



FEATURES |

MPSC: Lessees of Telecommunications Facilities in Municipal Rights-of-Way Not Subject to Annual Maintenance Fee

Note: The MPSC issued the following press release on November 9, 2006. For more information, contact Judy Palnau at the Commission at (517) 241-3323.

The Michigan Public Service Commission (MPSC) today issued an order finding that lessees of telecommunications facilities in municipal rights-of-way are not subject to the annual maintenance fee. . . .

Continued on page 2

IN THIS ISSUE:

- 1 Features
 - ♦ MPSC: Leased Facilities Not Subject to METRO Act Fees
 - ♦ Attorney General Opposes AT&T Subscriber Line Charge
- 3 Pending Legislation
- 9 Public Acts of 2005 & 2006
- 10 Orders issued by MPSC
- 13 Minute Actions
- 14 Proposal for Decision
- 14 Applications & Complaints
- 15 Opportunities for Comment
- 17 Notices of Hearings
- 17 MPSC Hearings Schedule
- 18 MPSC Meetings
- 19 MTR Subscriptions

Clark Hill PLC
 212 East Grand River Avenue
 Lansing, Michigan 48906-4328
 P: 517.318.3100 | F: 517.318.3099

INDEX OF HIGHLIGHTED CASES |

ORDERS |

- U-14878 Sprint Communications Company L.P. (METRO act)
- U-14923 Commission's Own Motion (8-1-1)
- U-14931 Cost Plus Communications, LLC (license)
- U-14937 CloseCall America, Inc. (license)
- U-14979 Abraham Ben-Ze'ev v AT&T Michigan, LDMI Telecommunications, Inc., and Talk America, Inc. (slamming)
- U-15016 Quick Communications v AT&T Michigan (interconnection dispute)
- U-15023 Zenk Group, Ltd., d/b/a Planet Access (license amendment)
- U-15060 Benita Stevens v ACN Communication Services, Inc. (slamming)
- U-15105 AT&T Michigan and American Messaging Services, LLC (ica)
- U-15115 AT&T Michigan and Cbeyond Communications, LLC (ica)

MINUTE ACTIONS |

- U-14000 AT&T Michigan and Verizon North, Inc. (9-1-1 wireless invoices)

PROPOSALS FOR DECISIONS |

- U-14985 American Civil Liberties Union v AT&T Michigan and Verizon North, Inc. (investigation)

Continued on page 2

APPLICATIONS AND COMPLAINTS |

- U-15118 Chatham Telephone Company, Communication Corporation of Michigan, Island Telephone Company, Shiawassee Telephone Company, and Wolverine Telephone Company and Cellco Partnership d/b/a Verizon Wireless, New Par d/b/a Verizon Wireless, Verizon Wireless Power Partners, Inc. d/b/a Verizon Wireless, and Muskegon Cellular Partnership d/b/a Verizon (ica)
- U-15123 AT&T Michigan and Globetel, Inc. (ica)
- U-15127 Vatterott v Charter Communications (consumer complaint-quality service)

FEATURES | CONTINUED FROM PAGE 1

MPSC: Lessees of Telecommunications Facilities in Municipal Rights-of-Way Not Subject to Annual Maintenance Fee

. . . "The availability of telecommunications and broadband access is a matter of paramount importance to Michigan," said MPSC Commissioner Laura Chappelle. "The METRO Act provides crucial 'rules of the road' for these technologies. The Commission believes that today's order will clarify those rules to encourage more deployments."

Sprint Communications Company L.P. on May 3 appealed to the MPSC to review the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority's (METRO) determination, known as Determination No. 5, that the fee requirement of the METRO Act is applicable to both owners and lessees of facilities in public rights-of-way.

In today's order, the MPSC notes that the most direct reading of the METRO Act indicates the Michigan legislature intended the maintenance fee to be imposed only on the owners of telecommunications facilities occupying municipal rights-of-way, and not on providers leasing those facilities. Accordingly, the MPSC's order overturns METRO's "Determination No. 5."

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

Attorney General Opposes AT&T Subscriber Line Charge

Note: The Attorney General issued the following press release on November 9, 2006. For more information, contact Rusty Hills or Ari Faneuil, the Attorney General's Media Contacts at 517-373-8060.

Attorney General Mike Cox announced that he has filed comments with the Michigan Public Service Commission (MPSC) seeking a hearing on the fairness of AT&T's intrastate subscriber line charge. The monthly charge of \$2.78 currently appears as a separate line item on customer bills.

"Because AT&T does not assess this charge in any other state, I have asked the Michigan Public Service Commission to conduct a hearing to determine whether it is justifiable for AT&T to roll its subscriber line charge into its basic rates," said Attorney General Mike Cox.

AT&T filed an application with the MPSC on September 1 to increase its primary basic local exchange rate by \$2.78, an amount equal to the line item charge. In 2005, the Legislature gave the telephone companies until June 2007 to eliminate the line charge on customer bills.

The Commission will rule by December 1, 2006, whether to conduct a full evidentiary hearing. If the Commission does not hold a hearing, the rate will automatically go into effect on June 1 of 2007.

Attorney General Cox is joined in his request by the American Association of Retired Persons (AARP), which has also filed comments with the MPSC.

"I encourage the Michigan Public Service Commission to conduct a thorough review of AT&T's rates. Consumers are entitled to the assurance that the telephone rates they pay are just and reasonable. Michigan's customers should not be charged more than the customers of all the other states," concluded Cox.

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) |
|----------------------------------|-----------------|---|--|
| 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). | 9/6/06 reported out of House Committee on Appropriations without amendment; 7/26/06 passed by the Senate. |
| 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 |

| Senate Bill # Primary Sponsor | Date Introduced | Description | Status (revisions in bold) |
|----------------------------------|-----------------|---|--|
| 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). | 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 |
| SB 1458 Jacobs | 9/19/06 | Consumer protection; privacy; information privacy and protection act. Creates new act. | To Senate Committee on Judiciary |
| SB 1478 Patterson | 9/20/06 | Income tax; credit; tax credit for purchase of certain computer software to filter or monitor internet activity; provide for. Amends 1967 PA 281 (MCL 206.1 - 206.532) by adding sec. 277. | To Senate Committee on Finance |
| SB 1479 | 9/20/06 | Crimes; criminal sexual conduct; access to social websites by certain sex offenders; prohibit. Amends 1931 PA 328 (MCL 750.1 - 750.568) by adding sec. 411u. | 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. | 9/21/06 Notice given to discharge House Committee on Judiciary |

| House Bill # Primary Sponsor | Date Introduced | Description | Status (revisions in bold) |
|------------------------------------|--------------------|--|---|
| 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. | 9/21/06 Notice given to discharge House Committee on Judiciary |
| 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 |
| 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 |

| House Bill # Primary Sponsor | Date Introduced | Description | Status (revisions in bold) |
|------------------------------------|--------------------|---|---|
| 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. |
| 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 |

| House Bill # Primary Sponsor | Date Introduced | Description | Status (revisions in bold) |
|------------------------------------|--------------------|--|---|
| 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 |
| HB 6277 Sheen | 6/28/06 | Sales tax; exemptions; provision regarding review process for telecommunication equipment exemption; revise. | 11/14/06 Sub H-1 adopted; placed on order of third reading in the House |
| HB 6278 Sheen | 6/28/06 | Use tax; exemptions; provision regarding review process for telecommunication equipment exemption; revise. | 11/14/06 Sub H-1 adopted; placed on order of third reading in the House |
| 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. | 8/16/06 To House Committee on Energy and Technology |
| HB 6430 Law | 9/13/06 | 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. | 9/19/06 Sub H-3 Reported with recommendation by House Committee on Judiciary; 9/20/06 passed House; Yeas 107, Nays 0; referred to Senate Committee on Judiciary |
| HB 6456 Nofs | 9/12/2006 | Communications; cable; regulation of competitive cable service providers; provide for. Creates new act. | 11/14/06 Sub H-2 passed House, 80 Yeas, 21 Nays |
| HB 6480 Kolb | 9/14/06 | Labor; fair employment practices; employer monitoring of employee communications; prohibit unless the employer establishes an employee monitoring policy and discloses that policy to employees. Creates new act. | 9/14/06 To House Committee on Employment Relations, Training, and Safety |
| HB 6522 Angerer | 9/14/06 | Consumer protection; privacy; information privacy and protection act. Creates new act. | 9/14/06 To House Committee on Judiciary |
| HB 6619 Kolb | 11/14/06 | Communications; telecommunications; mobile friendly site for directory assistance access to state employees; create. | 11/14/06 To Committee on Energy and Technology |

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 |

| Public Act No. | Effective Date | Description | Enrolled Bill No. and Sponsor |
|----------------|----------------|---|-------------------------------|
| 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 |
| 2006 PA 432 | 10/3/06 | 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. | Enrolled HB 6248 Hune |

ORDERS ISSUED BY MPSC |

The Michigan Public Service Commission issued the following Orders at the regularly scheduled Commission meeting held on November 9, 2006 at 1:30 p.m.:

Case No. U-14878

METRO Act De Novo Review

Sprint Communications Company L.P.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=14878>

On November 9, 2006, the Michigan Public Service Commission (“Commission”) issued an order setting aside a determination of the Metropolitan Extension Telecommunications Rights-Of-Way Oversight Authority (“METRO Authority”). The METRO Authority had issued its Determination No. 5 on July 19, 2005, finding that telecommunications providers using leased facilities must pay the annual maintenance fee per linear foot occupied in the public rights-of-way imposed upon facility owners by the METRO Act. On May 3, 2006, Sprint Communications L.P. (“Sprint”) initiated this matter as a de novo review under Section 17 of the Metro Act, MCL 484.3117, of the METRO Authority’s Determination No. 5.

The Commission, after carefully considering the METRO Act as a whole, concluded that telecommunication facility lessees are not subject to the annual maintenance fee that the METRO Act imposes on the owners of those facilities. The Commission concluded that the METRO Act’s language imposing the maintenance fees refers to the owner of the facilities and not to other providers that might use them, such as lessees or licensees, and therefore the language of the METRO Act required setting aside Determination No. 5. The Commission found it was mandated to find the meaning of the statute as written, and that it could not consider arguments by the METRO Authority that the ruling would impose a financial burden on municipalities. The Commission indicated the METRO Authority may appeal the order or may seek relief from the Legislature.

Finally, the Commission directed that in future matters of de novo review of METRO Authority decisions or assessments, the party seeking review shall simultaneously notify both the METRO Authority and the Director of the Commission's Telecommunications Division of its filing (the "Director"). The Director shall then electronically serve a copy on all providers of telecommunications services who routinely receive invoices from the METRO Authority, the Michigan Municipal League, and the Michigan Townships Association. The METRO Authority will also publish a conspicuous notice of the filing on its web site. Written comments can then be filed within 30 days of the request.

Case No. U-14923

8-1-1

Commission's Own Motion

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=14923>

On November 9, 2006, the Michigan Public Service Commission ("Commission") issued an order regarding the implementation of an 8-1-1 abbreviated dialing number to access Michigan's One Call Center – MISS DIG Systems Inc. ("MISS DIG"). In developing its order the Commission considered the comments of Jack Decker, Common Ground Alliance, Michigan Electric Co-operative Association, MISS DIG, Michigan Electric and Gas Association, Telecommunications Association of Michigan, the Verizon companies, SEMCO Energy Gas Company and Sprint Nextel Corporation.

The Commission had requested comment on the following issues: 1) uses of 8-1-1 and cessation issues; 2) length of time necessary for 8-1-1 implementation; 3) unique or technical complications for 8-1-1 implementation; 4) the determinations of MISS DIG as the sole 8-1-1 designee for the State of Michigan; 5) consumer education needs and responsible parties; and 6) associated cost estimates and funding proposal.

The Commission found that MISS DIG, as the only utility one call center in Michigan, should be designated the destination for 8-1-1 abbreviated dialing. The Commission believes that customer education for use of this 8-1-1 number should be done in the same manner that it is currently handled for use of MISS DIG's current toll-free number. The Commission has asked that appropriate bill inserts be used with 8-1-1 in place of the current toll-free number for MISS DIG. The Commission has also asked telecommunication providers to update their directories to include the 8-1-1 number as the primary means for reaching MISS DIG.

The Commission noted that the majority of the comments concerned recovery of costs associated with implementing 8-1-1. In the federal mandate to implement 8-1-1, the Federal Pipeline Safety Act did not provide a mechanism for funding the implementation. The Commission noted that it has no jurisdiction or authority to assess any cost resulting from the federal mandate to implement 8-1-1 as the statewide one call center number. The Commission has ordered all telecommunication carriers, including wireline, wireless, and pay phone providers to deploy 8-1-1 service statewide by April 13, 2007, as required by the Federal Communications Commission. The Commission invited any provider wishing to pursue formal cost recovery to seek the most appropriate method for doing so as may be provided under law. The Commission encourages MISS DIG to negotiate with telecommunication providers the technical arrangements best suited to facilitate a smooth transition to 8-1-1, such as call intercept or re-routing calls from MISS DIG's old toll-free number.

Case No. U-14931

License

Cost Plus Communications, LLC

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=14931>

On November 9, 2006, the Michigan Public Service Commission (“Commission”) issued an order granting to Cost Plus Communications, LLC a license to provide basic local exchange service in the zones and exchanges served by AT&T Michigan and Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems. The Commission previously granted Cost Plus Communications, LLC a temporary license on October 12, 2006.

Case No. U-14937

License

CloseCall America, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=14937>

On November 9, 2006, the Michigan Public Service Commission issued an order granting to CloseCall America, Inc. a license to provide basic local exchange service throughout the State of Michigan. The Commission previously granted CloseCall America, Inc. a temporary license on October 24, 2006.

Case No. U-14979

Slamming

Abraham Ben-Ze'ev v AT&T Michigan, LDMI Telecommunications, Inc., and Talk America, Inc.

On November 9, 2006, the Michigan Public Service Commission (“Commission”) issued an order dismissing, with prejudice, the July 24, 2006 complaint of Abraham Ben-Ze’ev and ABZ Group, Inc., against AT&T Michigan, LDMI Telecommunications, Inc., and Talk America Inc., alleging that his local and long distance services were switched to another provider without permission. On October 12, 2006, the complainant and LDMI and Talk America submitted a stipulation seeking dismissal of the remainder of the complaint with prejudice.

Case No. U-15016

Interconnection Dispute

Quick Communications, Inc. v AT&T Michigan

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15016>

On November 9, 2006, the Michigan Public Service Commission (“Commission”) issued an order dismissing, without prejudice, the August 16, 2006 complaint of Quick Communications, Inc. against AT&T Michigan, seeking to force AT&T Michigan to adhere to provisions contained in their interconnection agreement and for other relief. On October 20, 2006, the parties filed a stipulation requesting dismissal of the complaint without prejudice.

Case No. U-15023

License Amendment

CloseCall America, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=14023>

On November 9, 2006, the Michigan Public Service Commission issued an order granting to Zenk Group, Ltd., d/b/a Planet Access (Planet Access), an amendment to its license to provide basic local exchange service to include all the zones and exchanges in which Verizon North Inc. and Contel of the South, Inc., d/b/a Verizon North Systems, are the incumbent local exchange carriers. The Commission previously granted Planet Access a temporary amendment to its license on September 12, 2006.

Case No. U-15060
Benita Stevens v ACN Communication Services, Inc.

Billing Dispute

On November 9, 2006, the Michigan Public Service Commission (“Commission”) issued an order dismissing the September 15, 2006 complaint of Benita Stevens against ACN Communication Services, Inc., regarding a billing dispute. On October 18, 2006, ACN filed a letter requesting withdrawal of the complaint, containing Ms. Stevens’ signature agreeing to settlement and dismissal of the complaint.

Case No. U-15105
AT&T Michigan and American Messaging Services, LLC
Application filed October 19, 2006 for approval of an interconnection agreement
<http://efile.mpesc.cis.state.mi.us/efile/viewcase.php?casenum=15105>

Interconnection Agreement

Case No. U-15115
AT&T Michigan and Cbeyond Communications, LLC
Application filed October 26, 2006 for approval of an interconnection agreement (adoption of the agreement approved on July 10, 2002 in Case No. U-13378 between AT&T Michigan and Comcast Phone of Michigan, including the first amendment approved on September 11, 2003, the second amendment approved on February 24, 2005, the third amendment approved on April 28, 2005, and the fourth amendment approved on November 30, 2005; and a fifth amendment)
<http://efile.mpesc.cis.state.mi.us/efile/viewcase.php?casenum=15115>

Interconnection Agreement

On November 9, 2006, the Michigan Public Service Commission issued an order approving the interconnection agreements listed above.

MINUTE ACTIONS

Case U-14000
AT&T Michigan and Verizon
<http://efile.mpesc.cis.state.mi.us/efile/viewcase.php?casenum=14000>

Emergency Telephone Reimbursements

On November 9, 2006, the Michigan Public Service Commission (“Commission”) issued a Minute Action, approving AT&T Michigan and Verizon’s invoices for wireless emergency service costs, recoverable pursuant to 2003 PA 244, MCL 484.1408(11), and MPSC Case No. U-14000. The Commission recommended reimbursement of the invoices by the Emergency Telephone Service Committee.

PROPOSALS FOR DECISIONS |

Case No. U-14985

Investigation

American Civil Liberties Union Fund of Michigan v AT&T Michigan and Verizon North, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=14985>

On October 19, 2006, Administrative Law Judge, Mark D. Eyster, (“ALJ”) suspended the Complaint of the American Civil Liberties Union Fund of Michigan (“ACLU”) against AT&T Michigan and Verizon North, Inc., alleging disclosures of subscribers’ personal information to the National Security Agency in violation of privacy policies. The ALJ suspended the case because the ACLU failed to file any pre-filed testimony with its complaint, as required by MCL 484.2203(7) and Administrative Rule 460.17331. The ALJ’s ruling was filed with the Commission on November 13, 2006.

APPLICATIONS AND COMPLAINTS |

Case No. U-15118

Interconnection Agreement

Chatham Telephone Company, Communication Corporation of Michigan, Island Telephone Company, Shiawassee Telephone Company, and Wolverine Telephone Company and Cellco Partnership d/b/a Verizon Wireless, New Par d/b/a Verizon Wireless, Verizon Wireless Power Partners, Inc. d/b/a Verizon Wireless, and Muskegon Cellular Partnership d/b/a Verizon Wireless

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15118>

On November 6, 2006, Chatham Telephone Company, Communication Corporation of Michigan, Island Telephone Company, Shiawassee Telephone Company, and Wolverine Telephone Company and Cellco Partnership d/b/a Verizon Wireless, New Par d/b/a Verizon Wireless, Verizon Wireless Power Partners, Inc. d/b/a Verizon Wireless, and Muskegon Cellular Partnership d/b/a Verizon Wireless jointly applied to the Michigan Public Service Commission for approval of a Wireless Traffic Exchange Agreement.

Case No. U-15123

Interconnection Agreement

AT&T Michigan and Globetel, Inc.

<http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15123>

On November 6, 2006, AT&T Michigan and Globetel, Inc. jointly applied to the Michigan Public Service Commission for approval of an Interconnection Agreement.

Case No. U-15127

Consumer Complaint – Quality Service

Joseph Vatterott v Charter Communications

On November 8, 2006, Joseph Vatterott, of Spring Lake, Michigan, (“Complainant”) filed a formal complaint with the Michigan Public Service Commission (“Commission”) alleging that Charter Communication listed his telephone number with directory service, despite his request to have his number “non-published.” The Complainant further alleges that Charter Communications was unresponsive to his requests for remediation. The Complainant seeks “a huge compensation for the jeopardy into which [his] family has been placed.”

OPPORTUNITIES FOR COMMENT |

Case No. U-15070

License Amendment

AT&T Michigan

<http://efile.mpsc.cis.state.mi.us/cgi-bin/efile/viewcase.pl?casenum=15070>

Comments Due November 21, 2006

On September 21, 2006, AT&T Michigan (AT&T) 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. Amended applications were filed on October 4, 2006 and October 6, 2006. AT&T requests authority to add territory along the southern portion of its Ypsilanti exchange. The territory (a part of the Saline exchange) is currently served by Verizon North Incorporated. Interested parties are invited to file comments in this docket on or before **November 21, 2006**.

Case No. U-15076

Expanded Local Calling Area

Kaleva Telephone Company

<http://efile.mpsc.cis.state.mi.us/cgi-bin/efile/viewcase.pl?casenum=15076>

Comments Due November 21, 2006

On October 2, 2006, Kaleva Telephone Company filed an application with the Michigan Public Service Commission for authority to: 1) offer expanded local calling from the Brethren exchange to the Harrietta, Manistee, and Onekama exchanges as defined in the filed tariffs of AT&T Michigan and to the Hoxeyville exchange as defined in the filed tariffs of Ace Telephone Company and to the non-adjacent exchanges Bear Lake exchange as defined in the filed tariffs of CenturyTel of Michigan, the Copemish-Thompsonville and Mesick exchanges as defined in the filed tariffs of Ace Telephone Company and to the Irons exchange as defined in the filed tariffs of AT&T Michigan, 2) to offer expanded local calling from the Dublin exchange to the Manistee and Irons exchanges as defined in the filed tariffs of AT&T Michigan, to the Hoxeyville exchange as defined in the filed tariffs of Ace Telephone Company and to the non-adjacent Bear Lake exchange as defined in the filed tariffs of CenturyTel of Michigan, the Copemish- Thompsonville and Mesick exchanges as defined in the filed tariffs of Ace Telephone Company, to the Harrietta and Onekama exchanges as defined in the filed tariffs of AT&T Michigan, 3) to offer expanded local calling from the Kaleva exchange to the Harrietta and Onekama exchanges as defined in the filed tariffs of AT&T Michigan, to the Copemish-Thompsonville and Mesick exchanges as defined in the filed tariffs of Ace Telephone Company, and to the Bear Lake exchange as defined in the filed tariffs of CenturyTel of Michigan, and to the non-adjacent exchanges of Irons and Manistee as defined in the filed tariffs of AT&T Michigan and to the non-adjacent exchange Hoxeyville as defined in the filed tariffs of Ace Telephone Company, 4) to offer expanded local calling from the Wellston exchange to the Hoxeyville exchange as defined in the filed tariffs of Ace Telephone Company and Manistee exchange as defined in the filed tariffs of AT&T Michigan and to the non-adjacent exchanges of Bear Lake exchange as defined in the filed tariffs of CenturyTel of Michigan, the Copemish-Thompsonville, and Mesick exchanges as defined in the filed tariffs of Ace Telephone Company and to the Irons, Harrietta, and Onekama exchanges as defined in the filed tariffs of AT&T Michigan , 5) implement a rate adjustment in its primary basic local exchange rates related to the provision of such expanded local calling, and 6) block 1+ originating toll calling from the exchanges of interest to the expanded local calling area. Interested parties are invited to file comments in this docket on or before **November 21, 2006**.

Case No. U-15077

Expanded Local Calling Area

Springport Telephone Company

<http://efile.mpsc.cis.state.mi.us/cgi-bin/efile/viewcase.pl?casenum=15077>

Comments Due November 21, 2006

On October 2, 2006, Springport Telephone Company filed an application with the Michigan Public Service Commission for authority to: 1) offer expanded local calling from the Springport exchange to the Albion, Charlotte, Eaton Rapids, Marshall, and Olivet exchanges as defined in the filed tariffs of AT&T Michigan and to the Onondaga, Parma, and Rives Junction exchanges defined in the filed tariffs of Verizon North Systems, 2) implement a rate adjustment in its primary basic local exchange rates related to the provision of such expanded local calling, and 3) block 1+ originating toll calling from the exchanges of interest to the expanded local calling area. Interested parties are invited to file comments in this docket on or before **November 21, 2006**.

Case No. U-15078

Expanded Local Calling Area

Baraga Telephone Company

<http://efile.mpsc.cis.state.mi.us/cgi-bin/efile/viewcase.pl?casenum=15078>

Comments Due November 21, 2006

On October 2, 2006, Baraga Telephone Company filed an application with the Michigan Public Service Commission for authority to: 1) offer expanded local calling from the Alston exchange to the Donken, Mass, Trout Creek, and Watton exchanges of the Upper Peninsula Telephone Company (UPTel) and to all nonadjacent exchanges in the Upper Peninsula, 2) offer expanded local calling from the Baraga exchange to the Houghton exchange as defined in the filed tariffs of AT&T Michigan and to the Watton exchange as defined in the filed tariffs of UPTel and to all nonadjacent exchanges in the Upper Peninsula, 3) offer expanded local calling from the Tapiola exchange to the Donken exchange as defined in the filed tariffs of UPTel and to all nonadjacent exchanges in the Upper Peninsula, 4) offer expanded local calling from the L'Anse exchange to the Fence River and Watton exchanges as defined in the filed tariffs of UPTel and to the Michigamme Forest exchange as defined in the filed tariffs of AT&T Michigan and to all nonadjacent exchanges in the Upper Peninsula, 5) implement a rate adjustment in its primary basic local exchange rates related to the provision of such expanded local calling, and 6) block 1+ originating toll calling from the exchanges of interest to the expanded local calling area. Interested parties are invited to file comments in this docket on or before **November 21, 2006**.

Case No. U-15079

Expanded Local Calling Area

Communication Corporation of Michigan

<http://efile.mpsc.cis.state.mi.us/cgi-bin/efile/viewcase.pl?casenum=15079>

Comments Due November 21, 2006

On September 29, 2006, Communication Corporation of Michigan filed an application with the Michigan Public Service Commission for authority to: 1) offer expanded local calling from the Augusta exchange to the Banfield exchange as described in the filed tariffs of Barry County Telephone Company and to the Climax exchange of the Climax Telephone Company, 2) offer expanded local calling from the Clayton exchange to the Adrian and Hudson exchanges as described in the filed tariffs of Verizon North and to the Addison and Morenci exchanges as described in the filed tariffs of Verizon North Systems, 3) implement a rate adjustment in its primary basic local exchange rates related to the provision of such expanded local calling, and 4) block 1+ originating toll calling from the exchanges of interest to the expanded local calling area. Interested parties are invited to comment in this docket by **November 21, 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-14567

Slamming

Absolute Music, LLC v Silv Communications, Inc.
Evidentiary Hearing, November 21, 2006, at 9:00 a.m.

The June 30, 2005, Complaint of Absolute Music, LLC against Silv Communication, Inc., alleging that Silv Communication is in violation of Section 505 of the Michigan Telecommunications Act ("MTA") for unlawfully switching Absolute Music's service without receiving prior authorization, is set for an evidentiary hearing at 9:00 a.m. on **November 21, 2006** before Administrative Law Judge Mark D. Eyster at the Offices of the Michigan Public Service Commission.

Case No. U-15100

Consumer Complaint

Mary French v Charter Communications and Level 3 Communications, LLC
Evidentiary Hearing, November 30, 2006, at 9:00 a.m.

The October 12, 2006, Complaint of Mary E. French against Charter Communications and Level 3 Communications, LLC, alleging that Charter Communications and Level 3 Communications are in violation of the Michigan Public Service Commission's Rules on Telecommunication Services for failure to investigate and rectify repair issues after complainant canceled service, is set for an evidentiary hearing at 9:00 a.m. on **November 30, 2006** before Administrative Law Judge Barbara Stump at the Offices of the Michigan Public Service Commission.

MPSC HEARINGS SCHEDULE |

Note: Unless indicated otherwise, hearings are held in the offices of the Commission, 6545 Mercantile Way, Suite 7, Lansing, Michigan. 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 (NOVEMBER 20, 2006 THROUGH DECEMBER 1, 2006)

November 21, 2006, 9:00 a.m.
Case No. U-14567/evidentiary hearing
Absolute Music, LLC v Silv Communication,
Inc. (slamming)

November 21, 2006, 9:00 a.m.
Case No. U-14952/motion hearing
TDS Metrocom, LDMI, and XO
Communications v AT&T Michigan (dispute
between carriers)

November 22, 2006, 9:00 a.m.
Case No. U-15046/evidentiary hearing
Domke v Talk America (Slamming)

November 29, 2006, 9:00 a.m.
Case No. U-14975/evidentiary hearing
Michigan Communications Carriers *et al* v
AT&T Michigan (dispute between carriers)

November 30, 2006, 9:00 a.m.
Case No. U-15100/ evidentiary hearing

French v Charter Communications and Level 3
(consumer Complaint)

FUTURE TELECOM HEARINGS SCHEDULED

December 6, 7, & 8, 2006, 9:00 a.m.
Case No. U-14952/evidentiary hearing
TDS Metrocom, LDMI, and XO
Communications v AT&T Michigan (dispute
between carriers)

December 20, 2006, 9:00 a.m.
Case No. U-15052/evidentiary hearing
Ygnition Networks, Inc. (license)

January 4, 2007, 9:00 a.m.
Case No. U-15093/evidentiary hearing
Frontier Communications of America, Inc.
(license)

2006 REGULAR MPSC MEETING DATES |

At its Regularly Scheduled Meeting, held on November 9, 2006, the Michigan Public Service Commission (“Commission”) announced that it will hold a Regular Commission Meeting on Tuesday November 21, 2006 at 1:30 p.m. at the Commission's Lansing office.

| <u>Month & Date</u> | <u>Day</u> | <u>Time</u> |
|-------------------------|------------|-------------|
| November 21 | Tuesday | 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.