



FEATURES |

Legislative Committee Assignments Announced |

The Michigan House of Representative and Senate have announced their committee assignments for the 2015-2016 legislative session. In the House of Representatives, it is anticipated that the majority of telecommunications legislation will be referred to the Standing Committee on Communications and Technology, chaired by Representative Bradford Jacobsen (R-Oxford). In the Senate, it is anticipated that the majority of telecommunications legislation will be referred to the Standing Committee, chaired by Senator Mike Nofs (R-Battle Creek). . . .

... Continued on Page 2

IN THIS ISSUE:

- 1 Features
 - ♦ Legislative Committee Assignments Announced
- 4 2013 & 2014 Legislation
- 8 2015 & 2016 Legislation
- 9 Public Acts of 2013 & 2014
- 10 Orders Issued by MPSC
- 17 MPSC Minute Actions
- 17 Applications & Complaints
- 18 Opportunities to Comment
- 18 Notices of Hearings
- 19 MPSC Hearings Schedule
- 20 MPSC Meeting Schedule
- 21 MTR Subscriptions

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INDEX OF HIGHLIGHTED CASES |

Orders |

- U-13124 AT&T Michigan and McLeodUSA Telecommunications Services, L.L.C., d/b/a PaeTec Business Services and/or Cavalier Telephone (ica)
- U-13371 AT&T Michigan and First Communications, LLC (ica)
- U-14238 AT&T Michigan and Ace Telephone Company of Michigan, Inc. (ica)
- U-14398 AT&T Michigan and Windstream NTI, Inc., f/k/a Norlight Telecommunications, Inc. (ica)
- U-15302 AT&T Michigan and Windstream KDL, Inc. (ica)
- U-15607 AT&T Michigan and MegaPath Corporation (ica)
- U-15946 AT&T Michigan and PaeTec Communications, Inc. (ica)
- U-16179 AT&T Michigan and Cincinnati Bell Any Distance Inc. (ica)
- U-16760 AT&T Michigan and US XChange of Michigan, L.L.C., d/b/a EarthLink Business I (ica)
- U-17619 Westphalia Telephone Company and Great Lakes Comnet, Inc. v AT&T Corp. (ica)
- U-17644 John McCready v Comcast Cable Communications, LLC (consumer complaint – cable)

... Continued on Page 2

INDEX OF HIGHLIGHTED CASES | CONTINUED FROM PAGE 1

Orders | continued from page 1

U-17703 KEPS Technologies, Inc. d/b/a ACD.Net and ACD Telecom, Inc. (license)
 U-17719 State 911 Committee (mlts rulemaking)
 U-17738 Randy Case v Frontier Communications of Michigan, Inc. 01/27/2015
 U-17745 AirNorth Communications, Inc. (license) 01/27/2015
 U-17757 Wolverine Telephone Company and Charter Fiberlink – Michigan, LLC (ica)
 U-17760 John E. Lockhart v Comcast of Michigan, LLC

Minute Actions |

Commissions Own Motion (alj)

Applications and Complaints |

U-17832 CenturyTel of Midwest-Michigan, Inc. d/b/a CenturyLink, CenturyTel of Michigan, Inc. d/b/a CenturyLink, CenturyTel of Northern Michigan, Inc. d/b/a CenturyLink, and CenturyTel of Upper Michigan, Inc. d/b/a CenturyLink and Peninsula Fiber Network, LLC (ica)

FEATURES | CONTINUED FROM PAGE 1

Legislative Committee Assignments Announced | continued from Page 1

... The following Representatives have been named members of the House Communications and Technology Committee:

Representative	Party	Dist.	Hometown	Telephone (all area code 517)	E-Mail	Office
Bradford Jacobsen – Committee Chair	R	46	Oxford	373.1798	BradJacobsen	N0895
Tom Barrett	R	71	Pottersville	373.0853	TomBarrett	N1090
John Chirkun	D	22	Roseville	373.0854	JohnChirkun	S0786
Gretchen Driskell	D	52	Saline	373.0828	GretchenDriskell	S0986
Ray Franz	R	101	Onkama	373.0825	RayFranz	S1385
Ben Glardon	R	85	Corunna	373.0841	BenGlardon	S1189
Christine Greig	D	37	Farmington Hills	373.1793	ChristineGreig	S0886
Vanessa Guerra	D	95	Bridgeport	373.0152	VanessaGuerra	N1199
Brandt Iden – Majority Vice Chair	R	61	Kalamazoo	373.1774	BrandtIden	N0995
Eric Leutheuser	R	58	Hillsdale	373.1795	EricLuetheuser	N0992
Rick Outman	R	70	Six Lakes	373.0834	RickOutman	S108
Phil Phelps – Minority Vice Chair	D	49	Flushing	373.7515	PhilPhelps	N0898
Amanda Price	R	89	Holland	373.0838	AmandaPrice	N1193
Jim Tedder	R	43	Clarkston	373.0615	Jim.Tedder	N0892

Offices for most members of the House of Representatives are located in the Anderson House Office Building, 124 North Capitol, P.O. Box 30014 Lansing, Michigan 48909-7514. All e-mail addresses should be followed with @house.michigan.gov and all phone numbers are area code 517.

The House Communications and Technology Committee generally meets on Wednesday afternoons at 12:00 noon in Room 519 of the Anderson House Office Building. The Committee Clerk is Kevin Gawronski. He can be reached at (517) 373-2002 or by e-mail at <kgrawronski@house.michigan.gov>.

The following Senators have been named members of the Senate Energy and Technology Committee:

Senator	Party	Dist.	Hometown	Telephone (all area code 517)	E-Mail	Office
Mike Nofs – Committee Chair	R	19	Battle Creek	373.2426	senmnofs	S-132 CB
Ken Horn	R	32	Frankenmuth	373.1760	SenKHorn	1010 FB
Joe Hune	R	22	Hamburg	373.2420		
David Knezek	D	5	Dearborn Heights	373.0994	sendknezek	610 FB
Jon Proos – Majority Vice-Chair	R	21	St Joseph	373.6960	senjproos	S-8 CB
Tonya Schuitmaker	R	20	Lawton	373.0793	sentschuitmaker	405 FB
Mike Shirkey	R	16	Clark Lake	373.5932	senmshirkey	320 FB
Virgil Smith	D	4	Detroit	373.7918	senvsmith	510 FB
Hoon-Yung Hopgood – Minority Vice Chair	D	8	Taylor	373.7800	senhhopgood	515 FB
Dale Zorn	R	17	Ida	373.3543	sendzorn	710 FB

Offices for most members of the Michigan Senate are located in the Farnum Senate Office Building, 123 West Allegan Street, P.O. Box 30036 Lansing, Michigan 48909-7536 (Senator Nof and Senator Proos' Offices are in the Capitol but they receive mail at the same Post Office box as other Senators). All e-mail addresses should be followed with @senate.michigan.gov and all phone numbers are area code 517.

The Senate Energy and Technology Committee generally meets on Tuesday afternoons at 1:00 p.m. in the Senate Hearing Room on the ground floor of the Boji Tower, 124 West Allegan Street in Lansing. The Committee Clerk is Corey Woodby. He can be reached at (517) 373-1721 or by e-mail at <cwoodby@senate.michigan.gov>.

2013 & 2014 LEGISLATION |

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 Website, <<http://www.michiganlegislature.org/>>, or from the Legislative Service Bureau Document Room at (517) 373-0169.

The Michigan Legislature has now adjourned, *sine die*, ending the 2013-14 Legislative session. Any bills listed below that were not enrolled during this session have now expired. This is the last Michigan Telecommunications Report in which the 2013 and 2014 Legislation will appear.

Senate Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
SB 0033 Schuitmaker	01/16/2013	Campaign finance; campaign practices; automated campaign telephone calls; require to identify who paid for call. Amends 1976 PA 388 (MCL 169.201 - 169.282) by adding sec. 48.	Referred to Senate Committee on Local Government and Elections.
SB 0294 Jones	04/10/2013	Gaming; lottery; sale of lottery tickets; prohibit sale over internet. Amends sec. 9 of 1972 PA 239 (MCL 432.9).	Referred to Senate Committee on Regulatory Reform.
SB 0493 Jones 2014 PA 556	09/17/2013	Communications; broadcasting; local zoning restrictions for amateur radio; require to conform to federal regulations. Amends 2006 PA 110 (MCL 125.3101 - 125.3702) by adding sec. 205a.	01/10/2015 Signed by Gov. Snyder; assigned 2014 PA 556; with immediate effect.
SB 0539 Nofs 2013 PA 173	09/24/2013	Torts; governmental immunity; underground facility damage prevention; define as proprietary function. Amends sec. 7 of 1964 PA 170 (MCL 691.1407). Tie Bar with SB 0540.	12/3/2013 Signed by Governor Snyder; assigned 2013 PA 173 with immediate effect.
SB 0540 Nofs 2013 PA 174	09/24/2013	Public utilities; consumer services; MISS DIG underground facility damage prevention and safety act; create. Creates new act & repeals 1974 PA 53 (MCL 460.701 - 460.718). Tie Bar with SB 0539.	12/3/2013 Signed by Governor Snyder; assigned 2013 PA 174 with immediate effect.
SB 0599 Hansen	10/03/2013	Crimes; criminal sexual conduct; use of internet or computer system to solicit prostitute less than 21 years of age; prohibit. Amends sec. 145d of 1931 PA 328 (MCL 750.145d).	Referred to Senate Committee on Families, Seniors, and Human Services.

Senate Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
SB 0636 Nofs 2014 PA 52	10/22/2013	Communications; telecommunications; general Amendments; provide for. Amends secs. 304, 310, 313, 315, 317, 320 & 502 of 1991 PA 179 (MCL 484.2304 et seq.).	03/27/2014 Signed by Governor Snyder; assigned 2014 PA 52, with immediate effect.
SB 0734 Caswell	01/08/2014	Holidays; other; "Utility Workers Safety Awareness Day"; designate as December 6. Creates new act.	Referred to Senate Committee on Government Operations.
SB 0824 Pappageorge 2014 PA 88	02/25/2014	State financing and management; authorities; process for transferring METRO Act authority powers; revise, and provide other general Amendments. Amends secs. 2 & 3 of 2002 PA 48 (MCL 484.3102 & 484.3103). Tie Bar with SB 822.	04/01/2014 Signed by Governor Snyder; assigned 2014 PA 88, with immediate effect.
SB 0924 Bieda	05/01/2014	Crimes; other; posting of sexually explicit image of another person on internet with intent to frighten, intimidate, or harass; prohibit, and require removal of sexually explicit images under certain circumstances. Amends 1931 PA 328 (MCL 750.1 - 750.568) by adding sec. 145e. Tie Bar with SB 0925.	06/04/2014 Referred to House Committee on Criminal Justice. 06/03/2014 Substitute S-1 passed Senate, 37 Yeas, 0 Nays, 1 Excused.
SB 0925 Jones	05/01/2014	Crimes; penalties; penalties for posting sexually explicit image on internet or failing to remove posted sexually explicit image from internet under certain circumstances; provide for. Amends 1931 PA 328 (MCL 750.1 - 750.568) by adding sec. 145f. Tie Bar with SB 0924.	06/04/2014 Referred to House Committee on Criminal Justice. 06/03/2014 Substitute S-1 passed Senate, 37 Yeas, 0 Nays, 1 Excused.
SB 1060 Bieda	09/16/2014	Trade; consumer goods and services; requirement for smartphones to be equipped with antitheft functionality; provide for. Amends sec. 3 of 1976 PA 331 (MCL 445.903) & adds sec. 3j.	Referred to Senate Committee on Regulatory Reform
SB 1089 Jones	09/24/2014	Law enforcement; investigations; disclosure of call location information by wireless providers to requesting law enforcement agency; require. Creates new act.	12/10/2014 Referred to Committee of the Whole with Substitute S-1.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HB 4011 Heise	01/22/2013	Communications; emergency 9-1-1; recordings from 9-1-1 calls; prohibit disclosure under certain circumstances. Amends sec. 13 of 1976 PA 442 (MCL 15.243)	Referred to House Committee on Oversight.
HB 4032 Geiss	01/22/2013	Education; public school academies; cyber schools; require posting educational materials on website and submission to department. Amends 1976 PA 451 (MCL 380.1 - 380.1852) by adding sec. 553b.	Referred to House Committee on Education.
HB 4237 Haines 2014 PA 564	02/12/2013	Communications; other; authorized use of Michigan public safety communications system; expand. Amends title & secs. 1, 2 & 3 of 1929 PA 152 (MCL 28.281 et seq.).	01/10/2015 Signed by Gov. Synder; assigned 2014 PA 564; with immediate effect.
HB 4531 Cotter	04/11/2013	Gaming; lottery; sale of lottery tickets; prohibit sale over internet. Amends sec. 9 of 1972 PA 239 (MCL 432.9).	Referred to House Committee on Government Operations.
HB 4671 Poleski 2013 PA 113	05/02/2013	Communications; emergency 9-1-1; distribution of service charge fees for 9-1-1; revise. Amends sec. 408 of 1986 PA 32 (MCL 484.1408).	09/24/2013 Signed by Gov. Synder; assigned 2013 PA 113; with immediate effect.
HB 4702 Franz	05/07/2013	Communications; telecommunications; public service commission report regarding pole attachment rates; require. Amends sec. 6g of 1939 PA 3 (MCL 460.6g).	Referred to House Committee on Energy and Technology.
HB 4843 Forlini	06/13/2013	Campaign finance; other; automated campaign telephone calls; require to identify entity making or paying for call. Amends 1976 PA 388 (MCL 169.201 - 169.282) by adding sec. 48.	Referred to House Committee on Elections and Ethics.
HB 4853 Walsh	06/20/2013	Communications; emergency 9-1-1; additional PSAPs or secondary PSAPs within a 9-1-1 service district; allow county to designate by resolution. Amend sec. 312 of 1986 PA 32 (MCL 484.1312).	Referred to House Committee on Energy and Technology.
HB 4984 Lori	09/17/2013	Communications; emergency 9-1-1; procedure to determine which public safety service unit is closest to a request for public safety service; modify. Amends secs. 102 & 204 of 1986 PA 32 (MCL 484.1102 & 484.1204).	Referred to House Committee on Local Government.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HB 5042 McMillin	10/02/2013	Law enforcement; state police; posting of information concerning speed limit engineering and traffic investigation requests on website; require of state police. Amends sec. 628 of 1949 PA 300 (MCL 257.628).	Referred to House Committee on Transportation and Infrastructure.
HB 5110 Heise	10/29/2013	Law enforcement; investigations; disclosure of call location information by wireless providers to requesting law enforcement agency; require. Creates new act.	02/26/2014 Reported by House Committee on Criminal Justice with recommendation with substitute H-2; referred to second reading.
HB 5246 Rogers	01/28/2014	Criminal procedure; warrants; use of electronic video equipment for issuance of warrants; allow for law enforcement officials. Amends sec. 1, ch. IV of 1927 PA 175 (MCL 764.1).	09/18/2014 Substitute H-2 Reported favorably by Senate Committee on Judiciary; referred to Committee of the Whole.
HB 5260 Shirkey	01/29/2014	Public utilities; other; telephone solicitations regarding electric or natural gas service; require certain disclosures. Amends secs. 9 & 10a of 1939 PA 3 (MCL 460.9 & 460.10a).	Referred to House Committee on Energy and Technology.
HB 5431 Hobbs	03/26/2014	Education; curriculum; internet safety instruction; require. Amends 1976 PA 451 (MCL 380.1 - 380.1852) by adding sec. 1162.	Referred to House Committee on Education.
HB 5499 Oakes	04/30/2014	Communications; telecommunications; changes made by 2014 PA 52; eliminate. Amends secs. 103, 304, 310, 313, 317, 320 & 502 of 1991 PA 179 (MCL 484.2103 et seq.).	Referred to House Committee on Energy and Technology.
HB 5710 McMillin	07/16/2014	Law enforcement; investigations; search warrant to be obtained before use of surveillance devices to intercept mobile device information; require. Amends 1966 PA 189 (MCL 780.651 - 780.659) by adding sec. 2b.	Referred to House Committee on Criminal Justice.
HB 5712 McMillin	07/16/2014	Law enforcement; other; surveillance device act; create and regulate the use of surveillance devices by police agencies and police officers under certain circumstances. Creates new act.	Referred to House Committee on Criminal Justice.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HB 5735 Shirkey	08/27/2014	Traffic control; traffic regulation; use of a hand-held cellular telephone while operating a vehicle in a posted construction zone; prohibit when workers are present. Amends sec. 602b of 1949 PA 300 (MCL 257.602b).	Referred to House Committee on Transportation and Infrastructure.
HB 5845 Irwin	09/23/2014	School aid; foundation allowance; per pupil allocation for cyber schools; reduce by 2/3 beginning in 2014-2015. Amends sec. 20 of 1979 PA 94 (MCL 388.1620).	Referred to House Committee on Appropriations.
HB 5896 Talib	11/06/2014	Communications; video services; alternative cable providers; ensure access to excess cable equipment capacity in multiple dwellings. Creates new act.	Referred to House Committee on Energy and Technology.
HB 5897 Talib	11/06/2014	Property; condemnation; relocation assistance; clarify inapplicability to persons affected by multiple-dwelling cable communications access act. Amends sec. 11 of 1972 PA 227 (MCL 213.331). Tie Bar with HB 5896.	Referred to House Committee on Energy and Technology.
HB 6071 Kosowski	12/03/2014	Communications; telecommunications; public notice; revise to make reference to the local government public notice act. Amends secs. 308 & 505 of 1986 PA 32 (MCL 484.1308 & 484.1505). Tie Bar with HB 5560.	Referred to House Committee on Local Government.

2015 & 2016 LEGISLATION |

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House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
HB 4006 Heise	01/15/2015	Law enforcement; investigations; disclosure of call location information by wireless providers to requesting law enforcement agency; require. Creates new act.	Referred to House Committee on Criminal Justice.

PUBLIC ACTS OF 2013 & 2014 |

Listed below are Public Acts related to telecommunications that were passed during the current legislative session (2013-2014). Copies of Public Acts may be obtained by contacting your state Senator or Representative, on the Michigan Legislature Website, <<http://www.michiganlegislature.org/>>, or from the Legislative Service Bureau Document Room at (517) 373-0169. Acts passed since the previous edition of the Michigan Telecommunications Report are in bold. This is the last *Michigan Telecommunications Report* in which the 2013 and 2014 Communications Public Acts will appear.

Public Act #	Effective Date	Description	Enrolled Bill # and Sponsor
2013 PA 113	09/24/2013	Communications; emergency 9-1-1; distribution of service charge fees for 9-1-1; revise. Amends sec. 408 of 1986 PA 32 (MCL 484.1408).	HB 4671 Poleski.
2013 PA 173	12/3/2013	Torts; governmental immunity; underground facility damage prevention; define as proprietary function. Amends sec. 7 of 1964 PA 170 (MCL 691.1407).	SB 0539 Nofs
2013 PA 174	12/3/2013	Public utilities; consumer services; MISS DIG underground facility damage prevention and safety act; create. Creates new act & repeals 1974 PA 53 (MCL 460.701 - 460.718).	SB 0540 Nofs
2014 PA 52	03/27/2014	Communications; telecommunications; general Amendments; provide for. Amends secs. 304, 310, 313, 315, 317, 320 & 502 of 1991 PA 179 (MCL 484.2304 et seq.).	SB 636 Nofs
2014 PA 88	04/01/2014	State financing and management; authorities; process for transferring METRO Act authority powers; revise, and provide other general Amendments. Amends secs. 2 & 3 of 2002 PA 48 (MCL 484.3102 & 484.3103). Tie Bar with SB 822 (2014 PA 80).	SB 824 Pappageorge
2014 PA 556	01/10/2015	Communications; broadcasting; local zoning restrictions for amateur radio; require to conform to federal regulations. Amends 2006 PA 110 (MCL 125.3101 - 125.3702) by adding sec. 205a.	SB 0493 Jones

Public Act #	Effective Date	Description	Enrolled Bill # and Sponsor
2014 PA 564	01/10/2015	Communications; other; authorized use of Michigan public safety communications system; expand. Amends title & secs. 1, 2 & 3 of 1929 PA 152 (MCL 28.281 et seq.).	HB 4237 Haines

ORDERS ISSUED BY THE COMMISSION |

The Michigan Public Service Commission (“Commission”) issued the following Orders at its regularly scheduled meeting held on Tuesday, January 27, 2015, at 1:30 p.m. at the Commission’s new offices located at 7109 W. Saginaw Highway, Lansing, Michigan.

Case No. U-13124

Interconnection Agreement

AT&T Michigan and McLeodUSA Telecommunications Services, L.L.C.,
d/b/a PaeTec Business Services and/or Cavalier Telephone

<http://efile.mp.sc.state.mi.us/efile/viewcase.php?casenum=13124>

Application filed January 6, 2015, for approval of a Twentieth Amendment to the Interconnection Agreement (extends the term of the Nineteenth Amendment pertaining to the approved Performance Measures and Remedies Plan to December 31, 2016).

Case No. U-13371

Interconnection Agreement

AT&T Michigan and First Communications, LLC

<http://efile.mp.sc.state.mi.us/efile/viewcase.php?casenum=13371>

Application filed January 8, 2015, for approval of an Eighth Amendment to the Interconnection Agreement (extends the term of the Seventh Amendment pertaining to the approved Performance Measures and Remedies Plan to December 31, 2016).

Case No. U-14238

Interconnection Agreement

AT&T Michigan and Ace Telephone Company of Michigan, Inc. f/k/a Drenthe Telephone Company, d/b/a Drenthe Telephone & Communications

<http://efile.mp.sc.state.mi.us/efile/viewcase.php?casenum=14238>

Application filed December 10, 2014, and Amended Application filed January 6, 2015, for approval of an Eighth Amendment to the Interconnection Agreement (changes the name of the carrier from Drenthe Telephone Company, d/b/a Drenthe Telephone & Communications, to Ace Telephone Company of Michigan, Inc.)

Case No. U-14398

Interconnection Agreement

AT&T Michigan and Windstream NTI, Inc., f/k/a Norlight Telecommunications, Inc.

<http://efile.mp.sc.state.mi.us/efile/viewcase.php?casenum=14398>

Application filed January 6, 2015, for approval of an Eleventh Amendment to the Interconnection Agreement (extends the term of the Tenth Amendment pertaining to the approved Performance Measures and Remedies Plan to December 31, 2016).

Case No. U-15302 **Interconnection Agreement**
AT&T Michigan and Windstream KDL, Inc.
<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=15302>
Application filed January 2, 2015, for approval of a Seventh Amendment to the Interconnection Agreement (extends the term of the Sixth Amendment pertaining to the approved Performance Measures and Remedies Plan to December 31, 2016).

Case No. U-15607 **Interconnection Agreement**
AT&T Michigan and MegaPath Corporation
<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=15607>
Application filed January 9, 2015, for approval of a Sixteenth Amendment to the Interconnection Agreement (extends the term of the Thirteenth Amendment pertaining to the approved Performance Measures and Remedies Plan to December 31, 2016).

Case No. U-15946 **Interconnection Agreement**
AT&T Michigan and PaeTec Communications, Inc.
<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=15946>
Application filed January 8, 2015, for approval of a Twentieth Amendment to the Interconnection Agreement (extends the term of the Nineteenth Amendment pertaining to the approved Performance Measures and Remedies Plan to December 31, 2016).

Case No. U-16179 **Interconnection Agreement**
AT&T Michigan and Cincinnati Bell Any Distance Inc.
<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=16179>
Application filed January 8, 2015, for approval of a First Amendment to the Interconnection Agreement (allows Cincinnati Bell Any Distance, Inc., to opt into provisions of the existing Performance Measurements plan, as specified in Attachment 09 – Performance Measurement of the Agreement, and extends the plan through December 31, 2016).

Case No. U-16760 **Interconnection Agreement**
AT&T Michigan and US XChange of Michigan, L.L.C., d/b/a EarthLink Business I
<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=16760>
Application filed January 8, 2015, and an Amended Application filed January 15, 2015, for approval of a Seventh Amendment to the Interconnection Agreement (extends the term of the Fifth Amendment pertaining to the approved Performance Measures and Remedies Plan to December 31, 2016).

Case No. U-17757 **Interconnection Agreement**
Wolverine Telephone Company and Charter Fiberlink – Michigan, LLC
<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=17757>
Application filed December 17, 2014, for approval of an Interconnection Agreement.

On January 27, 2015, the Michigan Public Service Commission (“Commission”) issued an Order approving the above-listed Interconnection Agreements and Interconnection Agreement Amendments.

On January 27, 2015, the Michigan Public Service Commission (“Commission”) issued an Order resolving the May 13, 2014 Complaint of Westphalia Telephone Company (“WTC”) and Great Lakes Comnet, Inc. (“GLC”) against AT&T Michigan. In the Complaint, WTC and GLC alleged that AT&T “has recently refused to pay the tariffed switching access charges for intrastate calls routed by a third party carrier to GLC’s tandem switch located in Westphalia, Michigan.” WTC and GLC sought an Order by the Commission allowing them to recover tariffed intrastate switched access charges, including late payment charges, as well as costs allowed by law, and other relief as this Commission deems appropriate.

On July 23, 2014, AT&T filed an Answer and Counterclaims. In its Counterclaims, AT&T asserted that the Complainants overcharged AT&T for switched access services by charging excessive switched access rates that violate Michigan law, artificially stimulating traffic by aggregating it with toll-free or “8YY” traffic from wireless carriers, and artificially inflating their mileage charges for carrying such traffic by inefficiently routing the traffic over 80 miles to Westphalia, Michigan. As a result, AT&T alleges that, between February 2010 and February 2013, AT&T has overpaid Complainants by \$3,685,025.00 and, since February 2013, AT&T has only paid Westphalia that which Westphalia should have lawfully charged. While asserting that the majority of Westphalia’s overcharges are for interstate traffic, AT&T requested that the Commission issue an order finding that Complainants’ charges for intrastate switched access services violate Michigan law and requiring that Complainants repay AT&T for the excessive charges collected from AT&T and cease and desist from assessing and attempting to collect excessive charges for intrastate access.

In their answer to AT&T’s Counterclaims, the Complainants rejected the allegations that they assessed excessive, unlawful intrastate access charges or artificially inflated traffic or transport miles. In doing so, Complainants asserted that the FCC’s access stimulation rules do not apply to GLC or to the traffic at issue because (a) GLC is a Competitive Access Provider (“CAP”), not a Competitive Local Exchange Carrier (“CLEC”), and the access stimulation rules only apply to CLECs; and (b) the FCC has rules that its access stimulation rules do not apply to 8YY traffic. The Complainants further asserted that AT&T had direct or indirect control over the routing of the disputed traffic at issue because AT&T requested the routing via Access Service Requests (“ASRs”) and could have: (i) changed how 8YY traffic was routed; (ii) established direct end office trunks to Local Exchange Carriers of Michigan, Inc. (“LECMI”), the end office switch from which calls were routed over GLC’s network or (iii) coordinated with its incumbent local exchange carrier (“ILEC”) affiliate, AT&T Michigan, to require that LECMI utilize AT&T Michigan as the access tandem provider.

On September 22 and 23, 2014, an evidentiary hearing was held before Michigan Administrative Hearing System Administrative Law Judge Suzanne D. Sonneborn (“ALJ”) acting for the Commission. On December 11, 2014 the ALJ issued her Proposal for Decision (“PDF”). Exceptions were filed by the Complainants, AT&T and Staff and the same parties filed Replies to Exceptions.

In the PFD, the ALJ found that GLC is a CLEC under 47 CFR 61.26(a)(1), the ALJ then determined that GLC is subject to the requirement contained in 47 CFR 61.26(c) that its tariffed interstate Switched Access Service (“SAS”) rate must be benchmarked to the rate charged for similar services by the competing ILEC; and that, under section 310(2), GLC’s intrastate SAS rate is required to be set at a level no higher than the benchmarked interstate rate. The ALJ found that the evidence

showed that GLC's per minute rates for originating intrastate SAS are approximately 30 times the per minute rates charged by AT&T Michigan (the competing ILEC) for the same service. Therefore, the ALJ found that GLC's intrastate SAS rate is higher than the interstate SAS rate charged by the competing ILEC, and thus violates section 310(2). The ALJ recommended that the Commission direct complainants to refund AT&T all intrastate SAS payments made by AT&T from March 2011 through February 2013 in excess of the interstate SAS rates charged by AT&T Michigan, and to file a revised intrastate tariff in compliance with 47 CFR 61.26(c). PFD, p. 115.

The Commission noted that, in general, it does not decide questions of Federal law, with the notable exception, in the telecom arena, of federal questions that are delegated to the state. MCL 484.2201. Usually such questions are delegated to the state by the federal government. See, e.g., 47 USC 252(e). In this case, the Commission stated that the language of section 310(2) of the MTA obliges the Commission to determine the allowable interstate access rate applicable to GLC, in order to determine whether the intrastate rate is lawful. By the Commission's reckoning, the FCC has not provided a definitive answer to whether CAPs are to be treated as though they are CLECs for purposes of the federal access charge rule, either in the *CLEC Access Reform Order*, the *CLEC Access Reform Reconsideration Order*, or the *CAF Order*, although, as the Commission noted, the *CAF Order* contains language implying that the issue of the rates charged between tandem owners who do not own the end office, or between terminating carriers who do not own the tandem, has not yet been addressed. Moreover, the Commission noted, the reconsideration order addresses the issue of intermediate LECs, but the access charge rule has been amended four times since the issuance of that order and the definitional language regarding service to "end users" has remained.

According to the Commission, the Federal access charge rule contains a definition of "CLEC," and there is simply no avoiding the fact that that definition describes a carrier that "provides some or all of the interstate exchange access services used to send traffic to or from an end user." 47 CFR 61.26(a)(1). While the Federal rule does not contain a definition of "end user," the Commission is convinced that under federal law (like state law) a telecommunications provider would not be considered an end user. See, e.g., 47 CFR 69.2(m). The Commission found that to ignore the requirement that the carrier be sending traffic "to or from an end user" would be to ignore a fundamental component of that definition, and to render that part of the federal rule surplusage, that is, language that does not add meaning. The Commission stated that it believes that the language does have meaning. This would explain why, in the *CAF Order*, the FCC seems to indicate that it has not yet dealt with the issue of access rates for all carriers.

The substantive rate cap requirements contained in subsections (b) through (g) of the federal access charge rule all apply to CLECs, and a CLEC must provide access service used to "send traffic to or from an end user." Though GLC describes itself as a rural CLEC in its federal tariff ("originating and terminating traffic in the territory of a Rural ILEC" and "originating and terminating traffic in the territory of a Non-rural ILEC"), GLC never states therein that it has end users, and GLC indicated that that language (filed in April 2002) was out of date by 2003 when the company surrendered its CLEC license in Michigan. AT&T has never shown, or even argued, that GLC has end users.

The Commission found that the federal access charge rule does not say that the traffic "ultimately" reaches an end user. The definition of rural CLEC also lends support for finding that GLC is not a CLEC for purposes of the rule, where it states that a "Rural CLEC shall mean a CLEC that does not serve (i.e., terminate traffic to or originate traffic from) any end users located within . . ." By implication, a non-rural CLEC must be a CLEC that does serve "end users located within . . ." All CAPs must not be CLECs, otherwise a widely-used and authoritative telecom dictionary would not

make a point of instructing readers that they are defined differently and that one should be careful not to confuse the two. The Commission noted that in an April 15, 2011 Public Notice regarding a GLC acquisition, the FCC refers to GLC as a CAP. The Commission found that the fact that AT&T has, since the filing of this matter, rerouted all of its 8YY traffic away from GLC demonstrates that GLC did not operate as a bottleneck. 2 Tr 184

The Commission, noted that Section 310(2) of the Michigan Telecommunications Act provides that “a provider of toll access services shall set the rates for intrastate switched toll access services at rates that do not exceed the rates allowed for the same interstate services by the federal government.” Certain rates allowed by the federal government for interstate SAS are prescribed in 47 CFR 61.26, but those rates only apply, by the terms of the rule itself, to CLECs. The Commission found that the FCC retains jurisdiction over interstate rates, and the FCC approves complainants’ interstate rates. Thus, the Commission found that it need not decide whether the rural exemption applies to GLC, because GLC is not a CLEC in Michigan or under the federal rule. Likewise, the remaining substantive portions of the rule, including the access stimulation section, need not be analyzed because they only apply to CLECs. See, 47 CFR 61.26(f) and (g)(1).

As to the billing issues raised in AT&T’s Counterclaim, the ALJ found that from July 1, 2012 through August 2014, complainants improperly billed AT&T for intrastate SAS provided by GLC using WTC’s tariffed rates rather than GLC’s tariffed rates. PFD, p. 81. The ALJ further found that complainants had acknowledged this mistake, had changed the bills accordingly starting in May 2013, and had agreed that AT&T is entitled to be credited for the erroneous billings. See, 2 Tr 275 (“The net difference of these variances will be applied to the invoices to AT&T in GLC’s next billing cycle.”). The ALJ recommended that complainants be required to refund AT&T the amount of intrastate SAS overpayments for July 1, 2012 through August 2014. The Commission adopted the ALJ’s findings on this issue.

The ALJ found that WTC billed AT&T for transport of 100% of the 83 miles from Southfield to Westphalia at GLC’s tariffed rates, when, in fact, 44% of the transport had been provided by Local Exchange Carriers of Michigan (“LECMI”) and should have been billed at LECMI’s rates, which, the ALJ found, are 30 times lower than GLC’s rates. The ALJ rejected complainants’ argument that this billing arrangement had been agreed to by both GLC and LECMI and is contained in NECA Tariff FCC No. 4 (NECA tariff 4). The ALJ found that the LECMI and GLC’s Network Operating Agreement (“NOA”) of September 2003 did not prevent the use of LECMI’s rates instead of GLC’s. The ALJ found that complainants should be required to refund AT&T the amount of overpayments for these charges from February 2010 through July 2013, subject to the applicable statute of limitations (which she later found to extend back no further than March 20, 2011).

The Commission found that the route between LECMI and GLC from Southfield to Westphalia was established in 2003, and the NOA, the Service Agreement, and the LERG reflect that GLC was contracted to provide transport over the route shown in the LERG. If in fact LECMI provided some amount of the transport, as contended by AT&T, that does not appear to comport with the NOA, and AT&T has not shown, either through the testimony of Mr. Irvin or through other evidence resulting from discovery, that LECMI has made any claim against complainants for some portion of that money. The agreement between LECMI and GLC states that “LECMI and GLC shall agree to a specific location(s) for connection of LECMI’s and GLC’s facilities for the exchange of any applicable and agreed upon traffic or circuits between GLC and LECMI. This location(s) will be designated as the “Access Point(s)” for LECMI. . . . Changes to the agreed upon Access Point(s) require the written consent of GLC and LECMI. . . . GLC shall provide LECMI tandem switched transport facilities between LECMI’s Access Point(s) and GLC’s tandem switching location. . . .

Changes to meet-point billing options may be made only by the written consent of both GLC and LECMI.” Confidential Exhibit AT&T-14, pp. 1-2. AT&T failed to show evidence of written consent to changes to the Access Point or to billing options. The Commission found that GLC’s agreements with LECMI reflect that the transport will be provided by GLC, and that GLC stood ready to provide that transport since 2003. The Commission noted that the parties with control over the choice of a route include the originating wireless carriers, LECMI, and AT&T. The wireless carriers and LECMI could have chosen not to transmit the traffic to GLC, and LECMI and AT&T could have chosen a different routing arrangement between their networks that did not involve GLC. But while the NOA and Service Agreement were in place, LECMI had made the choice to route that traffic through GLC according to the agreed upon Access Points. No party showed that these Access Points were other than what was published in the LERG.

The ALJ found that there was no dispute among the parties that complainants, on behalf of LECMI, improperly billed AT&T for local end office switching services that LECMI never provided. However, the Commission found that if there was an obligation to make a refund it is LECMI’s obligation, and AT&T must pursue its rights against LECMI. According to the Commission, AT&T pointed to no law, tariff provision, or language in the Multiple Exchange Carrier Access Billing guidelines that indicates that each party to this collective billing arrangement assumes the liabilities of every other party. If AT&T wished to be refunded money for services charged by LECMI, the Commission found that it should have asserted the claim and made LECMI a party to this proceeding.

In conclusion, the Commission found that AT&T violated the terms of the relevant intrastate access tariffs by failing to pay for services ordered by AT&T and rendered by complainants. The Commission further found that AT&T had not shown that it was improperly billed under those tariffs for transport mileage, excessive mileage, or pursuant to the PIU factor. The parties agreed that AT&T was improperly billed for transport service and a credit has apparently already been issued. With regard to end office switching charges imposed by LECMI, the Commission was unable to order LECMI to provide a credit as LECMI is not a party to this proceeding.

The Commission ordered AT&T Corp. to pay Westphalia Telephone Company and Great Lakes Comnet, Inc., the amounts shown on Revised Confidential Exhibit GLC-18, which reflected amounts properly billed pursuant to tariff, along with interest and late fees allowed by the tariffs, up to August 31, 2014. If Revised Confidential Exhibit GLC-18 does not reflect a credit for amounts improperly billed to AT&T Corp. for transport services, the total amount reflected on that exhibit shall be reduced by the amount of switched access service overpayments made by AT&T Corp. from July 1, 2012 through August 31, 2014, due to application of the wrong tariffed rate. The Commission further Ordered AT&T Corp., Westphalia Telephone Company, and Great Lakes Comnet, Inc., to resolve what additional amounts have been billed to and withheld by AT&T Corp. from September 1, 2014, until the date of this order, along with additional late fees and interest, within 30 days. If the parties cannot agree on the additional amounts owing by 30 days from the date of this order, any party may apply to the Administrative Law Judge for additional proceedings necessary to determine the amount owing from September 1, 2014, to the date of this order. Finally, the Commission Ordered AT&T Corp. to pay for properly tariffed intrastate switched access service charges on a going forward basis.

Case No. U-17644

Consumer Complaint – Video

John McCready v Comcast Cable Communications, LLC

On January 27, 2015, the Michigan Public Service Commission (“Commission”) issued an Order dismissing the June 6, 2014 Complaint brought by John McCready against Comcast Cable

Communications, LLC (“Comcast”) pursuant to the Uniform Video Services Local Franchise Act, 2006 PA 480, as amended, MCL 484.3301 et seq. (“PA 480”). Mr. McCready alleged that Comcast had improperly switched his cable service to a more expensive service without his authorization. On September 9, 2014, an evidentiary hearing was held before Administrative Law Judge Dennis W. Mack (“ALJ”). On November 12, 2014, the ALJ issued a Proposal for Decision (“PFD”). In the PFD, the ALJ provided detailed analysis of the billing and credits issued to Mr. McCready’s account. The ALJ found that while the change to Mr. McCready’s service was a violation of PA 480, the change was due to a computer error that has since been fixed by Comcast. The ALJ found further that because the violation of PA 480 was unintentional and the result of a bona fide error, imposing a fine was not appropriate. The ALJ also found that Mr. McCready was made whole by the credits Comcast issued to his account and that the over \$50,000 in damages Mr. McCready sought were not warranted. The ALJ recommended that the Commission dismiss Mr. McCready’s complaint.

Mr. McCready filed Exceptions to the PFD on December 1, 2014. However, Comcast, in their Replies to Exceptions noted that Mr. McCready’s Exceptions should be rejected because they are not supported by the evidence. The Commission agreed Exceptions need to be more than reiterations of arguments already considered and rejected by an ALJ. The Commission found that Mr. McCready’s exceptions do not meet this standard and are not considered in this decision. The Commission, having reviewed the record, agreed with the reasoning and findings in the PFD, and found that Mr. McCready’s complaint should be dismissed with prejudice.

Case No. U-17703

License

KEPS Technologies, Inc., d/b/a ACD.Net, and ACD Telecom, Inc.
<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=17703>

On January 27, 2015, the Michigan Public Service Commission (“Commission”) issued an Order granting a license to KEPS Technologies, Inc., d/b/a ACD.Net, and ACD Telecom, Inc. to provide basic local exchange service in all zone and exchange areas served by incumbent local exchange carriers in the state of Michigan.

Case No. U-17719

License

State 9-1-1 Committee
<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=17719>

On January 27, 2015, the Michigan Public Service Commission (“Commission”) issued an Order dismissing the September 19, 2014 Request for Rulemaking filed by the State 9-1-1 Committee. The Commission noted that on January 13, 2015, in Case No. U-17721, the Commission issued an Order opening a rulemaking for the purpose of possibly revising the Commission’s Rules governing multiline telephone systems and the responsibilities of telephone system operators regarding the installation of equipment and software necessary to provide specific location information for a 9-1-1 call, R 484.903, rendering the State 9-1-1 Committee’s request moot.

Case No. U-17738

Consumer Complaint

Randy Case v Frontier Communications of Michigan, Inc.

On January 27, 2015, the Michigan Public Service Commission (“Commission”) issued an Order dismissing, with prejudice, the October 10, 2014 Complaint brought by Randy Case against Frontier Communications of Michigan, Inc. On January 14, 2015, the Parties filed a stipulation to dismiss the complaint because a settlement agreement had been reached by the Parties.

Case No. U-17745

License

AirNorth Communications, Inc.

<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=17745>

On January 27, 2015, the Michigan Public Service Commission (“Commission”) issued an Order granting a license to AirNorth Communications, Inc. to provide basic local exchange service throughout the state of Michigan in the zones and exchange areas in which AT&T Michigan, Frontier North, Inc., Frontier Midstates Inc., CenturyTel of Michigan, Inc., CenturyTel Midwest-Michigan, Inc., CenturyTel of Northern Michigan, Inc., and CenturyTel of Upper Michigan, Inc., are the incumbent local exchange carriers. This license replaces the December 18, 2014 temporary license granted by the Commission to AirNorth Communications, Inc.

Case No. U-17760

Consumer Complaint - Video

John E. Lockhart v Comcast of Michigan, LLC

On January 27, 2015, the Michigan Public Service Commission (“Commission”) issued an Order dismissing, with prejudice, the December 15, 2014 Complaint brought by John E. Lockhart against Comcast of Michigan, LLC, under the Uniform Video Services Local Franchise Act, 2006 PA 480, as amended, MCL 484.3301 *et seq.* On January 15, 2015, the Parties filed a stipulation to dismiss the complaint because a settlement agreement had been reached by the Parties.

MPSC MINUTE ACTIONS |

The Michigan Public Service Commission (“Commission”) issued the following Minute Actions at its regularly scheduled meeting held on Tuesday, January 13, 2015, at 1:30 p.m. at the Commission’s new offices located at 7109 West Saginaw, Lansing, Michigan.

Commission’s Own Motion

Appointment of Administrative Law Judge

On January 27, 2015, the Michigan Public Service Commission (“Commission”) issued a Minute Action notifying the Michigan Administrative Hearings System (“MAHS”) that Administrative Law Judge Martin D. Snider is now an Administrative Law Judge who may perform administrative hearing functions for the Commission, as provided in MCL 445.2021 and Executive Order 2011-4.

APPLICATIONS AND COMPLAINTS |

Case No. U-17823

Interconnection Agreement

CenturyTel of Midwest-Michigan, Inc. d/b/a CenturyLink, CenturyTel of Michigan, Inc. d/b/a CenturyLink, CenturyTel of Northern Michigan, Inc. d/b/a CenturyLink, and CenturyTel of Upper Michigan, Inc. d/b/a CenturyLink and Peninsula Fiber Network, LLC

<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=17823>

On January 22, 2015, CenturyTel of Midwest-Michigan, Inc. d/b/a CenturyLink, CenturyTel of Michigan, Inc. d/b/a CenturyLink, CenturyTel of Northern Michigan, Inc. d/b/a CenturyLink, and CenturyTel of Upper Michigan, Inc. d/b/a CenturyLink and Peninsula Fiber Network, LLC jointly filed an Application with the Michigan Public Service Commission (“Commission”) requesting approval of an Interim Traffic Exchange Interconnection Agreement.

NOTICES OF OPPORTUNITIES TO COMMENT |

The following Notices of Opportunity to Comment have been issued by the Michigan Public Service Commission's Executive Secretary. Any interested person may submit comments on the application by sending written comments to the Commission by mail to: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Electronic comments may be e-mailed to: <mpscefilecases@michigan.gov>. Any comments should reference the applicable docket number.

Case No. U-17721

Multiline Telephone Systems - Rulemaking

Commission's Own Motion

<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=17721>

Comments Due: Thursday, March 5, 2015

On January 13, 2015, the Michigan Public Service Commission ("Commission") issued an Order and Notice of Hearing opening a rule making proceeding for the purpose of possibly revising the Commission's Rules governing multiline telephone systems and the responsibilities of telephone system operators regarding the installation of equipment and software necessary to provide specific location information for a 9-1-1 call, R 484.903. The Commission's proposed rule changes would lower the threshold for the size of buildings in which an operator would be responsible for providing Automatic Location Identification ("ALI") and Automatic Number Identification ("ANI") of the specific location of an extension on a multi-line telephone system to the appropriate 9-1-1 Public Service Answering Point ("PSAP") from a 40,000 square-foot building to a 7,000 square-foot building. The Commission has invited interested persons to appear and make statements and comments regarding the proposed rule revision at a Public Hearing to be held at 9:00 a.m. on February 12, 2015, at the Commission's new offices at 7109 W. Saginaw Hwy., Lansing, Michigan. Written and electronic comments may be filed with the Commission and must be received no later than 5:00 p.m. on Thursday, March 5, 2015.

NOTICES OF HEARINGS |

The following Notices of Hearings have been issued by the Michigan Public Service Commission's Executive Secretary. Unless otherwise noted, all hearings are held 7109 W. Saginaw, Lansing, Michigan.

Case No. U-17721

Multiline Telephone Systems - Rulemaking

Commission's Own Motion

<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=17721>

Public Hearing: Thursday, February 12, 2015 at 9:00 a.m.

On January 13, 2015, the Michigan Public Service Commission ("Commission") issued an Order and Notice of Hearing opening a rule making proceeding for the purpose of possibly revising the Commission's Rules governing multiline telephone systems and the responsibilities of telephone system operators regarding the installation of equipment and software necessary to provide specific location information for a 9-1-1 call, R 484.903. The Commission's proposed rule changes would lower the threshold for the size of buildings in which an operator would be responsible for providing Automatic Location Identification ("ALI") and Automatic Number Identification ("ANI") of the specific location of an extension on a multi-line telephone system to the appropriate 9-1-1 Public

Service Answering Point (“PSAP”) from a 40,000 square-foot building to a 7,000 square-foot building. The Commission has invited interested persons to appear and make statements and comments regarding the proposed rule revision at a Public Hearing to be held at 9:00 a.m. on Thursday, February 12, 2015, at the Commission’s new offices at 7109 W. Saginaw Hwy., Lansing, Michigan. Written and electronic comments may be filed with the Commission and must be received no later than 5:00 p.m. on Thursday, March 5, 2015.

MPSC HEARINGS SCHEDULE |

Note: Unless indicated otherwise, hearings are held at the Michigan Public Service Commission’s new offices at 7109 W. Saginaw, 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 TELECOMMUNICATIONS HEARINGS SCHEDULED FOR THE NEXT FORTNIGHT (FEBRUARY 2, 2015 THROUGH FEBRUARY 13, 2015)

February 12, 2015, 9:00 a.m.
Case No. U-17721/Public Hearing
Commission’s Own Motion (MLTS-Rulemaking)

FUTURE TELECOM HEARINGS SCHEDULED

February 24, 2015, 10:00 a.m.
Case No. U-17652/Public Hearing
John McCready v Comcast Phone of Michigan,
LLC (Consumer Complaint)

2015 REGULAR MPSC MEETING DATES[†] |

MONTH & DATE	DAY	TIME
February 12 [‡]	Thursday	10:00 a.m.
February 13[‡]	Friday	1:30 p.m.
February 27	Friday	1:30 p.m.
March 10	Tuesday	1:30 p.m.
March 24	Tuesday	1:30 p.m.
April 14	Tuesday	1:30 p.m.
April 27	Monday	1:30 p.m.
May 14	Thursday	1:30 p.m.
June 3	Wednesday	1:30 p.m.
June 15	Monday	1:30 p.m.
June 30	Tuesday	1:30 p.m.
July 9	Thursday	1:30 p.m.
July 23	Thursday	1:30 p.m.
August 11	Tuesday	1:30 p.m.
August 25	Tuesday	1:30 p.m.
September 10	Thursday	1:30 p.m.
September 24	Thursday	1:30 p.m.
October 7	Wednesday	1:30 p.m.
October 22	Thursday	1:30 p.m.
November 5	Thursday	1:30 p.m.
November 19	Thursday	1:30 p.m.

[†] Additional 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).

All meetings of the Commission are open to the public and will be held at the Commission’s new offices, which are located at 7109 W. Saginaw, Lansing, Michigan, 48917, unless posted and notified in accordance with the Open Meetings Act. Visitors should park in the south side, rear parking lot, which is in the back of the building and enter through the doors posted for “Visitors.” The meeting site is accessible, including handicapped parking. People with disabilities requiring additional accommodations such as information in alternative formats in order to participate in the meeting should contact the Commission’s Executive Secretary at (517) 284-8090.

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 Commission may make an inquiry by calling the Commission’s Executive Secretary at (517) 248-8090.

[‡] On January 29, 2015, the Michigan Public Service Commission (“Commission”) announced that its next Regular Commission Meeting will be held on Thursday, February 12, 2015 at 10:00 a.m. in the Lake Michigan Hearing Room, 7109 W. Saginaw, Lansing, Michigan and that the February 13, 2015 Regular Commission Meeting will not be held.

MONTH & DATE	DAY	TIME
December 8	Tuesday	1:30 p.m.
December 22	Tuesday	1:30 p.m.

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