

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

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

**Vol. 22, No. 18, September 8, 2006**

In this issue . . .  
page no.

- 2 Features
  - ♦ **Detroit Wireless Customers Love to Talk, Verizon Wireless Study Finds**
  - ♦ **MPSC Schedules Consumer Forums Around the State in October**
- 5 Pending Legislation
- 11 Public Acts of 2005 and 2006
- 13 Orders
- 14 Notices of Hearing
- 15 PSC Hearings Schedule
- 15 Opportunities for Comment
- 16 Applications and Complaints
- 17 PSC Meetings
- 17 MTR Subscription Information

## Index of Highlighted Cases

### ORDERS

- U-14899 – Ace Telephone Company, et al and AllTel Communications (interconnection arbitration)
- U-15035 – Bloomingdale Telephone Company, et al (tslric)

### APPLICATIONS

- U-15036 – AT&T Michigan (pbles rate)
- U-15046 – Domke v Talk America (slamming)
- U-15047 – Verizon North and Contel of the South and Quality Telephone (ica)

## **MICHIGAN TELECOMMUNICATIONS REPORT**

(ISSN 08980357) is published every other week by Clark Hill PLC., 212 East Grand River Avenue, Lansing, Michigan 48906-4328. Although considerable care is exercised in reporting critical information (filing and hearing dates, etc.), such information should be confirmed with the original source. This newsletter should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult a lawyer concerning your own situation and any specific legal questions you may have. Editor, Roderick S. Coy; Assistant Editor, Haran C. Rashes; Contributor, Leland R. Rosier; Annual Subscription \$400.00 (US).

**\* RODERICK S. COY IS A MEMBER  
IN THE CLARK HILL PLC LAW FIRM  
DETROIT • BIRMINGHAM • LANSING • GRAND RAPIDS**

**CLARK HILL**  
PLC  
**ATTORNEYS AT LAW**

**212 East Grand River Avenue  
Lansing, MI 48906-4328  
(517) 318-3100 – phone  
(517) 318-3099 –fax  
www.clarkhill.com**

## **FEATURES**

### **Detroit Wireless Customers Love to Talk, Verizon Wireless Study Finds**

### **City Places in Top 5 of Verizon Wireless' First-Ever Big City Wireless Use Study**

*Note: Verizon Wireless issued the following press release on September 7, 2006. For more information contact Michelle Gilbert at Verizon Wireless, (248) 915-3680*

DETROIT, MI — If you think people in Detroit talk a lot on their wireless phones, you're right.

The average Verizon Wireless customer from Detroit makes and receives more calls than customers from most major U.S. cities, according to the first Big City Wireless Use Study by Verizon Wireless, owner and operator of the nation's most reliable wireless network. With big cities defined as the top 50 by population based on U.S. census data, the Verizon Wireless study found that customers from Detroit ranked 3rd, making and receiving an average of 252 calls per month – seven to eight calls daily.

Residents of Miami, Fla., topped the list, making 298 calls per month. The other top cities are Los Angeles, El Paso, San Antonio and Las Vegas. Three other large midwestern cities ranked in the top 30 of the Verizon Wireless survey - Milwaukee placed 19th on the survey, with an average of 211 monthly calls, Chicago placed 24th with 208 calls per month and Indianapolis placed 28th with 201 calls per month. (See full list below.)

“Even with all of the interest in new data services, the fact remains that our millions of customers coast-to-coast still look to Verizon Wireless for the fundamental and vital service of making and receiving calls—it’s what we do, first and foremost,” said Dick Lynch, chief technology officer and executive vice president-network for Verizon Wireless. “Our study offers an interesting snapshot of how Americans have come to rely on their wireless service every day at home and on the road. That’s why we work so hard to ensure the quality and reliability of the nation’s most reliable wireless network, and to deliver the best wireless experience for our customers.”

Verizon Wireless has invested \$30 billion in the last six years -- \$5 billion on average every year since the company was formed -- to increase the coverage and capacity of its national network, to add new services and to maintain its status as the nation’s most reliable wireless network. The company’s most reliable wireless network claim is based on network studies performed by real-life test men and test women who inspired the company’s national advertising campaign. These engineers conduct more than 750,000 voice call attempts and 1.4 million data tests quarterly on Verizon Wireless’ and other national carriers’ networks while traveling more than 225,000 miles in specially equipped, company-owned test vehicles. For more information, visit [www.verizonwireless.com](http://www.verizonwireless.com).

The Verizon Wireless study counted incoming and outgoing calls and minutes of use data for one month during the first half of this year that is routinely collected by the company. Calls – which were counted based on home billing addresses – may have been made anywhere in the U.S. customers traveled, as well as in the callers’ home cities. No private, individual customer records or information was examined or used for the purposes of this informal study.

The cities where wireless users averaged more than 200 calls per month were, in order of highest combined incoming and outgoing calls:

Miami, Fla. – 298  
Los Angeles, Calif. - 260  
Detroit, Mich. - 252  
El Paso, Texas - 251  
Las Vegas, Nev. - 235  
San Antonio, Texas - 235  
Long Beach, Calif. - 233  
Cleveland, Ohio - 230  
Fresno, Calif. - 229  
Memphis, Tenn. - 228  
Nashville, Tenn. - 225  
New York City, N.Y. - 224  
San Jose, Calif. - 221  
Fort Worth, Texas – 220  
Scottsdale, Ariz. - 217  
Dallas, Texas - 217  
Phoenix, Ariz. – 217  
Albuquerque, N.M. - 216  
Atlanta, Ga. – 216  
Houston, Texas - 214  
Austin, Texas - 213  
Mesa, Ariz. - 212  
Milwaukee, Wis. - 211  
Charlotte, N.C. - 211  
Chicago, Ill. - 208  
Tucson, Ariz. - 205  
Virginia Beach, Va. - 204  
Philadelphia, Pa. - 203  
Indianapolis, Ind. - 201  
San Diego, Calif. - 201

Callers from other big cities who made and received fewer than 200 calls were:

San Francisco, Calif.  
Jacksonville, Fla.  
Oakland, Calif.  
Denver, Colo.  
Wichita, Kan.  
Baltimore, Md.  
Kansas City, Mo.  
Columbus, Ohio  
Omaha, Neb.  
Tacoma, Wash.

Portland, Ore.  
Sacramento, Calif.  
Boston, Mass.  
Colorado Springs, Colo.  
Seattle, Wash.  
Minneapolis, Minn.  
Honolulu, Hawaii  
Washington, D.C.  
New Orleans, La.  
Tulsa, Okla.

#### About Verizon Wireless

Verizon Wireless owns and operates the nation's most reliable wireless network, serving 54.8 million voice and data customers. Headquartered in Basking Ridge, N.J., Verizon Wireless is a joint venture of Verizon Communications (NYSE:VZ) and Vodafone (NYSE and LSE: VOD). Find more information on the Web at [www.verizonwireless.com](http://www.verizonwireless.com). To preview and request broadcast-quality video footage and high-resolution stills of Verizon Wireless operations, log on to the Verizon Wireless Multimedia Library at [www.verizonwireless.com/multimedia](http://www.verizonwireless.com/multimedia).

#### **MPSC Schedules Consumer Forums around the State in October**

*Note: The MPSC issued the following press release on August 30, 2006. For more information contact Judy Palnau at the Commission, (517) 241-3323*

The Michigan Public Service Commission (MPSC) today announced that it will host a series of consumer forums around Michigan in October. The forums are designed to give consumers the latest information on electric and natural gas rates for the winter and the status of local and long distance telephone service.

“As winter approaches, my colleagues and I believe it is important for Michigan utility customers to prepare for winter heating bills,” said MPSC Chairman J. Peter Lark. “We want customers to be aware of conservation measures they can take and assistance programs that are available to them. We welcome the opportunity to meet customers to discuss these issues and hear their comments on other utility matters that concern them.”

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

Following is information on each upcoming consumer forum:

***Marquette***

Tuesday, October 3, at 6 p.m.  
Lakeview Arena - Citizens’ Forum  
401 E. Fair Ave.

***Petoskey***

Wednesday, October 4, at 6 p.m.  
Carnegie Building - Library Meeting Room  
451 E. Mitchell St.

***Detroit***

Tuesday, October 10, at 6 p.m.  
Wayne County Community College  
District - Downtown Campus Multi-Purpose Room  
1001 W. Fort St.

***Saginaw***

Thursday, October 12, at 6 p.m.  
City Hall - Council Chambers  
1315 S. Washington Ave.

***Grand Rapids***

Monday, October 16, at 6 p.m.  
Yankee Clipper Branch Library  
Meeting Room  
2025 Leonard St., NE

***Riverview***

Thursday, October 19, at 6 p.m.  
City Hall - Council Chambers  
14100 Civic Park Drive

***Canton Township***

Wednesday, October 25, at 6 p.m.  
Summit on the Park Community Center  
Grand Ball Room  
46000 Summit Parkway

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

## 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 # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
<b>SB 48 Johnson</b>	<b>1/25/05</b>	<b>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).</b>	<b>9/6/06 reported out of House Committee on Appropriations without amendment; 7/26/06 passed by the Senate.</b>
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

Senate Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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).	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; 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

Senate Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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
SB 1291 Jacobs	6/07/06	Communications; cellular telephone; cell phone users bill of rights; establish.	To Senate Committee on Technology and Energy
SB 1311 Schauer	6/15/06	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 Senate Committee on Judiciary
SB 1312 Switalski	6/15/06	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)	To Senate Committee on Judiciary
SCR 0021 Patterson	5/18/05	A concurrent resolution to urge the Federal Communications Commission (FCC) to use its authority posthaste 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 # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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 # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HB 4067 Schuitmaker	1/27/05	Communications; telecommunications; requirement for timely transfer of customers from one 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.	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

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.).	5/10/06 Sub S-1 passed by the House, 100 yeas, 5 nays. Referred to Senate Committee on Technology and Energy.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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
HB 6136 Gosselin	06/06/06	Communications; cellular telephone; assessment of fees and interest during a dispute between consumers and wireless companies; prohibit. Amends 1991 PA 179 (MCL 484.2101 - 484.2604) by adding sec. 381.	To House Committee on Energy and Technology
HB 6189 Cushingberry	6/13/06	Communications; telecommunications; amendments to the emergency telephone service enabling act; provide for. Amends sec. 102 of 1986 PA 32 (MCL 484.1102) & adds sec. 408a.	To Committee on Energy and Technology
HB 6198 Gosselin	6/14/06	Communications; cellular telephone; minimum rate assessed on charge for default of payment; establish. Amends 1991 PA 179 (MCL 484.2101 - 484.2604) by adding sec. 381.	To House Committee on Energy and Technology
<b>HB 6248 Hune</b>	<b>6/21/06</b>	<b>Insurance; other; waiver of customer liability agreement; clarify as not being insurance. Amends 1956 PA 218 (MCL 500.100 - 500.8302) by adding sec. 126.</b>	<b>8/30/06 Sub H-1 passed by the House, 102 yeas, 1 nay. Referred to Senate Committee on Banking and Financial Institutions.</b>
HB 6277 Sheen	6/28/06	Sales tax; exemptions; provision regarding review process for telecommunication equipment exemption; revise.	To House Committee on Tax Policy
HB 6278 Sheen	6/28/06	Use tax; exemptions; provision regarding review process for telecommunication equipment exemption; revise.	To House Committee on Tax Policy

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HB 6355 Green	8/16/06	Communications; cellular telephone; requirement for vendors of prepaid cellular telephones to obtain and retain certain information from purchaser. Amends 1991 PA 179 (MCL 484.2101 - 484.2604) by adding Part J, sec. 325.	To House Committee on Energy and Technology
<b>HB 6430 Law</b>	<b>9/13/06</b>	<b>Crimes; criminal sexual conduct; access to social websites by certain sex offenders; prohibit. Amends 1931 PA 328 (MCL 750.1 to 750.568) by adding section 411u.</b>	<b>To House Committee on Judiciary.</b>

### 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

Public Act No.	Effective Date	Description	Enrolled Bill No. and Sponsor
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	05/16/06	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
2006 PA 246	06/27/06	Consumer protection; other; sale of cellular telephone records; prohibit. Amends sec. 5 of 2004 PA 452 (MCL 445.65) & adds sec. 5a.	Enrolled SB 1202 Patterson
2006 PA 249	06/21/06	Communications; telecommunications; sunset on 9-1-1 emergency service district; extend.	Enrolled SB 1172 Brown

## ORDERS

*Note: The following MPSC Order was issued at a special Commission meeting held on August 31, 2006 at 10:30 a.m.:*

### **Case No. U-14889**

**Ace Telephone Company, Allendale Telephone Company, Barry County Telephone Company, Blanchard Telephone Company, Bloomingdale Telephone Company, Chippewa County Telephone Company, Deerfield Farmers' Telephone Company, Hiawatha Telephone Company, Kaleva Telephone Company, Lennon Telephone Company, Midway Telephone Company, Ogden Telephone Company, Ontonagon Telephone Company, Pigeon Telephone Company, the Upper Peninsula Telephone Company, Waldron Telephone Company and Winn Telephone Company, Arbitration of Interconnection Agreement with Alltel Communications**  
<<http://efile.mpsc.cis.state.mi.us/cgi-bin/efile/theucase.pl?casenum=14889>>  
(Arbitration of Interconnection Agreement)

### **Case No. U-15035**

**Bloomingdale Telephone Company, Chippewa County Telephone Company, Hiawatha Telephone Company, Midway Telephone Company, Ontonagon Telephone Company and Winn Telephone Company**  
< <http://efile.mpsc.cis.state.mi.us/cgi-bin/efile/viewcase.pl?casenum=15035>>  
(Total service long run incremental costs)

On August 31, 2006, the Michigan Public Service Commission (“Commission”) issued an order resolving the Petition for Arbitration of interconnection rates, terms and conditions of related arrangements between Ace Telephone Company, Allendale Telephone Company, Barry County Telephone Company, Blanchard Telephone Company, Bloomingdale Telephone Company, Chippewa County Telephone Company, Deerfield Farmers’ Telephone Company, Hiawatha Telephone Company, Kaleva Telephone Company, Lennon Telephone Company, Midway Telephone Company, Ogden Telephone Company, Ontonagon Telephone Company, Pigeon Telephone Company, the Upper Peninsula Telephone Company, Waldron Telephone Company, and Winn Telephone Company (“Petitioners”) and Alltel Communications, Inc. (“Alltel”).

An Arbitration Panel (“Panel”), consisting of Anne-Marie Clark and Wendy Thelen, both members of the Commission’s Telecommunications Division, and Administrative Law Judge Sharon Feldman issued its Decision of the Arbitration Panel (“DAP”) on August 6, 2006 [See **MTR vol 22 no 16**]. The DAP recommended that the Commission: 1) Reject Alltel’s arguments that a bill and keep compensation mechanism was required for compensation for transport and termination of local telephone calls exchanged between the parties; 2) Find that the reciprocal compensation rates proposed by the petitioners should be incorporated into the interconnection agreements, and that the reciprocal compensation rates incorporated in the interconnection agreements should be considered interim rates in that each agreement will be amended to reflect rates resulting from a new Commission approved cost study, to be effective on the date of the order approving the cost study; and 3) Require each petitioner that has not already filed a cost study in Case No. U-14781 to file a cost study for review and approval, jointly or individually, within 30 days of a final Commission order in this matter. On August 17, 2006, both the Petitioners and Alltel filed objections to the DAP.

The Commission adopted the DAP’s recommendation, except as to the amount of time Petitioners have to file new cost studies. The Commission agreed with the Petitioners that 30 days was “not practical considering the enormous amount of work that will be required in gathering such

information and compiling the input into a model” for a cost study. The Commission recognized that Ace Telephone Company, Barry County Telephone Company, Deerfield Farmers’ Telephone Company, Kaleva Telephone Company, Lennon Telephone Company, Ogden Telephone Company, Pigeon Telephone Company, the Upper Peninsula Telephone Company, and Waldron Telephone Company were required to file new cost studies as a result of an arbitration Order issued in MPSC Case No. U-14678 [See MTR vol 22 no 4] and have filed new Cost Studies that are pending before the Commission in Case No. U-14781. On August 22, 2006, the Commission granted an appeal of Allendale Telephone Company, Blanchard Telephone Company, Carr Telephone Company, and Drenthe Telephone Company, in MPSC Case No. U-14781, and allowed these companies to include their company specific input data with company specific input data of other Michigan Exchange Carrier Association Companies who had previously filed their total service long run incremental cost (“TSLRIC”) studies in Case No. U-14781. [See MTR vol 22 no 17]. In its Arbitration Order in the instant proceeding, the Commission commenced a new proceeding, MPSC Case No. U-15035, and required Bloomingdale Telephone Company, Chippewa County Telephone Company, Hiawatha Telephone Company, Midway Telephone Company, Ontonagon Telephone Company and Winn Telephone Company to file new cost study data as well as the documents and testimony necessary to support their cost studies within 160 days, or on or before February 7, 2007. The Commission determined that these companies may proceed individually, or as a group. As provided by MCL 484.2304, these companies may determine that their TSLRIC is the same as either AT&T Michigan or Verizon, rather than file their own cost studies. If the petitioners choose this option, they must inform the Commission no later than September 30, 2006.

### **NOTICES OF HEARING**

*The following notices of hearing were issued by the Michigan Public Service Commission’s Executive Secretary. Unless otherwise noted, all hearings are held at the offices of the Michigan Public Service Commission, 6545 Mercantile Way, Suite 7, Lansing, Michigan.*

#### **Case No. U-14988**

#### **All About You Hair Studio and Tammy Garinger v MichTel Communications, LLC (disconnection of service)**

The August 1, 2006 complaint of All About You Hair Studio and Tammy Garinger against MichTel Communications, LLC alleging that MichTel violated Sections 301, 304, 305, 313, 352, 359, 504, and 507 of the Michigan Telecommunications Act by discontinuing telephone service without notice and making false, misleading, and/or deceptive statements, is set for an evidentiary hearing at 9:00 a.m. on **September 12, 2006** before Administrative Law Sharon L. Feldman at the offices of the Michigan Public Service Commission.

## PSC HEARINGS SCHEDULE

Note: Unless indicated otherwise, hearings are held in the offices of the Commission, 6545 Mercantile Way, Suite 7, Lansing. Hearing dates and times are subject to change or cancellation. Please check with the Commission's Executive Secretary at (517) 241-6160 to confirm that a hearing will be taking place.

### **Known Telecom Hearings Scheduled for the Next Fortnight, September 11-22, 2006**

September 11, 2006, 9:00 a.m. Case No. U-14917/evidentiary hearing Attorney General v Verizon (PBLES)	September 12, 2006, 9:00 a.m. Case No. U-14988/evidentiary hearing All About You Hair Studio v MichTel (disconnection)
September 13, 2006, 9:00 a.m. Case No. U-14974, evidentiary hearing Murphy v Upper Peninsula Telephone & Verizon (consumer complaint)	September 19, 2006, 9:00 a.m. Case No. U-14952/prehearing TDS MetroCom v AT&T (dispute between carriers)

### **Future Telecom Hearings Scheduled**

September 22, 2006, 9:00 a.m. Case No. U-14975/motion hearing Michigan Communications Carriers v AT&T (dispute between carriers)	September 29, 2006, 9:00 a.m. Case No. U-14985/motion hearing ACLU v AT&T (investigation)
---	---

## PSC NOTICES OF OPPORTUNITY FOR COMMENT

### **Case No. U-14781**

**Michigan Exchange Carriers Association, Ace Telephone Company, Barry County Telephone Company, Deerfield Farmers' Telephone Company, Kaleva Telephone Company, Lennon Telephone Company, Ogden Telephone Company, Pigeon Telephone Company, Upper Peninsula Telephone Company and Waldron Telephone Company**  
<<http://efile.mpsc.cis.state.mi.us/cgi-bin/efile/viewcase.pl?casenum=14781>>  
(TSLRIC)

On July 25, 2006, the Michigan Public Service Commission ("Commission") issued an order establishing a schedule for the review of the Total Service Long Run Incremental Cost ("TSLRIC") Studies filed by the Michigan Exchange Carriers Association companies listed above, as well as Allendale Telephone Company, Blanchard Telephone Company, Carr Telephone Company, and Drenthe Telephone Company. The Commission has established the following schedule for the remainder of this proceeding: Initial comment due **November 2, 2006**; Staff's comments due **November 30, 2006**; Reply comments due **January 11, 2007**; Final reply comments due **February 2, 2007**.

**Case No. U-15023**

**Zenk Group, Ltd., d/b/a Planet Access**

**<<http://efile.mpsc.cis.state.mi.us/cgi-bin/efile/viewcase.pl?casenum=15023>>**

**(amended license)**

On August 17, 2006, Zenk Group Ltd., d/b/a Planet Access (“Planet Access”) filed an application with the Michigan Public Service Commission (“Commission”) for approval to amend the geographic area of its license to provide primary basic local exchange service. Planet Access requests authority to serve all zone and exchange areas in the state of Michigan in which Verizon North Inc., and Contel of the South, Inc., d/b/a Verizon North Systems are the incumbent local exchange carriers. Interested parties are invited to file Comments on Planet Access’ Application with the Commission on or before **October 17, 2006**.

**APPLICATIONS AND COMPLAINTS**

**Case No. U-15036**

**AT&T Michigan**

**<<http://efile.mpsc.cis.state.mi.us/cgi-bin/efile/viewcase.pl?casenum=15036>>**

**(PBLES Rates)**

On September 1, 2006, AT&T Michigan filed, with the Michigan Public Service Commission (“Commission”) an Application and Notice of its intent to increase its rate for primary basic local exchange service (“PBLES”) pursuant to Section 310a of the Michigan Telecommunications Act (“MTA”). According to the Application, effective June 1, 2007, AT&T proposes to eliminate its End User Common Line (“EUCL”) charge and increase its rate for PBLES by an equal amount. AT&T’s EUCL charge is currently \$2.78 per line. AT&T current charges \$12.58 for PBLES, not including the EUCL charge. Pursuant to the MTA, the Commission must make a determination, within 90 days, that AT&T’s Application is either just and reasonable, or order a more comprehensive application and a contested case proceeding to consider AT&T’s Application.

**Case No. U-15046**

**Eric L. Domke v Talk America**

**(slamming)**

On September 1, 2006, Eric L. Domke (“Complainant”) filed a formal complaint with the Michigan Public Service Commission against Talk America. The Complaint alleges that Talk America switched the Complainant’s intrastate and interstate long distance services without his authorization. The Complaint seeks fines pursuant to the Michigan Telecommunications Act, and specifically requests that 50% of any fines assessed be awarded to the Complainant.

**Case No. U-15047**

**Verizon North Inc. and Contel of the South, Inc. d/b/a Verizon North Systems and Quality Telephone, Inc.**

**<<http://efile.mpsc.cis.state.mi.us/cgi-bin/efile/viewcase.pl?casenum=15047>>**

**(interconnection)**

On September 7, 2006, Verizon North Inc. and Contel of the South, Inc. d/b/a Verizon North Systems and Quality Telephone, Inc. jointly applied to the Michigan Public Service Commission for approval of an Interconnection Agreement.

**2006 REGULAR MPSC MEETING DATES\***

<i>Month &amp; Date</i>	<i>Day</i>	<i>Time</i>
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.*

**SUBSCRIPTION INFORMATION**

Annual subscription rates (U.S. currency): single subscription: \$400; each additional subscription within the same firm: \$175. Please complete the form below and make checks payable to Clark Hill PLC. Mail to Circulation Mgr., Clark Hill, PLC, 212 E. Grand River Avenue, Lansing, MI 48906-4328, or fax to (517) 318-3099. You can reach us by phone at (517) 318-3100.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

If you currently receive the **MTR** and would prefer to receive an electronic copy on the date of publication, please call Haran Rashes at (517) 318-3019.