

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

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FEATURES

LEGISLATIVE UPDATE

On Thursday evening, October 20, 2005, the state House passed HB 5237, Sub H-3, its version of the new telecom bill, on a 100 – 6 vote, just hours after the House Committee on Energy and Technology unanimously reported the bill. The bill, introduced by Committee Chair Mike Nofs, created the most concerns over section 252, which pertains to the provisions under which counties, cities and townships could offer telecom services. The final version would allow local governments to provide service if a request for bids results in the receipt of less than three (3) qualified bids from private providers or if no provider has offered services. The bill now goes to Senate, which passed its own telecom bill, SB 754, just last week. At this point, Senate and House leaders will decide which bill will go forward through both chambers and what provisions it will include.

Another telecom related bill was passed by the House on October 20, 2005, which would prohibit drivers age 17 and younger from driving while talking on a cell phone. Testimony provided in committee on HB 5133 claims that drivers talking on cell phones are twice as likely to miss traffic signals and they are 400 times more likely to have an accident than are other drivers. HB 5133 was introduced by Rep. David Law.

* * *

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.	6/16 referred to Senate Committee on Appropriations

		Amends sec. 3a of 1937 PA 94 (MCL 205.93a).	
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).	10/11/05 Passed roll call - Yeas 38 Nays 0 Excused 0 not voting 0; 10/12/05 referred to House Committee on Energy and Technology
SB 806 Patterson	10/11/05	Public utilities; public service commission; regulation of public service commission; establish.	To House Committee on Technology and Energy
SB 814 Patterson	10/18/05	Traffic control; civil infraction procedures; points added to driver license record when determined that use of cellular telephone contributed to cause of traffic violation; provide for, and prohibit novice drivers from using handheld cellular telephones while operating a motor vehicle.	10/19/05 Reassigned to House 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	To House Committee on Judiciary

House Bill # Representative	Date Introduced	Description	Status
		consent; and to prescribe civil sanctions.	
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	To Committee on Energy and Technology

House Bill # Representative	Date Introduced	Description	Status
		and value added network services; prohibit. Amends title & sec. 1 of 1984 PA 274 (MCL 445.771) & adds sec. 3a.	
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.	10/20/05 passed House; given immediate effect Roll Call # 524 Yeas 78 Nays 27
HB 5237 Nofs	9/27/05	Communications; telecommunications; general amendments; provide for. Amends secs. 101, 102, 103, 201, 202, 203, 203a, 204, 205, 209, 210, 211, 213, 214, 301, 302, 303, 304, 305, 306, 307, 309, 309a, 310, 312, 314a, 315, 316a, 317, 318, 320, 321, 322, 351, 352, 353, 355, 357, 358, 359, 401, 502, 503, 504, 505 & 604 of 1991 PA 179 (MCL 484.2101 et seq.); adds sec. 252 & repeals (See bill).	10/20/05 Committee on Energy and Technology; reported with recommendation with substitute H-3; substitute H-3 adopted and amended; passed; given immediate effect; Roll Call # 527 Yeas 100, Nays 6
HB 5272 Elsenheimer	10/06/05	Communications; telecommunications; disclosure of early termination fees or penalties; require.	To Committee on Energy and Technology

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

The following MPSC orders were issued 10-18-05

Case No. U-11715

**Focal Communications Corporation of Michigan
(license)**

Case No. U-12037

**Focal Communications Corporation of Michigan
(amended license)**

Case No. U-14294

**Broadwing Communications LLC
(license)**

On October 18, 2005 the Michigan Public Service Commission ("Commission") issued an order rescinding the license to provide basic local exchange service granted to Focal in Cases U-11715 and U-12037. The Commission states that on September 2, 2004 Corvis Corporation, the corporate parent of Broadwing Communications LLC announced the completion of the acquisition of Focal and Corvis' intent to consolidate Focal's assets, functions, and customer base under the Broadwing brand once final regulatory approval is received. On December 2, 2004, in Case No. U-14294, the Commission granted Broadwing's application for a license to provide basic local exchange service in the service areas of Verizon and SBC. On August 31, 2005 Broadwing requested that the Commission cancel Focal's license that was granted in Case No. U-11715 and revised in Case No. U-12037.

Case No. U-12790

**SBC Michigan and New-Cell Inc
Application filed September 13, 2005 for approval of a fourth
amendment to an interconnection agreement (incorporating a shared
facility factor for the cost of two-way trunk groups)**

Case No. U-12798

**SBC Michigan and Focal Communications Corp of Michigan
Application filed September 8, 2005 for approval of a ninth
amendment to an interconnection agreement (to establish a name
change and operations integration with their affiliated company,
Broadwing Communications, LLC)**

Case No. U-13725

**SBC Michigan and LDMI Telecommunications Inc
Application filed September 14, 2005 for approval of a ninth
amendment to an interconnection agreement (incorporates cut
processes for transition of carrier's embedded base of UNE-P
customers)**

Case No. U-14301
SBC Michigan and Quick Communications Inc
Application filed October 6, 2005 for approval of a
third amendment to an interconnection agreement
(revised 9/21/04 order amendment and related pricing schedule)

Case No. U-14628
SBC Michigan and Osirus Communications Inc.
Application filed September 7, 2005 for approval of an
interconnection agreement

Case No. U-14632
SBC Michigan and Westphalia Broadband Inc
Application filed September 9, 2005 for approval of an
interconnection agreement and traffic termination agreement

Case No. U-14632
SBC Michigan and Westphalia Broadband Inc
Application filed September 9, 2005 for approval of a first
amendment to an interconnection agreement (addition of the
negotiated transit traffic service appendix)

Case No. U-14640
SBC Michigan and Lightyear Network Solutions LLC
Application filed September 23, 2005 for approval of an
interconnection agreement and first amendment to an
interconnection agreement (temporary rider-TRRO embedded base
amendment)

Case No. U-14645
The Winn Telephone Co, d/b/a Winn Telecom,
and Trinsic Communications Inc.
Application filed September 28, 2005 for approval of an
interconnection agreement (local call termination service
agreement)

Case No. U-14647
Cingular Wireless LLC and Chatham Telephone Co,
Communications Corp, Island Telephone Co,
Shiawassee Telephone Co, and Wolverine Telephone Co
Application filed September 28, 2005 for approval of an
interconnection agreement

On October 28, 2005 the Michigan Public Service Commission ("Commission") approved the interconnection agreements and amendments listed above.

Case No. U-14475
Phone Express Michigan Inc
(license)

On October 28, 2005 the Michigan Public Service Commission ("Commission") granted to Phone Express Michigan, Inc. a temporary license to provide basic local exchange service in all exchanges currently served by SBC Michigan and Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems. The temporary license will expire upon issuance of the final order granting or denying its application for a permanent license.

Case No. U-14530
Commission's Own Motion
(eligible telecommunications carrier designations)

On October 28, 2005 the Michigan Public Service Commission ("Commission") issued an order adopting the new requirements for eligible telecommunications carriers (ETC) set out in the Federal Communications Commission's Order 05-46 for use by the Commission in making determinations concerning eligible telecommunications carriers for purposes of receiving federal universal service fund support.

Case No. U-14540
Vota Telephone LLC, d/b/a Votatel
(license)

On October 18, 2005 the Michigan Public Service Commission issued an order granting to Vota Telephone LLC, d/b/a Votatel, a license to provide basic local exchange service in the zone and exchange areas throughout the state of Michigan presently serviced by Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, SBC 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, Communications Corporation, and Frontier Communications of Michigan, Inc.

Case No. U-14600
Budget Phone Inc
(ETC designation)

On October 18, 2005 the Michigan Public Service Commission issued an order approving the request of Budget Phone, Inc. to withdraw its application for eligible telecommunications carrier designation without prejudice. On September 26, 2005 Budget filed a request to withdraw the application, without prejudice.

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

On October 18, 2005 the Michigan Public Service Commission issued an order approving the request of Buckeye TeleSystem Inc. to amend its license to provide basic local exchange service by

including the service areas consisting of portions of Bedford, Erie, Ida, Summerfield, and Whiteford Townships in Monroe County, Michigan, and a portion of Riga Township in Lenawee County, Michigan.

Case No. U-14609

**Mark Bell v AT&T Communications of Michigan
(consumer complaint: unauthorized service charges)**

On October 18, 2005 the Michigan Public Service Commission issued an order dismissing with prejudice the complaint of Mark Bell against AT&T Communications of Michigan, Inc. alleging unauthorized telephone service charges by the provider. On September 27, 2005 the complainant filed a request to withdraw the complaint.

Case No. U-14623

**UPCAP Services Inc
(2-1-1 call center designation)**

On October 18, 2005 the Michigan Public Service Commission ("Commission") issued an order designating UPCAP Services, Inc. as the 2-1-1 community resource information and referral point for the 15 counties that comprise the Upper Peninsula of Michigan.

Case No. U-14634

**Vilaire Communications
(license)**

On October 18, 2005 the Michigan Public Service Commission issued an order granting to Vilaire Communications a temporary license to provide basic local exchange service 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. The temporary license will expire upon issuance of the final order granting or denying its application for a permanent license.

Case No. U-14635

**Vilaire Communications
(ETC designation)**

On October 18, 2005 the Michigan Public Service Commission issued an order approving the September 30, 2005 request of Vilaire Communications to withdraw its ETC application without prejudice.

U-14638

**Mag-na-port International Inc v SBC Michigan
(consumer complaint: unauthorized telephone charges)**

On October 18, 2005 the Michigan Public Service Commission issued an order dismissing the September 16, 2005 complaint of Mag-na-port International, Inc. ("Mag-na-port") alleging unauthorized telephone charges in violation of the Michigan Telecommunications Act. On September 27, 2005 Mag-na-port filed a request to dismiss the complaint.

* * *

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.

Note: the MPSC has not issued notices of hearing during the last two-week period.

* * *

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 (October 10 - 14, 2005)

October 11, 2005, 9:00 a.m.
Case No. U-14563/motion hearing
Pigeon Telco v Verizon (LNP dispute)

Hearings Scheduled for This Week (October 17 – 21, 2005)

October 19, 2005
Case No. U-14475/evidentiary hearing
Phone Express Michigan Inc (license)

Future Hearings Scheduled

APPLICATIONS AND COMPLAINTS

Case No. U-13003

**US Xchange of Michigan LLC, d/b/a Choice One Communications and SBC Michigan
(interconnection agreement)**

On October 13, 2005 US Xchange of Michigan LLC, d/b/a Choice One Communications, and SBC Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of the Fourth Amendment to their Interconnection Agreement previously approved by the Commission on September 7, 2001 ("Agreement"). The parties state that the Fourth Amendment, fully executed as of October 6, 2005, adds ISP Bound Traffic into the Agreement and is the result of voluntary negotiations.

Case No. U-14301

**Quick Communications Inc and SBC Michigan
(interconnection agreement)**

On October 6, 2005 Quick Communications, Inc. and SBC Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of the Third 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-14413
TelNet Worldwide Inc and SBC Michigan
(interconnection agreement)

On October 14, 2005 TelNet Worldwide, Inc. and SBC Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of the Sixth Amendment to their Interconnection Agreement previously approved by the Commission on February 24, 2005 ("Agreement"). The parties state that the voluntarily negotiated Sixth Amendment, fully executed as of October 6, 2005, amends the Agreement to establish an agreed methodology for charging for Collocation DC Power .

Case No. U-14651
Climax Telephone Co
(rate adjustments)

On October 13, 2005 Climax Telephone Company ("Climax") applied to the Michigan Public Service Commission ("Commission") for authority to adjust rates for basic local exchange service. Climax requests approval "to implement an upward adjustment of \$4.99 per line per month to its local exchange rates, along with an allowance of 4,000 minutes per line per month in local calling to its current local calling area." Climax states that its proposed rates are comparable to the rates that other Michigan providers charge for the same service.

Case No. U-14653
Pac-West Telecomm Inc
(license)

On October 6, 2005 Pac-West Telecomm, Inc. ("Pac-West") applied to the Michigan Public Service Commission ("Commission") for a license to provide resold and facilities-based basic local exchange service throughout the state of Michigan. Pac-West states that it is a California corporation and is headquartered in Stockton, California.

Case No. U-14654
Charter Fiberlink-Michigan LLC and SBC Michigan
(interconnection agreement)

On October 18, 2005 Charter Fiberlink-Michigan LLC and SBC Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of their Interconnection Agreement executed as of September 28, 2005 ("Agreement"). The parties state that Charter Fiberlink-Michigan LLC requested the adoption of the interconnection agreement dated May 20, 2002 between Comcast Phone of Michigan LLC and SBC Michigan that was approved by the Commission in an order issued on July 10, 2002 in Case No. U-13378, including the adopted First, Second and Third Amendments. In addition, the Agreement includes a voluntarily negotiated Fourth Amendment which adds provisions pertaining to Conforming Post TRO remand.

Case No. U-14655
Ace Telephone Co and Michiana Metronet, d/b/a Centennial Wireless
(interconnection agreement)

On October 4, 2005 Ace Telephone Company and Michiana Metronet, d/b/a Centennial Wireless, jointly applied to the Michigan Public Service Commission for approval of their voluntarily negotiated Interconnection and Reciprocal Compensation Agreement.

* * *

PSC NOTICES OF OPPORTUNITY FOR COMMENT

Case No. U-14643
T2 Communications, LLC
(license)

On September 27, 2005, T2 Communications, LLC (T2) filed an application with the Michigan Public Service Commission for approval to amend the geographic area of its license to provide basic local exchange service. T2 requests authority to serve all zones and exchange areas currently served by Verizon North Inc. and Contel of the South, Inc. d/b/a Verizon North Systems in the state of Michigan. T2 shall issue notice of its request by October 25, 2005. Written and electronic comments may be filed with the Commission and must be received no later than **5:00 p.m. on November 15, 2005**. Comments received in this matter will become public information.

* * *

2005 REGULAR COMMISSION MEETING DATES*

Note: the MPSC has changed the date of the November regular meeting to Nov. 10, 2005 at 1:30 pm

Month & Date	Day	Time
November 10	Thursday	1:30 p.m.
December 20	Tuesday	1:30 p.m.

*The MPSC may schedule special meetings, as needed, on 18 hours' notice.

SUBSCRIPTION INFORMATION

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