

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

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

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IN THE CLARK HILL PLC LAW FIRM  
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**JUNE 9 MPSC DEADLINE  
TO FILE PBLES REPORT**

This is a reminder that the Michigan Public Service Commission on May 25, 2006, opened a docket, MPSC Case No. U-14899, to examine compliance with the requirement to offer residential primary basic local exchange service to customers in Michigan. The Commission is concerned that CLECs and ILECs may have filed the tariff but may have "failed to adequately prepare their systems and personnel" to actually provide the PBLES service.

The MPSC has directed each provider of basic local exchange service in Michigan, by June 9, 2006, to file a report that:

1. Provides evidence of all steps taken to make primary basic local exchange service available to the public, including programming changes, training of personnel, and any customer notices or advertisements for the service.
2. The number of requests for PBLES since the passage of 2005 PA 235 (i.e., since November 22, 2005).

3. Documentation as to how many customers were receiving PBLES service on May 1, 2006.

The Commission set up the docket for electronic filing. (See also **Orders**, this issue.)

\* \* \*

**MPSC RELEASES 2005 REPORT  
ON STATUS OF TELECOM  
COMPETITION IN STATE**

*Note: the following press release was issued by the Michigan Public Service Commission on June 2, 2006.*

The Michigan Public Service Commission (MPSC) today released its sixth annual report on the status of telecommunications competition in Michigan. The report, required by the Michigan Telecommunications Act (MTA) as amended in 2005, primarily examines the state of competition in the toll and local exchange service markets in Michigan.

"The elimination by the Federal Communications Commission (FCC) and the courts of unbundled network elements platform (UNE-P), the emergence of new technology options, and recent telecommunications mergers of incumbents and competitors have led to a decrease in the total number of competitive wireline subscribers in Michigan," noted MPSC Chairman J. Peter Lark.

Last year, the Federal Communications Commission and the courts eliminated incumbent local exchange carriers' obligation to provide the network elements platform to competitive providers at a regulated price. During the transition away from the availability of certain network elements at regulated rates, the MPSC in 2005 actively participated in negotiations to transition customers in a timely and efficient manner.

Highlights of the report include: The total number of wireline subscribers decreased by 10

percent from 2004 to 2005, reflecting a continued loss to mobile wireless and other types of telephony, including Voice over Internet Protocol, and movement away from using dial-up Internet to high-speed connections.

The FCC reports that the number of wireless subscribers in Michigan grew 15 percent in 2005 over 2004.

AT&T Michigan's share of the market increased from 56.9 percent to 62.6 percent.

The competitive wireline share of the Michigan market fell from 27.5 percent to 21.2 percent in 2005.

In late 2005, the transfer of control of AT&T to SBC Communications (subsequently renamed AT&T) was completed. It is noteworthy that the former AT&T's competitive lines are now owned by the incumbent, and therefore are not considered competitive lines by the MPSC in its report. In addition, in 2006 Verizon Communications, an incumbent carrier, and MCI, a competitive carrier, merged.

Lark added, "The new Michigan Telecommunications Act removed most of the MPSC's rate regulation oversight in favor of market forces. The MPSC is, however, responsible for regulating the primary basic local exchange service (PBLES) rate (100 call plan), and we remain committed to ensuring a reasonable PBLES rate, enforcing basic consumer protections and service quality

standards, and resolving disputes that arise under the MTA."

The entire report ([http://www.michigan.gov/documents/statusoftelecomcompetition2005\\_161126\\_7.pdf](http://www.michigan.gov/documents/statusoftelecomcompetition2005_161126_7.pdf)) is available on the MPSC Web site. Contact: Judy Palnau (517) 241-3323

The MPSC is an agency within the Department of Labor and Economic Growth.

\* \* \*

**DETROIT CITY COUNCIL**  
**UNANIMOUSLY APPROVES**  
**AMENDED BAN ON HAND-HELD CELLULAR PHONES**

Although a new Detroit ordinance prohibiting drivers from talking on their cell phones without the use of hands-free phone devises went into effect on May 16, the City Counsel, in a unanimous 8-0 vote, approved an amended form of the ordinance that would down-grade the violation from a primary to a secondary offense. Drivers will still be required to use hands-free phone devises when using their cell phones, however the amended ordinance allows police officers to ticket a driver for talking on a handset, only if they have first stopped the driver for another moving violation. The ordinance still includes a \$100 fine for violation of the ban.

\* \* \*

**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.

<b>Senate Bill # Senator</b>	<b>Date Introduced</b>	<b>Description</b>	<b>Status (revisions in bold)</b>
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.	3/1/06 passed roll call #100, yeas 37, Nays 0, excused 0, not voting 0; referred to House Committee on Energy and Technology
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; referred to House 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.	5/24/06 referred to Senate Committee on Technology and Energy
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).	6/16/05 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.	9/6/05 referred to Senate Committee on Transportation; 11/9/05 reported favorably with recommendation for referral to Senate Committee on Technology and Energy; referred to Senate Committee on Technology and Energy
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 Senate 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 Senate Committee on Technology and Energy
SB 885 Hardiman	11/10/05	Crimes; other; damaging, destroying, or preventing access to telecommunication device to prevent report of domestic violence or to summon assistance required as a result of domestic violence; prohibit and provide penalties. Amends 1931 PA 328 (MCL 750.1 - 750.568) by adding sec. 411u.	11/10/05 referred to Senate Committee on Judiciary
SB 1172 Brown	3/21/06	communications; telecommunications; sunset on 9-1-1 emergency service district; extend.	<b>5/11/06 passed roll call yeas 37, nays 0, excused 1, not voting 0; referred to House Committee on Energy and Technology</b>

SB 1202 Patterson	3/30/06	Consumer protection; other; sale of cellular telephone records; prohibit. Amends sec. 5 of 2004 PA 452 (MCL 445.65) & adds sec. 5a.	<b>5/11/06 passed roll call yeas 37, nays 0, excused 1, not voting 0; referred to House Committee on Energy and Technology</b>
SB 1211 Basham	4/19/06	Communications; telecommunications; eligibility date to opt into METRO funds; revise. Amends sec. 13 of 2002 PA 48 (MCL 484.3113).	4/19/06 referred 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

<b>House Bill # Representative</b>	<b>Date Introduced</b>	<b>Description</b>	<b>Status (revisions in bold)</b>
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 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 5053 Stewart	7/13/05	Traffic control; violations; use of a handheld cellular device while driving; prohibit in most circumstances. Amends 1949 PA 300 (MCL 257.1 - 257.923) by adding sec. 677b.	7/13/2005 - referred to House Committee on Transportation
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 House 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 House 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.	10/20/05 passed House; Yeas 78, Nays 27; 10/25/05 given immediate effect; referred to Senate Committee on Technology and Energy
HB 5272 Elsenheimer	10/06/05	Communications; telecommunications; disclosure of early termination fees or penalties; require.	To House Committee on Energy and Technology
HB 5392 Kolb	11/1/05	Disabilities; accessible electronic information service; establish and provide funding source. Creates new act.	To House Committee on Energy and Technology

HB 5483 Pearce	12/6/05	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. Amends secs. 320a & 907 of 1949 PA 300 (MCL 257.320a & 257.907) & adds sec. 602b.	To House Committee on Judiciary
HB 5488 Farhat	12/7/05	Public utilities; other; pole attachment authority; establish. Amends sec. 6g of 1939 PA 3 (MCL 460.6g).	To House Committee on Energy and Technology
HB 5895 Hoogendyk	3/21/06	Communications; cable; regulation of competitive cable service providers; provide for.	To House Committee on Energy and Technology
HB 5917 Nofs	3/28/06	Communications; telecommunications; Provide amendments to the emergency telephone service enabling act. Amends secs. 401, 407, 408, 412 & 717 of 1986 PA 32 (MCL 484.1401 et seq.).	4/19/06 House Committee on Energy and Technology; reported with recommendation with Sub H-1; referred to second reading; 5/4 Sub H-1 adopted and amended; placed on third reading
HB 5999 Condino	4/26/06	Corrections; state facilities; furnishing cellular telephones or other wireless communication devices to prisoners; prohibit. Amends title of 1909 PA 17 (MCL 800.281 - 800.285) & adds sec. 3a.	To House Committee on Judiciary
HB 6000 Condino	4/26/06	Criminal procedure; sentencing guidelines; guidelines for crime of furnishing cell phones or similar devices to prisoners; create. Amends sec. 17g, ch. XVII of 1927 PA 175 (MCL 777.17g). TIE BAR WITH: HB 5999'06	To House Committee on Judiciary

### **PUBLIC ACTS OF 2005 AND 2006**

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	6/30/05	Communications; telecommunications; rule making and eliminate sunset of the Michigan telecommunications act; provide for. Repeals enacting section 1 of 2004 PA 591.	Enrolled 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).	Enrolled SB 522 McManus
2005 PA 235	11/22/05	Communications; telecommunications; general amendments; provide for. Amends secs. 101, 102, 103, 201, 202, 203, 203a, 204, 205, 210, 213, 214, 301, 302, 303, 304, 305, 306, 307, 309, 309a, 310, 312, 314a, 315, 316, 316a, 317, 321, 352, 353, 355, 357, 358, 359, 401, 502, 503, 504, 505 & 604 of 1991 PA 179 (MCL 484.2101 et seq.); adds secs. 211a, 252, 301a, 305a, 305b, 310a, 314b & 353a & repeals (See bill).	Enrolled HB 5237 Nofs
2006 PA 60	03/21/06	Crimes; other; damaging, destroying, or preventing access to telecommunication device to prevent report of domestic violence, report of crime, or report of illness or injury; prohibit and provide penalties. Amends sec. 540 of 1931 PA 328 (MCL 750.540). TIE BAR WITH: HB 5043'05 HB 5044'05	Enrolled SB 1024 Hardiman
2006 PA 61	03/21/06	Crimes; malicious destruction; damaging, destroying, or using telephone or computer equipment without authorization; prohibit and provide a penalty. Amends sec. 540 of 1931 PA 328 (MCL 750.540).	Enrolled HB 5043 Schuitmaker
2006 PA 62	03/21/06	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of damaging, destroying, or using telephone or computer equipment without authorization; enact. Amends sec. 16z, ch. XVII of 1927 PA 175 (MCL 777.16z). TIE BAR WITH: HB 5043'05	Enrolled HB 5044 Schuitmaker
2006 PA 74	03/20/06	Communications; telecommunications; transfer of funds from the CMRS emergency telephone fund to the general fund; provide for. Amends sec. 408 of 1986 PA 32 (MCL 484.1408).	Enrolled SB 960 Switalski

2006 PA 133	Signed by Governor 05/10/06 w/IE; Filed and Effective 05/12/06	Consumer protection; home solicitation sales; telemarketers; prohibit leaving certain messages requesting consumers to return call. Amends sec. 1c of 1971 PA 227 (MCL 445.111c).	Enrolled HB 4423  Wojno
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### ORDERS

*Note: The following MPSC orders were issued on May 25, 2006 at 1:30 pm.*

**Case No. U-13003**

**AT&T Michigan and US Xchange of Michigan,  
d/b/a Choice One Communications**

**Application filed April 21, 2006 for approval of a sixth amendment to an interconnection agreement (replacing existing appendices for Physical Collocation, Virtual Collocation, and Collocation Pricing Schedule)**

**Case No. U-14795**

**AT&T Michigan and CMC Telecom Inc**

**Application filed on April 20, 2006 for approval of a nineteenth amendment to an interconnection agreement (replaces 1 Way Trunking with 2 Way Trunking)**

**Case No. U-14837**

**AT&T Michigan and COMLINK LLC**

**Application filed on March 30, 2006 for approval of an interconnection agreement (adopting the agreement between AT&T Michigan and MCImetro Access Transmission Services,LLC, approved by the Commission on December 18, 2003 in Case No. U-13758, and certain amendments approved in Case No. U-13531)**

On May 25, 2006 the Michigan Public Service Commission issued an order approving the interconnection agreements and amendments listed above.

**Case No. U-12289**  
**ICG Telecom Group Inc**  
**(license)**

**Case No. U-13583**  
**ICG Telecom Group Inc**  
**(amended license)**

On May 25, 2006 the Michigan Public Service Commission issued an order rescinding the license of ICG Telecom Group, Inc. ("ICG") to provide basic local exchange service. On April 21, 2006 ICG requested authority to immediately surrender its license and to cancel all its tariffs in Michigan.

**Case No. U-14804**  
**Southwest Michigan Communications Inc**  
**(license)**

On May 25, 2006 the Michigan Public Service Commission issued an order granting to Southwest Michigan Communications, Inc. a permanent license to provide basic local exchange service in the Adamsville, Allegan, Bangor, Cassopolis, Constantine, Covert, Decatur, Dowagiac, Edwardsburg, Fennville, Ganges, Gobles, Grand Junction, Hamilton, Hartford, Lawton, Marcellus, Matawan, Paw Paw, Saugatuck, Sister Lakes, Schoolcraft, South Haven, Three Rivers, Union, Vandalia, and White Pigeon exchanges currently served by Verizon North Inc., and the Bridgman, Baroda, Glenn, Lacota, Lawrence, Pullman and Sawyer exchanges currently served by Contel of the South, Inc., d/b/a Verizon North Systems exchanges.

**Case No. U-14810**  
**Jeannette L. Edwards v Pigeon Telephone Co and Talk America Inc**  
**(consumer complaint: unauthorized charges,**  
**cramming, and or false, misleading, and deceptive information)**

On May 25, 2006 the Michigan Public Service Commission ("Commission") issued an order dismissing without prejudice the complaint of Jeannette L. Edwards against Pigeon Telephone Company and Talk America, Inc., alleging unauthorized rates or charges, cramming, and/or false, misleading, and deceptive information. On May 2, 2006 the complainant fled a request to withdraw the complaint.

**Case No. U-14813**  
**Charles Byrd v Pigeon Telephone Co**  
**and PNG Telecommunications Inc,**  
**d/b/a PowerNet Global Communications**  
**(consumer complaint: unauthorized charges)**

On May 25, 2006 the Michigan Public Service Commission issued an order dismissing with prejudice the complaint of Charles Byrd against Pigeon Telephone Company and PNG Telecommunications, Inc., d/b/a PowerNet Global Communications, alleging unauthorized charges. On May 2, 2006 the complainant entered a request to withdraw the complaint.

**Case No. U-14825**

**Attorney General Michael A. Cox v Talk America Inc  
(various violation of MTA)**

On May 25, 2006 the Michigan Public Service Commission issued an order dismissing with prejudice the complaint of Attorney General Michael A. Cox against Talk America, Inc., alleging various violations of the Michigan Telecommunications Act. On May 9, 2006 the complainant filed a request to withdraw the complaint.

**Case No. U-14829**

**Peninsula Fiber Network LLC  
(license)**

On May 25, 2006 the Michigan Public Service Commission issued an order granting to Peninsula Fiber Network LLC ("PFN") a temporary license to provide basic and local exchange service in the Amasa, Bark River, Bergland, Bessemer, Big Bay, Brevort, Calumet, Champion, Channing, Cornell, Crystal Falls, Curtis, Engadine, Escanaba, Gladstone, Gwinn, Hermansville, Houghton, Iron Mountain, Iron River, Ironwood, Ishpeming, Keweenaw, Lake Linden, Mackinac Island, Marquette, Michigamme, Menominee, Negaunee, Newberry, Norway, Perkins, Powers, Rapid River, Republic, Rock, Sault Ste. Marie, Stephenson, St. Ignace, Trout Lake, Wakefield, and Watersmeet exchanges..

**Case No. U-14840**

**TBG Marketing Inc v LDMI Telecommunications Inc  
and Talk America Inc  
(consumer complaint: slamming)**

On May 25, 2006 the Michigan Public Service Commission issued an order dismissing with prejudice the complaint of TBG Marketing, Inc. against LDMI Telecommunications & Talk America, Inc. ("LDMI & Talk America"), alleging that several of its telephone lines had been switched without authorization. Because LDMI & and Talk America denied all responsibility for the incident, the matter was submitted to an administrative law judge. On May 8, 2006 the parties submitted a stipulation requesting dismissal of the complaint.

**Case No. U-14878**

**Sprint Communications Co LP  
(review of Determination No. 5 by METRO Authority)**

On May 25, 2006 the Michigan Public Service Commission ("Commission") issued an order setting the matter of the petition of Sprint Communications Company LP ("Sprint") for *de novo* review by the Commission of Determination No. 5 made by the METRO Authority for a prehearing conference before an administrative law judge. Sprint objects to the METRO Authority's Determination No. 5, which states that a provider's maintenance fees should be based on the linear feet of all facilities "occupied" by the provider in the public right-of-way without regard to whether the facilities are leased or owned by the provider and has requested the Commission's review of the requirement to pay fees for leased facilities that are owned by other providers. The Commission in its order finds that because Sprint has presented a question of first impression that involves a previously untested *de novo* review procedure which will likely affect numerous interested persons, copies of the order and notice of hearing will be served on Sprint, the METRO Authority, all providers of telecommunications services who routinely receive invoices from the METRO Authority, the Michigan Municipal League, and the

Michigan Townships Association. The Commission also directs any person interested in intervening in this proceeding as a party to electronically file a petition to intervene by June 22, 2006, and has scheduled the prehearing conference for 9:00 a.m. on June 29, 2006.

**Case No. U-14887**

**Winn Telephone Company, d/b/a Winn Telecom  
(arbitration for interconnection with LDMI Telecommunications Inc)**

On May 25, 2006 the Michigan Public Service Commission ("Commission") issued an order dismissing without prejudice the petition for arbitration of Winn Telephone Company, d/b/a Winn Telecom seeking resolution of certain disputed issues in their negotiations with LDMI Telecommunications, Inc. for a reciprocal compensation agreement. On May 22, 2006 Winn Telecom filed a request seeking dismissal of its petition.

**Case No. U-14899**

**Commission's Own Motion  
(implementation of Section 301a of 2005 PA 235)**

On May 25, 2006 the Michigan Public Service Commission ("Commission") issued an order directing each provider of basic local exchange service to file in this docket, within 10 business days of the date of the order, evidence of all steps taken to offer primary basic local exchange service ("PBLES"), detailed evidence of the number of requests for PBLES since the passage of Act 235, and documentation concerning the number of customers that were receiving PBLES as of May 1, 2006. The Commission further states that although providers have, in large part, complied with the December 20, 2006 order in Case No. U-14731, directing all PBLES to file proposed tariffs for PBLES in compliance with Section 304 of the Michigan Telecommunications Act, which requires that PBLES rates be effective no later than April 1, 2006, "it has come to the Commission's attention that some providers have failed to adequately prepare their systems and personnel to offer primary basic local exchange service, even to customers that specifically inquire about it." The Commission equates failure to prepare with failure to offer that service, and is thus requiring the additional information from providers.

\* \* \*

**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-14826**

**YMax Communications Corp  
(license)**

The Michigan Public Service Commission will consider the application of YMax Communications Corp for a license to provide basic local exchange service in the zones and exchanges served by AT&T Michigan, Verizon North Inc., and Verizon North Systems, at an evidentiary hearing at **9:00 a.m. on June 14, 2006**. Interventions are due on or before **June 12, 2006**.

**Case No. U-14869**

**Margie B. Haaxma, d/b/a Banner Realty v  
United Telecom Inc, d/b/a UTMI.net and Verizon North Inc, d/b/a Verizon North Systems  
(false, misleading and deceptive representation)**

The Michigan Public Service Commission will consider the complaint of Margie B. Haaxma, d/b/a Banner Realty (Complainant) against United Telecom, Inc., d/b/a UTMI.net and Verizon North Inc., d/b/a Verizon North Systems, (collectively, "Respondents") for violations of the Michigan Telecommunications Act ("MTA"). A public hearing in this matter will be held on **June 1, 2006 at 9:00 a.m.** On April 25, 2006 Complainant filed a formal complaint Respondents, alleging Respondents are in violation of Section 502 of the MTA due to false, misleading and deceptive representation. The complainant is requesting relief in accordance with Section 601 of the MTA, reimbursement of its total economic loss of \$18,809.41, plus attorney fees and interest, imposition of fines, and revocation of license.

**Case No. U-14870**

**John Hawkins v Talk America Inc  
(consumer complaint: unauthorized charges)**

The Michigan Public Service Commission will consider the complaint of John Hawkins ("Complainant") against Talk America Inc. at a public hearing in this matter will be held on **June 1, 2006 at 9:00 a.m.** On April 25, 2006, Complainant filed a formal complaint against Talk America Inc., alleging Talk America is in violation for billing him for unauthorized Directory Assistance and Operator Assistance charges. Complainant is requesting reimbursement of \$207.57. Complainant is also requesting that the Commission require all telephone providers doing business in Michigan to allow subscribers the option to lockout directory assistance calls.

**Case No. U-14871**

**Hileman Enterprises of Michigan Inc, d/b/a Statewide Claim Service Inc v  
BullsEye Telecom Inc  
(consumer complaint: various violations of the MTA)**

The Michigan Public Service Commission ("Commission") will consider the complaint of Hileman Enterprises of Michigan Inc., d/b/a Statewide Claim Service, Inc. (Complainant) against BullsEye Telecom, Inc. ("BullsEye"), for violations of the Michigan Telecommunications Act ("MTA"). A public hearing in this matter will be held on May 31, 2006 at 9:00 a.m. On April 25, 2006 Complainant filed a formal complaint alleging that BullsEye is in violation of Sections 502 and 505 of the MTA for switching Complainant's telephone service without authorization and by wrongfully disconnecting BullsEye's service to Complainant before resolution of the billing dispute. Complainant is requesting the Commission to grant relief in accordance with section 506 of the MTA, including, but not limited to reimbursement of its economic losses totaling \$3,375, imposition of fines, issuance of a cease and desist order, and payment for all attorney fees incurred.

\* \* \*

## PSC HEARINGS SCHEDULE

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

### **Telecom Hearings Scheduled for Last Week May 22 - 26, 2006)**

May 23, 2006, 9:00 a.m.  
Case No. U-14829/evidentiary hearing  
Peninsula Fiber Network (license)

### **Telecom Hearings Scheduled for This Week May 29 – June 2, 2006)**

May 31, 2006, 9:00 a.m. Case No. U-14871/evidentiary hearing Hileman Enterprises of Michigan, d/b/a Statewide Claim Service v BullsEye Telecom (slamming)	June 1, 2006, 9:00 a.m. Case No. U-14869/evidentiary hearing Margie B. Haaxma, d/b/a Banner Realty v United Telecom, d/b/a UTMI.net and Verizon
	June 1, 2006, 9:00 a.m. Case No. U-14870/evidentiary hearing John Hawkins v Talk America (unauthorized charges)

### **Future Telecom Hearings Scheduled**

June 14, 2006, 9:00 a.m.  
Case No U-14826/evidentiary hearing  
YMax Communications Corp (license)

## APPLICATIONS AND COMPLAINTS

### **Case No. U-12927**

#### **DIECA Communications Inc, d/b/a Covad, and AT&T Michigan (interconnection agreement)**

On May 22, 2006 DIECA Communications, Inc., d/b/a Covad, and AT&T Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of the Fifteenth Amendment to their Interconnection Agreement. The parties state that the Amendment adds a negotiated Local Number Portability Appendix to the Agreement.

### **Case No. U-14894**

#### **EagleNet Inc (amended license)**

On May 26, 2006 EagleNet, Inc. applied to the Michigan Public Service Commission ("Commission") seeking to temporarily and permanently amend its license to provide basic local exchange service to include all the zone and exchange areas throughout Michigan. EagleNet states it is a privately-held Michigan corporation and a wholly-owned subsidiary of The Iserv Company LLC and that its principal offices are located in Grand Rapids, Michigan.

**Case No. U-14901**  
**Corvus Inc v TelCove Operations Inc**  
**(contract dispute)**

On May 23, 2006 CORVUS Inc. ("CORVUS") filed a formal complaint with the Michigan Public Service Commission ("Commission") against TelCove Operations, Inc. ("TelCove") alleging that TelCove used unauthorized BTN's which directly caused seventeen end-users to be switched without authorization to another provider, and made statements or representations that were false, misleading, or deceptive. CORVUS is requesting a declaration that TelCove be found in breach of its contract with CORVUS, that TelCove's billing service was interrupted for several months, and that CORVUS is entitled to a credit allowance or refund.

**Case No. U-14902**  
**CenturyTel and Cellco Partnership,**  
**Muskegon Cellular Partnership, New Par and**  
**Verizon Wireless Power Partners Inc, d/b/a Verizon Wireless**  
**(interconnection agreement)**

On May 23, 2006 CenturyTel and Cellco Partnership, Muskegon Cellular Partnership, New Par and Verizon Wireless Power Partners, Inc., d/b/a Verizon Wireless jointly applied to the Michigan Public Service Commission ("Commission") for approval of their Interconnection and Reciprocal Compensation Agreement.

**Case No. U-14904**  
**Vota Telephone, LLC, d/b/a Votatel and AT&T Michigan**  
**(interconnection agreement)**

On May 24, 2006 Vota Telephone, LLC, d/b/a Votatel, and AT&T Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of their multi-state Resale Agreement

**Case No. U-14905**  
**The Michigan Exchange Carriers Association Inc**  
**(interconnection dispute with Verizon)**

On May 30, 2006 The Michigan Exchange Carriers Association, Inc. ("MECA") filed an application with the Michigan Public Service Commission ("Commission") for resolution of a dispute with Verizon North, Inc. and Contel of the South, Inc., d/b/a Verizon North Systems (collectively, "Verizon") relating to measurement of usage and payment of usage-based charges. MECA states that Verizon refused to pay charges for terminating toll access service, local transport and termination service, originating toll access service, and billing and collections services performed in connection with originating toll access service. MECA further states that it seeks a declaration that the charges at issue are appropriately based on agreed-upon usage or the actual usage that is measured at the end offices of MECA's members.

**Case No. U-14906**  
**Trans National Communications International Inc and AT&T Michigan**  
**(interconnection agreement)**

On May 30, 2006 Trans National Communications International Inc. and AT&T Michigan jointly applied to the Michigan Public Service Commission ("Commission") for approval of their multi-state Interconnection Agreement executed as of May 19, 2006.

**Case No. U-14910**  
**Suzanne Keller v AT&T**  
**(consumer complaint: unauthorized charges)**

On May 26, 2006 Suzanne Keller ("Complainant"), of Three Oaks, filed a formal complaint with the Michigan Public Service Commission ("Commission") against AT&T Michigan, alleging that she was overcharged by the company.

\* \* \*

**PSC NOTICES OF OPPORTUNITY FOR COMMENT**

*Note: No current notices of opportunity to comment have been issued by the MPSC.*

\* \* \*

**2006 REGULAR MPSC MEETING DATES\***

*Note: The MPSC has rescheduled the date of the June 13, 2006 meeting to **Jun 15, 2006 at 1:30 pm.***

<b><i>Month &amp; Date</i></b>	<b><i>Day</i></b>	<b><i>Time</i></b>
June 15	Thursday	1:30 p.m.
June 27	Tuesday	1:30 p.m.
July 11	Tuesday	1:30 p.m.
July 25	Tuesday	1:30 p.m.
August 8	Tuesday	1:30 p.m.
August 22	Tuesday	1:30 p.m.
September 12	Tuesday	1:30 p.m.
September 26	Tuesday	1:30 p.m.
October 12	Thursday	1:30 p.m.
October 24	Tuesday	1:30 p.m.
November 9	Thursday	1:30 p.m.
December 12	Tuesday	1:30 p.m.
December 21	Thursday	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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