



FEATURES |

MPSC: Marquette County Becomes First Upper Peninsula Community to Earn “Connected” Broadband Certification |

Note: The Michigan Public Service Commission issued the Press Release below on February 13, 2015. For further information, please contact Judy Palnau at 517-284-8300 or via e-mail at <palnauj@michigan.gov>.

February 13, 2015 – The Michigan Public Service Commission (“MPSC”) today commended Marquette County for becoming the first community in the Upper Peninsula - and the 11th in the state - to be certified as a “connected” community that has developed a broadband and technology plan to expand . . .

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... broadband access, adoption and use.



"Upper Peninsula communities can face challenges when it comes to expanding broadband opportunities," noted MPSC Chairman John D. Quackenbush. "Marquette County brought together a team including government, education, medical and business representatives to tackle the challenges of its location, size, natural landscape and scattered development pattern. They are now poised to implement the projects they have identified as priorities."

The Marquette County Broadband Initiative team worked with Connect Michigan to identify gaps in the local broadband landscape and establish goals for increasing high-speed Internet access, adoption and use. The team developed a technology action plan with four priorities: improving education through digital learning; establishing programs supporting schools' new technology initiatives; developing a business case for further broadband expansion; and promoting telemedicine in remote areas of the county.

"Marquette County joins an elite group of Michigan communities that have completed the broadband certification process," Quackenbush added. "These communities understand that their success includes access to reliable high-speed networks, digital literacy of residents and the use of online resources locally for business, agriculture, government, and leisure."

Marquette County joins Harbor, Inc. (Emmet County), Charlevoix, Antrim, St. Clair, Roscommon, Livingston, Mecosta, Clare, Otsego and Ogemaw counties to earn this distinction in Michigan.

Connect Michigan is a public-private partnership between the Michigan Public Service Commission and Connected Nation to work with local governments, businesses, and citizens in the goal of increasing broadband access, adoption and use. For more information on the Connected Community Engagement Program, visit: <http://www.connectmycommunity.org>.

The MPSC has issued a consumer tips sheet on broadband availability in Michigan and other helpful information. http://www.michigan.gov/documents/mpsc/Broadband_Alert_5-13-11_352958_7.pdf

The MPSC is an agency within the Department of Licensing and Regulatory Affairs.

For more information about LARA, please visit <http://www.michigan.gov/lara>. Follow us on Twitter <http://www.twitter.com/michiganLARA>, "Like" us on Facebook, or find us on YouTube <http://www.youtube.com/michiganLARA>.

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2015 & 2016 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.

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.	02/18/2015 Substitute H-1 reported with recommendation by House Committee on Criminal Justice; referred to second reading.

PUBLIC ACTS OF 2015 & 2016 |

Listed below are Public Acts related to telecommunications that were passed during the current legislative session (2015-2016). 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.

To date, no 2015-2016 Telecommunications Legislation has been enacted in Michigan.

ORDERS ISSUED BY THE COMMISSION |

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

Case No. U-16505

Interconnection Agreement

AT&T Michigan and Granite Telecommunications, LLC

<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=16505>

Application filed February 4, 2015, for approval of a First Amendment to the Interconnection Agreement (allows Granite Telecommunications, LLC, to opt into provisions of the existing Performance Measurements plan, and extends the plan through December 31, 2016).

Case No. U-17823

Interconnection Agreement

CenturyTel Midwest-Michigan, Inc., CenturyTel of Michigan, Inc., CenturyTel of Northern Michigan, Inc., and CenturyTel of Upper Michigan, Inc., all d/b/a CenturyLink, and Peninsula Fiber Network, LLC
<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=17823>

Application filed January 22, 2015, and Amended Application filed February 4, 2015, for approval of an Interim Traffic Exchange Interconnection Agreement.

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

Case No. U-17619

Intercarrier Compensation

Westphalia Telephone Company and Great Lakes Comnet, Inc. v AT&T Corp
<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=17619>

On February 27, 2015, the Michigan Public Service Commission (“Commission”) issued an Order regarding attorney fees and costs in the above-captioned proceeding. On January 27, 2015, the Commission issued an order finding in favor of Complainants, Westphalia Telephone Company and Great Lakes Comnet, Inc. Because AT&T had previously rejected a Mediation Proposal, the Complainants were entitled to their actual attorney fees under Section 203a(5) of the Michigan Telecommunications Act (“MTA”), which provides:

The party that rejects the recommended settlement shall pay the opposing party's actual costs of proceeding to a contested case hearing, including attorney fees, unless the final order of the commission is more favorable to the rejecting party than the recommended settlement under this section.

MCL 484.2305a(5). On February 9, 2015 the Complainants filed a bill of costs and attorney fees stating that they owed a total of \$300,575.65. The only detail that was provided was the breakdown of amounts between two law firms: \$192,084.90 is owed to Loomis, Ewert, Parsley, Davis & Gotting, PC (a Lansing firm), and \$108,490.75 is owed to Klein Law Group PLLC (a Washington, D.C. firm). On February 17, 2015, AT&T filed a response to the bill of costs and fees, arguing that it is patently deficient. AT&T noted that the bill contains no information whatsoever on who did the work, what work was done, when the work was performed, how much time was spent, or what hourly rate was applied to anyone’s time. The Commission agreed with AT&T that the Complainants were required to provide a detailed bill of costs and fees conforming to the dictates outlined by the Commission in its August 31, 2000 Order in MPSC Case No. U-12072. The Commission ordered Complainants to do so within 28 days and stated that AT&T shall have 14 days to file objections. If AT&T files objections, the Complainants shall have 14 days to file a response and otherwise answer reasonable requests for further information.

Case No. U-17652

Consumer Complaint

John McCready v Comcast Phone of Michigan, LLC

On February 27, 2015, the Michigan Public Service Commission (“Commission”) issued an Order clarifying its interpretation of the statutory requirement that, pursuant to Section 203(11) of the Michigan Telecommunications Act (“MTA”), “if a hearing is held, the commission shall have 180 days from the date the application or complaint was filed to issue its final order” in a proceeding. On June 9, 2014, John McCready filed a complaint against Comcast Phone of Michigan, LLC

(“Comcast”) alleging that Comcast changed his AT&T Michigan (“AT&T”) landline telephone service to Comcast Voice over Internet Protocol (“VoIP”) Service without his authorization. On August 7, 2014, an evidentiary hearing was held at which the Administrative Law Judge (“ALJ”) issued an oral Proposal for Decision recommending the Commission dismiss the case because it does not have jurisdiction over the subject matter of the complaint. On December 4, 2014, the Commission issued an order finding that the Commission does have jurisdiction over the complaint and remanding the complaint case to an ALJ for a full evidentiary hearing.

On January 5, 2015, Comcast filed a petition for rehearing requesting that the Commission reconsider its remand of the complaint case because of the unintended consequences that will result from remanding the case for a full evidentiary hearing. According to Comcast, because Section 203(11) of the MTA mandates that the Commission issue a final order in complaint cases brought under the MTA within 180 days of the complaint being filed, if a final order is not issued within the 180-day timeframe, the Commission no longer has the authority to hear and decide the complaint. The 180 day “deadline” was December 6, 2014. The Commission, citing a 1983 Michigan Court of Appeals case, *The Detroit Edison Company v Public Service Commission*, 127 Mich App 499 (1983), in which the Court of Appeals excused the Commission for not completing an electric rate case within a nine-month deadline established by statute, rejected Comcast’s argument. The Commission further noted that, “if the Commission were to grant Comcast’s request and dismiss the case, it would have to do so without prejudice, because the Complainant has not had the opportunity to present his case before a hearing officer and have the ALJ issue a determination on the merits of the case,” thus causing “a waste of the Commission’s, the ALJ’s, and the parties’ time and resources.” The Commission found that, “the MTA’s 180-day provision is directory in nature and that no negative or unintended consequences occurred when the Commission remanded the case to the ALJ for a full evidentiary hearing.”

APPLICATIONS AND COMPLAINTS |

Case No. U-11548

ETC

Chippewa County Telephone Company

On February 26, 2015, Chippewa County Telephone Company filed an Application with the Michigan Public Service Commission (“Commission”) to relinquish its Eligible Telecommunication Carrier Designation in the State of Michigan.

Case No. U-14742

ETC

Nexus Communications, Inc.

<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=14742>

On February 17, 2015, Nexus Communications, Inc. filed an Application with the Michigan Public Service Commission (“Commission”) to relinquish its Wireline Eligible Telecommunication Carrier Designation in the State of Michigan.

Case No. U-17845

Discontinuance of Service

Nexus Communications, Inc.

<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=17845>

On February 17, 2015, Nexus Communications, Inc. filed an Application with the Michigan Public Service Commission (“Commission”) to discontinue providing basic local exchange service in the State of Michigan.

Case No. U-17850

License

CenturyLink Communications, LLC

<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=17850>

On February 23, 2015, CenturyLink Communications, LLC filed an Application with the Michigan Public Service Commission (“Commission”) to expand the geographic scope of its license to provide local exchange service to encompass all zones and exchange areas in the State of Michigan.

Case No. U-17853

Consumer Complaint - Slamming

Anytime Fitness v Charter Communications and Frontier Communications

On February 24, 2015, Anytime Fitness, of Davidson, Michigan, filed a formal Complaint with the Michigan Public Service Commission (“Commission”) against Charter Communications and Frontier Communications. According to the Complaint, Anytime Fitness alleges that its service was switched without its authorization from Charter Communications to Frontier Communications.

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 file written and electronic comments. Such comments 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-17758

Uniform Video Services Local Franchise Act

Comcast of the South, Inc. v Charter Township of Plymouth

<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=17758>

Public Hearing: Friday, March 6, 2015 at 9:00 a.m.

The Michigan Public Service Commission ("Commission") will consider the December 11, 2014, Formal Complaint of Comcast of the South, Inc. (Comcast) against Charter Township of Plymouth (Plymouth), for alleged violations of various provisions of the Uniform Video Services Local Franchise Act (2006 PA 480 or Act) by imposing an annual fee equal to 2% of its gross revenues to Plymouth to support public, education and government (PEG) access facilities and services. A Prehearing Conference to set future hearing dates and decide other procedural matters will be held on Friday, March 6, 2015 at 9:00 a.m. before Administrative Law Judge Daniel L. Pulter at the offices of the Commission, 7109 West Saginaw Highway, Lansing, Michigan.

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 (MARCH 2, 2015 THROUGH MARCH 13, 2015)

March 6, 2015, 9:00 a.m.

Case No. U-17758/Pre-Hearing Conference

Comcast of the South, Inc. against Charter

Township of Plymouth (Uniform Video

Services Local Franchise Act)

FUTURE TELECOM HEARINGS SCHEDULED

*There are no known Telecommunications
Hearings scheduled beyond the current fortnight*

2015 REGULAR MPSC MEETING DATES[†] |

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

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