

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter, on the Commission’s own motion,)
to implement 2009 PA 182, MCL 484.2310.)
_____)
Case No. U-16183

At the March 17, 2022 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
 Hon. Tremaine L. Phillips, Commissioner
 Hon. Katherine L. Peretick, Commissioner

ORDER

The Commission commenced this proceeding on January 11, 2010, in order to implement the provisions of 2009 PA 182 (Act 182), which amended Section 310 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2101 *et seq*, MCL 484.2310. The amendment reformed toll access service rates in Michigan. MCL 484.2310(1), (2).

As noted in previous orders in this docket, Act 182 requires that the Commission administer a fund known as the intrastate switched toll access rate restructuring mechanism (restructuring mechanism). MCL 484.2310(9), 484.2310(23)(e). The restructuring mechanism is used to provide monthly disbursements to eligible providers “in order to recover the lost intrastate switched toll access service revenues resulting from rate reductions under [MCL 484.2310(2)].” MCL 484.2310(8). The restructuring mechanism is funded via “a mandatory monthly contribution by all providers of retail intrastate telecommunications services and all providers of commercial mobile service.” MCL 484.2310(12). The act further provides that “The commission may

increase or decrease the contribution assessment on a quarterly or other basis as necessary to maintain sufficient funds for disbursements.” MCL 484.2310(14).

In an order issued April 13, 2010, the Commission established the initial total size of the restructuring mechanism at \$18,057,034.86, and notified providers of the disbursements for which they were eligible. Subsequent orders have addressed the size of the contribution assessment. Act 182, as amended by 2014 PA 52, required the Commission to “recalculate the size of the restructuring mechanism for each eligible provider on March 13, 2018,” and specified the procedure for the recalculation. MCL 484.2310(16). The Commission’s most recent recalculation of the contribution assessment was in the May 13, 2021 order in this docket (May 13 order).

It has come to the Commission’s attention that the contribution assessment requires adjustment. Act 182 entitles each eligible provider “to receive monthly disbursements from the restructuring mechanism for a period of no more than 12 years” and states that at the end of that 12-year period “the restructuring mechanism shall cease to exist.” MCL 484.2310(16). As that 12-year period will end in 2022, an adjustment is needed to begin reducing the fund balance in preparation for its conclusion. Given the current fund balance and amount of expected revenue subject to the contribution percentage (total intrastate retail telecommunications service revenue for all contributing providers less uncollectible revenue), the Commission Staff (Staff) proposes a two-step adjustment process. The Staff recommends that, first, the contribution percentage be reduced from 1.435% to 0.387% (.00387) and that this contribution percentage go into effect on May 14, 2022 (the day after the May contributions are due). Providers would then be subject to the adjusted contribution percentage beginning with the reporting period ending May 31, 2022, with those contributions due June 13, 2022. Following this change, the Staff next recommends that the contribution percentage be reduced to 0.00% effective June 14, 2022. Beginning with the

contributions due on July 13, 2022 (for the reporting period ending June 30, 2022), providers' contributions would be zero. Contribution forms still need to be submitted by the 13th of each month, with August 13, 2022 (for the reporting period ending July 31, 2022) being the last required submission date. Based on the estimated contributions expected and the expenses for the fund, these reductions would allow the fund to continue to meet its monthly obligations while reducing the cash reserve in anticipation of the conclusion of the access restructuring mechanism. However, as this is based on estimated revenue and expenses, contributing providers should be aware that if revenues (and therefore contributions) are lower than expected or expenses are higher than expected, the Commission may issue additional orders altering this schedule and changing the contribution percentage.

The Commission finds that it should adopt the recommendations of the Staff, and directs the Staff to update the online form that providers use to determine their contribution amounts beginning May 14, 2022, to reflect the revised contribution rates. The first new contribution factor shall be reflected in the June 13, 2022 contributions and the second contribution factor shall be reflected in the July 13, 2022 contributions.

THEREFORE, IT IS ORDERED that:

A. The restructuring mechanism contribution percentage shall decrease from 1.435% to 0.387% effective May 14, 2022.

B. The restructuring mechanism contribution percentage shall further decrease from 0.387% to 0.00% effective June 14, 2022.

C. On May 14, 2022, the Commission Staff shall update the online form used by contributing providers in calculating the monthly contribution to reflect the new percentages and timeframe adopted in this order.

D. Contributing providers shall continue providing monthly contribution forms by the 13th of each month, with the last form being submitted by August 13, 2022.

E. The Commission Staff shall continue to monitor the activity of the restructuring mechanism to ensure that the assessed contribution percentage is appropriate.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, under MCL 484.2203(12). To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel. Electronic notifications should be sent to the Executive Secretary at mpscedockets@michigan.gov and to the Michigan Department of the Attorney General - Public Service Division at pungpl@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Daniel C. Scripps, Chair

Tremaine L. Phillips, Commissioner

Katherine L. Peretick, Commissioner

By its action of March 17, 2022.

Lisa Felice, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

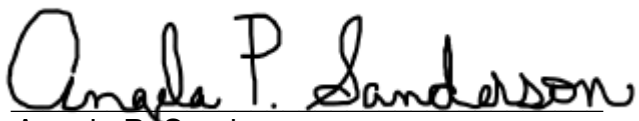
Case No. U-16813

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on March 17, 2022 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).


Brianna Brown

Subscribed and sworn to before me
this 17th day of March 2022.



Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2024

Service List for Case: U-16183

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U-16183 - Special Distribution

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U-16183 - Special Distribution

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Metropolitan Communications

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Mercury Wireless Indiana LLC

Metro FiberNet, LLC

MetroNet-Telecom, Inc.

Metropolitan Telecommunications of Michigan, Inc., dba
MetTel

Michigan Access, Inc.

Michigan Central Broadband Company, LLC

Midway Telephone Company

Midwest Energy Cooperative d/b/a Midwest Energy &
Communications

MiTel NetSolutions

Mobilite Management, LLC

Neo Network Development Inc.

Neutral Tandem-Michigan, LLC

New Horizons Communications Corp.

NextGen Communications, Inc.

Nextlink Wireless, Inc.

Nexus Communications

NOS Communications, Inc.

Ogden Telephone Company

Ontonagon County Telephone Company

Onvoy, Inc.

Onvoy, LLC

Osirus Communications, Inc.

PaeTec Communications, LLC

Pearce, Chrissie

Peerless Network of Michigan, LLC

Peninsula Fiber Network Next Generation Services, LLC

Peninsula Fiber Network, LLC

Pigeon Telephone Company

PNG Telecommunications Inc. dba PowerNet Global
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Utility Network Authority MI, LLC

Velocity, A Managed Services Company, Inc.

Verizon North Inc.

Vero Fiber Networks, LLC

VoxBeam Telecommunications Inc.

Voyant Communications, LLC f/k/a Zayo Enterprise
Networks, LLC

Waldron Telephone Company

Westphalia Broadband, Inc.

Westphalia Telephone Company

Wholesale Carrier Services, Inc.

Wide Voice, LLC

WiMacTel, Inc.

Windstream KDL, LLC

Windstream New Edge, LLC f.k.a. EarthLink Business, LLC

Windstream Norlight LLC

Windstream NTI, LLC

Winn Telephone Company dba Winn Telecom
Xclutel, LLC

XO Communications Services, LLC

Ygnition Networks, Inc.

YMax Communications Corp.

Zayo Group, LLC