



## FEATURES |

### MPSC: Updated Law Improves Safety of Underground Digging Practices, Gives MPSC New Enforcement Authority |

Note: The Michigan Public Service Commission issued the following Press Release on April 1, 2014. For additional information contact Judy Palnau at (517) 241-3323

The Michigan Public Service Commission (“MPSC”) today said it has established a new complaint process under the updated MISS DIG Underground Facility Damage and Safety Act (the “Act”), effective today. The Act also gives the MPSC new enforcement authority. . . .

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

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. . . “Excavation damage is the leading cause of serious utility incidents that result in property damage, personal injuries and fatalities,” said MPSC Chairman John D. Quackenbush. “This update to Michigan’s 40-year-old law now formally puts in place the best safe digging practices to prevent damage to vital infrastructure and to prevent potential injuries or death. A simple call to 811 at least 72 hours before digging is all it takes to help keep utility service safe and reliable for all of us.”

Under the Act, sponsored by State Senator Mike Nofs:

- Facility owners are now required to participate in a “positive response” program that puts in place a formal system that will allow the tracking of requests for marking facilities.
- Excavators are required to expose all marked utilities in an 8-foot caution zone by hand. Power equipment can be used in the caution zone after exposing all marked facilities. Excavators must also provide support or bracing of utilities or excavation walls in an excavation or blasting area that are reasonably necessary for protection of utilities.
- If parties with disputes are unable to come to a resolution, they may file a complaint under the Act, using the new form created for this purpose. The Michigan Public Service Commission has new enforcement authority that allows for a fine of not more than \$5,000, under certain circumstances. And for the first time, municipalities will be liable for damage to underground facilities, under certain conditions, and will be subject to fines, plus training. Later this year, the MPSC will for the first time make available online information on the reporting and tracking of damages to underground facilities.

Dialing 811 in Michigan connects callers to MISS DIG, a statewide, one-call center for construction safety and utility damage prevention. Once a request is received, MISS DIG contacts local utility companies, according to the location where a caller plans to dig. Utilities will send representatives to mark the approximate location of underground lines with paint and/or staking flags within three working days. The service is free.

Governor Snyder has declared April as Safe Digging Month in Michigan to raise awareness of the importance of pipeline safety and other underground utility education in Michigan and throughout the U.S.

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

Case No. U-17497

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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## **MiCTA Selects T-Mobile® As Endorsed National Vendor For Cellular Services |**

Note: MiCTA issued the following Press Release on March 31, 2014.

SAGINAW, Mich., March 31, 2014 – MiCTA, a nationwide group purchasing organization, has designated T-Mobile US, Inc. (NYSE: “TMUS”) as an approved national vendor for cellular services to its membership. “We are very pleased to announce our new agreement for cellular services through T-Mobile,” says Tim von Hoff, Chief Operating Officer of MiCTA.



“Being able to offer T-Mobile cellular services through a MiCTA MSA gives our membership an expanded range of desirable, cost-effective cellular service options,” says von Hoff. “T-Mobile brings an exceptional combination of service and value to our membership, and we’re delighted that T-Mobile has joined the list of approved MiCTA vendors.”

T-Mobile has long been focused on bridging the digital divide and making widespread mobile learning a reality in the U.S. With a high-speed nationwide network, knowledgeable advisors in the education sector, and a portfolio of compelling and affordable mobile broadband solutions, T-Mobile is getting rid of the “20 lb. backpack” by putting cutting-edge technology into the hands of students nationwide.

“We live in a digital age where access to information anytime and anywhere has become the expectation – in our work, in our homes, in our cars and in our schools,” says Matt Millen, vice president Business Markets at T-Mobile US. “By extending our educational offerings to MiTCA members, we can more effectively put devices and connectivity in the hands of students and further advance the federal ConnectED initiative.”

T-Mobile’s designation as an approved national vendor is the result of MiCTA’s highly competitive bidding process, which evaluates telecommunications and technology solutions on behalf of its nationwide membership. Through a MiCTA Master Service Agreement, MiCTA members may purchase approved telecommunications and technology products and services at volume discounts. Besides offering significant cost savings, this approach also eliminates the need for MiCTA members to conduct their own costly competitive bidding processes.

About MiCTA -- MiCTA, located at 4805 Towne Centre, Suite 100 in Saginaw, MI, represents thousands of higher education, K-12, healthcare, library, governmental, non-profit and charitable entities. Nationally, MiCTA negotiates purchase contracts for discounted telecommunications and technology services, provides helpful information, makes grants, and participates in legislative and regulatory telecommunications advocacy for its members. For more information, please visit the MiCTA Web site, <<http://www.mictatech.org>>.

# # #

## 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 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 033 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	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.	Referred to Senate Committee on Energy and Technology.
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.
SB 636 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.

Senate Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
SB 734 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.
<b>SB 824</b> <b>Pappageorge</b>	<b>02/25/2014</b>	<b>State financing and management; authorities; process for transferring METRO Act authority powers; revise, and provide other general amendments. Amends secs. 2 &amp; 3 of 2002 PA 48 (MCL 484.3102 &amp; 484.3103). Tie Bar with SB 822.</b>	<b>04/01/2014 Signed by Governor Snyder; assigned 2014 PA 88, with immediate effect.</b>

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	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.).	Referred to House Committee on Energy and Technology.
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. Snyder; 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.

House Bill # Primary Sponsor	Date Introduced	Description	Status (revisions in bold)
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.
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).	03/20/2014 Reported by House Committee on Judiciary with substitute H-2; referred to second reading.
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.

## **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.

<b>Public Act #</b>	<b>Effective Date</b>	<b>Description</b>	<b>Enrolled Bill # and Sponsor</b>
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
<b>2014 PA 88</b>	<b>04/01/2014</b>	<b>State financing and management; authorities; process for transferring METRO Act authority powers; revise, and provide other general amendments. Amends secs. 2 &amp; 3 of 2002 PA 48 (MCL 484.3102 &amp; 484.3103). Tie Bar with SB 822 (2014 PA 80).</b>	<b>SB 824</b> <b>Pappageorge</b>

## **ORDERS ISSUED BY THE COMMISSION |**

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The Michigan Public Service Commission (“Commission”) issued the following Orders at its regularly scheduled meeting held on Tuesday, April 1, 2014, at 1:30 p.m. at the Commission’s temporary offices located at 4300 West Saginaw, Lansing, Michigan.

**Case No. U-15463**

**License**

**Everycall Communications, Inc., d/b/a All American Home Phone, and d/b/a Local USA**  
<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=15463>

On April 1, 2014, the Michigan Public Service Commission (“Commission”) issued an Order rescinding the April 22, 2008 license of Everycall Communications, Inc., d/b/a All American Home Phone, and d/b/a Local USA to provide basic local exchange services in the State of Michigan. On March 10, 2014, Everycall Communications, Inc., d/b/a All American Home Phone, and d/b/a Local USA informed the Commission of its intent to surrender its license and stated that it has no customers and has ceased operations in Michigan.

**Case No. U-17565**

**License**

**ATI Networks, Inc.**  
<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=17565>

On April 1, 2014, the Michigan Public Service Commission (“Commission”) issued an Order granting a temporary expansion of ATI Networks, Inc.’s license to provide basic local exchange services in State of Michigan to include all zones and exchange areas currently served by incumbent local exchange carriers in the state of Michigan. This temporary expansion will expire upon the Commission’s issuance of a final order granting or denying ATI Networks, Inc.’s February 18, 2014 Application for a permanent amended license.

**Case No. U-17572**

**Consumer Complaint: Video Services**

**John and Annette Golen v Comcast of the South, Inc.**

On April 1, 2014, the Michigan Public Service Commission (“Commission”) dismissed the February 27, 2014 formal Complaint of John and Annette Golen against Comcast of the South, Inc. with prejudice. On March 20, 2014, the Parties submitted an agreement stipulating that the complaint be dismissed with prejudice.

## **MINUTE ACTIONS |**

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The Michigan Public Service Commission (“Commission”) issued the following Minute Action at its regularly scheduled meeting held on Tuesday, April 1, 2014, at 1:30 p.m. at the Commission’s temporary offices located at 4300 West Saginaw, Lansing, Michigan.

**Case No. U-14000**

**Wireless Emergency Service Costs**

**AT&T Michigan**  
<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=14000>

On April 1, 2014, the Michigan Public Service Commission (“Commission”) issued a Minute Action approving AT&T Michigan’s invoice No. 517 R41-0001 067 9 for the period of December 1, 2013 to February 28, 2014 for wireless emergency service costs in the amount of \$128,788.08



recoverable under 2007 PA 165, MCL 484.1408(4)(b), and authorizes reimbursement by the Michigan Department of Treasury.

## **APPLICATIONS AND COMPLAINTS |**

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**Case No. U-17594**  
**David K. Tillman v AT&T**

**Consumer Complaint**

On April 4, 2014, David K. Tillman, of Detroit, Michigan, filed a Complaint against AT&T with the Michigan Public Service Commission (“Commission”). Mr. Tillman’s Complaint alleges that his voice mail service was inoperable for a period of time and AT&T would not give him a credit.

## **NOTICES OF OPPORTUNITIES TO COMMENT |**

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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-17565**  
**ATI Networks, Inc.**

**License**

**<http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=17565>**  
**Comments Due: Wednesday, April 30, 2014 at 5:00 p.m.**

The Michigan Public Service Commission (“Commission”) will consider the February 18, 2014 Application of ATI Networks, Inc. for approval to amend the geographic area of its license to provide basic local exchange service to include all zones and exchange areas served by incumbent local exchange carriers in the State of Michigan. Interested parties are invited to file Comments on ATI Networks, Inc.’s Application by Wednesday, April 30, 2014.

## **NOTICES OF HEARINGS |**

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The following Notices of Hearings have been issued by the Michigan Public Service Commission's Executive Secretary. Unless otherwise noted, all hearings are held at Constitution Hall, 525 W. Allegan, Lansing, Michigan.

*No known telecommunications Notices of Hearing are currently pending before the Michigan Public Service Commission.*

## **MPSC HEARINGS SCHEDULE |**

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Note: Unless indicated otherwise, hearings are held in Constitution Hall, 525 W. Allegan, 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 (APRIL 14, 2014 THROUGH APRIL 25, 2014)**

*No known Telecom hearings are scheduled with the Michigan Public Service Commission during the upcoming fortnight.*

### **FUTURE TELECOM HEARINGS SCHEDULED**

*No known Telecom hearings are scheduled with the Michigan Public Service Commission beyond the next fortnight.*

## 2014 REGULAR MPSC MEETING DATES<sup>†</sup> |

MONTH & DATE	DAY	TIME
April 15	Tuesday	1:30 p.m.
April 30	Wednesday	2:00 p.m.
May 13	Tuesday	1:30 p.m.
June 6	Friday	1:30 p.m.
June 24	Tuesday	1:30 p.m.
July 8	Tuesday	1:30 p.m.
July 22	Tuesday	1:30 p.m.
August 5	Tuesday	1:30 p.m.
August 19	Tuesday	1:30 p.m.
September 9	Tuesday	1:30 p.m.
September 23	Tuesday	1:30 p.m.
October 7	Tuesday	1:30 p.m.
October 23	Thursday	1:30 p.m.
November 6	Thursday	1:30 p.m.
November 21	Friday	1:30 p.m.
December 4	Thursday	1:30 p.m.
December 18	Thursday	1:30 p.m.

<sup>†</sup> 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 Michigan Public Service Commission (“Commission”) are open to the public. Until further notice, all meetings will be held at the Commission’s temporary offices, which are located at 4300 W. Saginaw St., Lansing, MI 48917, unless posted and notified in accordance with the Open Meetings Act. 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) 241-6160.

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 |

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