangements that are no longer useful without the high capacity loops would have been reduced.
- Rejected a CLEC proposal to require SBC to provide 60 days notice of any proposed change to its access tariffs that eliminates the availability of a product that would restrict or impact the availability or provisioning of commingled arrangements under the proposed amendment.
- Found that if SBC challenges a CLEC's self certification that it meets the criteria to obtain network elements, and does so based on an independent auditor's findings, a CLEC challenging the audit must pay disputed amounts into escrow until the Commission rules on the issue, and must pay for the audit itself if the CLEC is found to have 10% or more of the circuits investigated noncompliant.
- Found that routine network modifications made on behalf of a CLEC are to be paid for based on the pricing schedule from the previous SBC cost proceeding, Case No. U-13531. If the charges approved in that case do not cover costs, SBC may file to seek modification of its cost studies.
- Found that this proceeding is not the appropriate forum to determine the terms and conditions for batch hot cuts. Those issues are to be addressed in Case No. U-14463, which remains open for further mediations of hot cut issues.

The Commission directed that the SBC amendments should be executed and submitted to the Commission within 30 days of the date of the order [by October 20, 2005], and to agree to and follow an orderly process for transition as described in the order.

The Commission further ruled that the amendment arrived at through the collaboratives and this order does not apply to Verizon, and instead directs the affected parties to schedule collaboratives. Within 60 days, the parties shall submit to the Commission either a joint application to approve an amendment, or a double red-lined version of an amendment with supporting briefs and documentation.

Case No. U-14447
Commission's Own Motion
(Accessible Letters: challenge proceeding)

On September 20, 2005 the Michigan Public Service Commission ("Commission") issued an order denying SBC Michigan's challenge to Covad Communications Company's ("Covad") self-certification concerning the Dearborn Fairborn wire center.

Case No. U-14456
Chippewa County Telephone Co, Hiawatha Telephone Co,
Midway Telephone Co, and Ontonagon County Telephone Co
(expanded local calling and rate adjustments)

On September 20, 2005 the Michigan Public Service Commission ("Commission") issued an order approving the request of Chippewa county Telephone Company, Hiawatha Telephone Company, Midway Telephone Company, and Ontonagon County Telephone Company (the Hiawatha Companies) to expand their local calling areas to include the entire Upper Peninsula. The Commission also approved the proposed rate increase of \$5.69 per line per month for residential users and \$742 per line per month for business users, with a 2,000 MOU (minutes of use) limit per line per month for calls made to the expanded local calling area and a \$.05 per minute charge for usage in excess of the 2,000 monthly MOU limit.

Case No. U-14469
CA Networks Inc
(license)

On September 20, 2005 the Michigan Public Service Commission issued an order granting the request of CA Networks to withdraw its application for a license to provide basic local exchange service. On August 9, 2005 CA Networks filed a request to withdraw its March 25, 005 application.

Case No. U-14470
Matrix Telecom Inc
(license)

On September 20, 2005 the Michigan Public Service Commission issued an order granting to Matrix Telecom, Inc. a licenses to provide basic local exchange service in the zones and exchanges currently served by Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, and SBC Michigan.

Case No. U-14562
CenturyTel of Michigan Inc
(amended license)

On September 20, 2005 the Michigan Public Service Commission issued an order granted the application of CenturyTel of Michigan, Inc. to alter its geographic area of service of several of its exchanges.

Case No. U-14564

Jerome H. Schober v IDT America Corp

(consumer complaint: for false, misleading and deceptive representation)

On September 20, 2005 the Michigan Public Service Commission issued an order dismissing with prejudice the complaint of Jerome H. Schober against IDT America Corp., alleging violations of the Michigan Telecommunications Act. On August 24, 2005 the complainant filed a request to withdraw the complaint.

Case No. U-14566

Christine F. Belles v Talk America Inc

(consumer complaint: false, misleading and deceptive statements)

On September 20, 2005 the Michigan Public Service Commission issued an order dismissing with prejudice the complaint of Christine F. Belles against Talk America, Inc., alleging false, misleading, and deceptive statements. On August 3, 2005 the parties filed a stipulation to dismiss the complaint.

Case No. U-14588

Upper Peninsula Telephone Company

(expanded local calling and rate adjustments)

On September 20, 2005 the Michigan Public Service Commission ("Commission") issued an order granting with modifications the application of Upper Peninsula Telephone Company for authority to offer expanded local calling. The Commission also approved the proposed rate increase of \$6.95 per line per month (plus an additional \$1.00 per year for 2 years) with a 2,000 MOU (minutes of use) limit per line for calls made to the expanded local calling area and a \$0.05 charge for minutes in excess of the 2,000 limit. Finally, the Commission extinguished the company's Section 304(11) exemption.

Case No. U-14612

Federal Universal Service Fund

(Certification of ETCs)

On September 20, 2005 the Michigan Public Service Commission issued a minute action designating certain carriers as eligible telecommunications carriers for the purpose of receiving federal universal service funds to be expended in the year 2006.

PROPOSAL FOR DECISION

Case No. U-14567

Absolute Music LLC v Silv Communication Inc

(consumer complaint: slamming)

On September 14, 2005 Michigan Public Service Commission ("Commission") Administrative Law Judge Mark D. Eyster ("ALJ") issued his Proposal for Decision in the matter of the complaint of Absolute Music LLC ("Complainant") against Silv Communication, Inc. ("Silv") alleging that Silv had switched its telecommunications provider without authorization. The ALJ states that Silv failed to

appear at the evidentiary hearing, and failed to answer the complaint or otherwise defend this action. Thus, the ALJ recommends that the Commission order Silv to pay Complainant \$200.00 for its out-of-pocket expenses, pay a fine of \$20,000.00 for the first offense and \$30,000.00 for the second offense. Of the \$50,000.00, 20% (\$10,000.00) should be paid directly to the Complainant, and the remaining 80% (\$40,000.00) should be paid to the State of Michigan. In addition, the ALJ recommends that the Commission order Silv to cease and desist from all violations of Rule 505 of the MTA.

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-14540
Vota Telephone, d/b/a Votatel
(license)

The May 31, 2005 application, as well as its two supplemental filings dated August 12, 2005 and August 24, 2005, of Vota Telephone, d/b/a Votatel, for a license to provide basic local exchange service as a competitive local exchange carrier in the zone and exchange areas throughout the State of Michigan presently served by Verizon North Inc., Contel of the South d/b/a Verizon North Systems, Inc., Ameritech Michigan, CenturyTel of Michigan, Inc., CenturyTel Midwest Michigan, Inc., CenturyTel of Upper Michigan, Inc., CenturyTel of Northern Michigan, Inc., Island Telephone Company, Shiawassee Telephone Company, Chatham Telephone Company, Wolverine Telephone Company, Communication Corporation of Michigan, and Frontier Communications of Michigan, Inc., is set for an evidentiary hearing at **9:00 a.m. on September 27, 2005**. Vota Telephone, d/b/a Votatel. shall issue a notice of hearing in accordance with 1991 PA 179, as amended. Interventions are due on or before **September 23, 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 (September 12 - 16, 2005)

September 14, 2005, 9:00 a.m.
Case No. U-14609/public hearing
Mark Bell v AT&T (misrepresentation/unauthorized charges)

Hearings Scheduled for This Week (September 19 - 23, 2005)

September 19, 2005, 9:00 a.m. Case No. U-11830/motion hearing SBC Michigan (performance measures/K Table)	September 22-23, 2005, 9:00 a.m. Case No. U-14563/cross-exam all parties Pigeon Telephone v Verizon North Inc (discontinuance of service)
September 21, 2005, 9:00 a.m. Case No. U-14584 Home Instead Senior Care v Silv (slamming)	

Future Hearings Scheduled

September 27, 2005, 9:00 a.m.
Case No. U-14540/evidentiary hearing
Vota Telephone, d/b/a Votatel (license)

APPLICATIONS AND COMPLAINTS

Case No. U-12798

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

On September 8, 2005 Focal Communications Corporation of Michigan and SBC Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of the Ninth Amendment to their Interconnection Agreement ("Agreement"). The parties state that the Ninth Amendment, fully executed as of September 1, 2005, amends the Agreement by establishing a Name Change and operations integration with their affiliated company Broadwing Communications LLC

Case No. U-13725

LDMI Telecommunications Inc and SBC Michigan (interconnection agreement)

On September 14, 2005 LDMI Telecommunications, Inc. and SBC Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of the Ninth Amendment to their Interconnection Agreement ("Agreement"). The parties state that the Ninth Amendment, fully executed as of September 9, 2005, adds the Appendix Cut Processes into the Agreement.

Case No. U-14558

Joseph J. Gallagher v Level 3 (consumer complaint: slamming)

On September 19, 2005 Joseph J. Gallagher ("Complainant"), of South Lyon, filed a formal complaint with the Michigan Public Service Commission ("Commission") against Level 3 alleging that his telecommunications service provider was switched without his authorization. Complainant seeks reimbursement of out-of-pocket expenses, the imposition of fines and the entry of a cease and desist order against Level 3.

Case No. U-14632

Westphalia Broadband Inc and SBC Michigan (interconnection agreement)

On September 9, 2005 Westphalia Broadband, Inc. and SBC Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of their Traffic Termination Agreement, executed as of August 17, 2005 ("Agreement"), and the First Amendment, also executed as of August 17, 2005, which adds a Negotiated Transit Traffic Appendix into the Agreement.

Case No. U-14634
Villaire Communications
(license)

On September 14, 2005 Villaire Communications (“Villaire”) applied to the Michigan Public Service Commission ("Commission") for a temporary and permanent license to provide basic local exchange service, on both a reseller and a facilities-based basis, in the zone and exchange areas served by Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, and SBC Michigan. Villaire states that it is a corporation organized under the laws of the state of Washington under the name VCI Company (a name not available in Michigan) and that it is headquartered in Lakewood Washington.

Case No. U-14635
Villaire Communications
(ETC designation)

On September 14, 2005 Villaire Communications (“Villaire”) applied to the Michigan Public Service Commission ("Commission") for designation as an Eligible Telecommunications Carrier (ETC) in the zones and exchange areas in which SBC Michigan is the incumbent local exchange carrier. Villaire states that it may make application for expansion of its ETC service area if, in the future, it seeks to provide Universal Service eligible services in Verizon’s service area.

Case No. U-14638
Magnaport International Inc v SBC Michigan and InfoCision
(consumer complaint: slamming)

On September 16, 2005 Magnaport International, Inc. (“Complainant”), of Harrison Twp., filed a formal complaint with the Michigan Public Service Commission ("Commission") alleging that InfoCision made an unauthorized change to Complainant’s calling plan with SBC, resulting in additional charges to Complainant’s account.

Case No. U-14639
Airdis LLC, d/b/a Airdis Telecom
(license)

On September 16, 2005 Airdis LLC, d/b/a Airdis Telecom applied to the Michigan Public Service Commission ("Commission") for a temporary and permanent license to provide basic local exchange service, on both a reseller and a facilities-based basis, in the zone and exchange areas served by Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, CenturyTel of Michigan, Inc., CenturyTel Midwest – Michigan, Inc., CenturyTel of Northern Michigan, Inc., CenturyTel of Upper Michigan, Inc., and SBC Michigan. Airdis Telecom states that it is comprised of the merger of two existing companies, Clarity Telephone and Cable Max Solutions, and is headquartered in Lombard, Illinois.

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PSC NOTICES OF OPPORTUNITY FOR COMMENT

**Case No. U-14607
Buckeye TeleSystem, Inc.
(amended license)**

On August 1, 2005, Buckeye TeleSystem, Inc. (Buckeye) filed an application with the Michigan Public Service Commission (“Commission”) for approval to amend the geographic area of its license to provide basic local exchange service. Buckeye requests authority to provide service in the portions of the Lambertville, Blissfield, Erie, Temperance, Sylvania exchanges and the entirety of the Lost Peninsula exchange currently served by Verizon North Systems, Inc. The Commission directs Buckeye to issue notice of its request by September 9, 2005. Written and electronic comments may be filed with the Commission and must be received no later than **5:00 p.m. on September 30, 2005**. Comments received in this matter will become public information.

**Case No. U-14623,
UPCAP Services Inc
(2-1-1 call center designation)**

On August 24, 2005, UPCAP Services, Inc. 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 the Upper Peninsula of Michigan. The Commission directs UPCAP Services, Inc. to issue a notice of opportunity to comment, to be published in newspapers of general circulation in the Upper Peninsula of Michigan by September 14, 2005. The notice as published must indicate that comments are due no later than **5:00 p.m. on September 30, 2005**.

* * *

2005 REGULAR COMMISSION MEETING DATES*

Month & Date	Day	Time
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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