

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion, )  
to commence an investigation into voice over ) Case No. U-14073  
internet protocol issues in Michigan. )  
\_\_\_\_\_ )

At the March 16, 2004 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

PRESENT: Hon. J. Peter Lark, Chair  
Hon. Robert B. Nelson, Commissioner  
Hon. Laura Chappelle, Commissioner

**ORDER COMMENCING INVESTIGATION**

Voice over internet protocol (VOIP), a developing technology that may be used to transmit voice conversations over the internet,<sup>1</sup> is the focus of ongoing debates among state and federal regulators, legislators, and the telecommunications industry. The Commission is aware of at least two types of VOIP transmission methodologies. One VOIP transmission methodology makes use of the public switched telephone network. In some cases, licensed carriers provide VOIP directly to their customers. In other cases, unlicensed VOIP providers use licensed carriers' facilities and numbering resources to supply VOIP communications.<sup>2</sup>

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<sup>1</sup>See, Newton's Telecommunications Dictionary, 19<sup>th</sup> Edition, CMP Books, 2003.

<sup>2</sup>An example of this type would be a VOIP service provisioned through use of direct inward dialing.

Another form of VOIP transmission does not involve using the public switched telephone network.<sup>3</sup>

In order to formulate an informed, consistent regulatory policy, the Commission would like to obtain information about VOIP activity in Michigan. The Commission, therefore, requests comments on VOIP activity in Michigan on the following topics that may be affected by both state and federal law:

a. The number and type of VOIP providers that are providing service in Michigan, including incumbent local exchange carriers, competitive local exchange carriers, and unlicensed VOIP providers.

b. Estimations of the proper degree of regulation, based on transmission method, to ensure Michigan citizens are protected while using VOIP, while allowing VOIP services to avoid unnecessarily burdensome regulations.

c. Information regarding the effect of VOIP on telephone numbering resources, including non-licensed VOIP providers' access to numbering resources through licensed telecommunication carriers and VOIP end users' ability to port their current landline or wireless telephone number to their VOIP equipment.

d. Access to emergency calling, including VOIP end users' unrestricted access to 9-1-1, non-carrier charges for 9-1-1 access, and public safety answering points costs to geographically locate VOIP callers and provide a call back number.

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<sup>3</sup>See, Memorandum Opinion and Order, *In the Matter of the Petition for Declaratory Ruling that pulver.com's Free World Dialup is Neither Telecommunications Nor a Telecommunications Service*, WC Docket No. 03-45, wherein the Federal Communications Commission (FCC) declared that pulver.com's free world dialup offering was "an unregulated information service subject to the Commission's jurisdiction."

e. Whether VOIP providers may participate in, and have access to, the federal Universal Service Fund (USF) to provide service to rural areas, hospitals, and schools; the ability of VOIP carriers to provide low-cost service similar to Lifeline and Link-up for low-income end users; and the need for VOIP end-users to contribute to the federal USF.

f. VOIP services' effect on the current access charge structure.

g. The ability of VOIP services to provide abbreviated dialing (2-1-1, 3-1-1, 4-1-1, 7-1-1) programs and toll-free dialing (1+800) to end users.

h. Other technical issues, such as internet virus potential, power outage risks, consumer protections including privacy, quality of service, and accessibility by local, state and federal law enforcement.

The Commission recognizes that the FCC has commenced a rulemaking proceeding to determine the proper federal regulatory framework for VOIP and that this proceeding may affect the ability of the Commission to formulate a regulatory policy at the state level. However, the FCC's Notice of Proposed Rulemaking has just been released, with comment dates yet to be determined, and the FCC may not promulgate a final rule until the end of this year or later.<sup>4</sup> The Commission has a responsibility to the citizens of this state to ask VOIP providers for comments on the topics identified above so that we are in a position to protect both users of VOIP and the customers who may be asked to assume the cost of maintaining a network that may not be supported by VOIP providers.

The Commission finds that providers of telecommunications services subject to the Commission's jurisdiction should be required to file comments in regard to these topics. Additional

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<sup>4</sup>Notice of Proposed Rulemaking, In the Matter of IP Enabled Services, WC Docket 04-36, adopted February 12, 2004, Released March 10, 2004. "Comment date scheduled 60 days after Federal Register publication of this Notice."

comments from other entities regarding the regulatory treatment of VOIP technology are welcome and will be considered as the Commission begins to study the state and federal regulatory aspects of VOIP technology. Comments are to be filed with the Commission by April 2, 2004 and should reference Case No. U-14073.

The Commission has selected this case for participation in its Electronic Filings Program. The Commission recognizes that some residential customers may not have the computer equipment or access to the internet necessary to submit documents electronically. Therefore, residential customers may submit documents in the traditional paper format and mail them to the: Executive Secretary, Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909. Otherwise, all documents filed in this case must be submitted in both paper and electronic versions. An original and four paper copies and an electronic copy in the portable document format (PDF) should be filed with the Commission. Requirements and instructions for filing electronic documents can be found in the Electronic Filings Users Manual at: <http://efile.mpsc.cis.state.mi.us/efile/usersmanual.pdf>. The application for an account and letter of assurance are located at <http://efile.mpsc.cis.state.mi.us/efile/help>. You may contact Commission staff at 517.241.6170, or by e-mail at [mpscfilecases@michigan.gov](mailto:mpscfilecases@michigan.gov), with questions and to obtain access privileges prior to filing.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1986 PA 32, as amended, MCL 484.1101 et seq.; 1991 PA 179, as amended, MCL 484.2101 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

b. Providers of telecommunications services subject to the Commission's jurisdiction should be required to file comments in regard to the VOIP issues identified in this order by April 2, 2004.

c. Other interested persons should be encouraged to voluntarily file comments in regard to the VOIP issues identified in this order by April 2, 2004.

THEREFORE, IT IS ORDERED that:

A. Providers of telecommunications services subject to the Commission's jurisdiction shall file comments regarding to the voice over internet protocol issues identified in this order by April 2, 2004.

B. Other interested persons are encouraged to voluntarily file comments regarding to the voice over internet protocol issues identified in this order by April 2, 2004.

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

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ J. Peter Lark

Chair

( S E A L )

/s/ Robert B. Nelson

Commissioner

/s/ Laura Chappelle

Commissioner

By its action of March 16, 2004.

/s/ Mary Jo Kunkle

Its Executive Secretary

c. Other interested persons should be encouraged to voluntarily file comments in regard to the VOIP issues identified in this order by April 2, 2004.

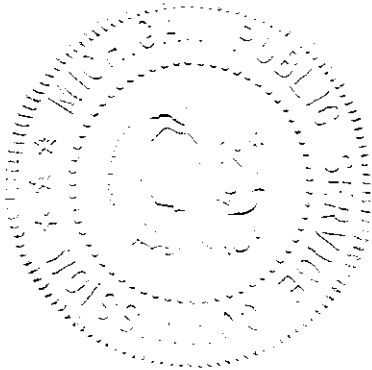
THEREFORE, IT IS ORDERED that:

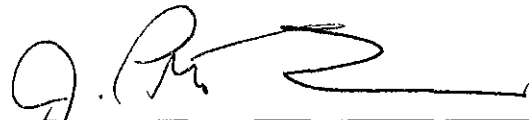
A. Providers of telecommunications services subject to the Commission's jurisdiction shall file comments in regard to the voice over internet protocol issues identified in this order by April 1, 2004.

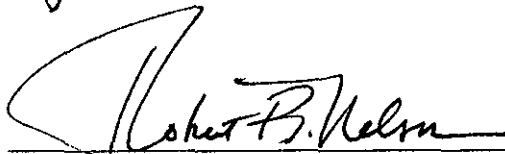
B. Other interested persons are encouraged to voluntarily file comments in regard to the voice over internet protocol issues identified in this order by April 1, 2004.

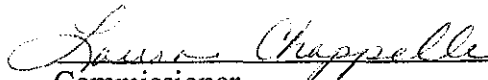
The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION



  
Chair

  
Commissioner

  
Commissioner

By its action of March 16, 2004.

  
Its Executive Secretary

# P R O O F O F S E R V I C E

STATE OF MICHIGAN )

Case No. U-14073

County of Ingham )

Patricia A. Fronta being duly sworn, deposes and says that on March 18<sup>th</sup> 2004, A.D. she served a copy of the attached Commission orders by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.

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Patricia Fronta

Subscribed and sworn to before me  
this 18<sup>th</sup> day of March 2004

---

Notary Public, Eaton County, Michigan  
Acting in Ingham County  
My Commission expires November 22, 2004

**SUBSCRIPTION LIST  
ALL COMMUNICATION ORDERS**

4M Communications, Inc.  
P.O. Box 269  
Traverse City, MI 49685-0269

Database Services  
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Dayton, OH 45401

Mr. Don Eitniar  
DMB – Telecommunications Div.  
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Mr. Agris Pavlovsiks  
Michigan Exchange Carriers Assoc.  
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Lansing, MI 48901-0025

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Public Utilities Reports, Inc.  
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Senate Democratic Staff  
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Dominion Telecom, Inc.  
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Glen Allen, VA 23058-3660

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Dallas, TX 75234

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DSLnet Communications LLC  
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Hackensack, NJ 07601-6357

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Norcross, GA 30071

Essential.com, Inc **Being Removed**  
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Burlington, MA 01803

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Group Long Distance, Inc.  
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KMC Telecom III Inc.  
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Planet Access  
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Suretel, Inc.  
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T2 Communications, LLC  
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Holland, MI 49423

Talk America Inc.  
Sharon Thomas  
12001 Science Dr., Ste. 130  
Orlando, FL 32828

Talk Unlimited NOW Incorporated  
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Saint Petersburg, FL 33711-3817

TC3 Telecom Inc.  
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1114-F South Winter St.  
Adrian, MI 49221

TCG-Detroit  
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215 S. Washington Sq, Ste 230  
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TDS MetroCom, Inc.  
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525 Junction Rd., Ste. 6000  
Madison, WI 53717

Tel Com Plus  
Julie Graton  
2277 19<sup>th</sup> Avenue, SW  
Largo, FL 33774-1713

Telepacific Comm  
David Glickman  
515 S Flower St, 49th Fl  
Los Angeles, CA 90071

Telera Communications, Inc.  
Robert Stewart  
910 E. Hamilton  
Campbell, CA 95008

Teligent Services, Inc.  
Jennifer Martin  
460 Herndon Pkway, Ste 100  
Herndon, VA 20170

Telnet Worldwide, Inc.  
Mark Iannuzzi  
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The Free Network, LLC  
Ascanio Terracciano  
1607 E Big Beaver Rd, Ste 201  
Troy, MI 48083

TransNational Communications  
Richard Hargrave  
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Rural Communications  
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Three Rivers, MI 49091

TruComm Corporation  
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1608 Barclay Blvd.  
Buffalo Grove, IL 60089-4523

Truly Clear Communications  
Patrice Henderson  
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United Telecom, Inc.  
Scott Baldwin  
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Universal Access Inc.  
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Chicago, IL 60606

Universal Telecom, Inc.  
Sir/Madam  
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LaGrange, KY 40031

US Signal Co., LLC  
Barbara Boshoven  
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Grand Rapids, MI 49503

Choice One Communications  
Mary Whiting  
56 Grandville, SW  
Grand Rapids, MI 49503

VarTec Telecom, Inc.  
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Verizon Select Services Inc.  
Patricia Heise de Barros  
6665 Mprt MacArthur Blvd., HQK02D84  
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Westphalia Telephone Company  
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WilTel Locak Network, LLC  
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Tulsa, OK 74103

Winn Telephone Company  
Les Jenkins  
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Winn, MI 48896

Winstar Communications, LLC  
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Washington, DC 20036

XOMichigan, Inc.  
Theresa Powell  
Two Easton Oval, Ste 300  
Columbus, OH 43219

Z-Tel Communications Inc.  
Tim Seat  
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Tampa, FL 33602

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Ace Telephone Company of Michigan, Inc.  
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Mesick, MI 49668-0069

Barry County Telephone Company  
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Blanchard Telephone Association, Inc.  
Duane Bronson  
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Blanchard, MI 49310

CenturyTel Midwest -- Michigan, Inc.  
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Columbus, MI 43215

CenturyTel of Michigan, Inc.  
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CenturyTel of Northern Michigan, Inc.  
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Greg Ringle  
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Brimley, MI 49715

Contel of the South, Inc., d/b/a Verizon  
North Systems  
Paul Fuglie  
860 Terrace Street  
Muskegon, MI 49440

Hiawatha Telephone Company  
Robert Orent  
108 West Superior Street  
Munising, MI 49862

Kaleva Telephone Company  
Harry Cribbs  
9281 Osmo Street  
Kaleva, MI 49645

Midway Telephone Company  
Robert Orent  
108 West Superior Street  
Munising, MI 49862-1192

Ogden Telephone Company  
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Ontonagon County Telephone Company  
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360 Networks (USA)  
Sir/Madam  
12202 Airport Way, Ste. 300  
Broomfield, CO 80021 2587

Peninsula Telephone Company  
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Pigeon Telephone Company  
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Pigeon, MI 48755

Sand Creek Telephone Company  
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Sand Creek, MI 49279

SBC Ameritech Michigan  
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Springport Telephone Company  
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TDS Telecom/Wolverine Telephone Co.  
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Sprint Communications  
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