

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission’s own motion,	)	
to implement the provisions of Section 304 of	)	Case No. U-14731
2005 PA 235.	)	
_____	)	

In the matter, on the Commission’s own motion,	)	
to implement the provisions of Section 301a of	)	Case No. U-14899
2005 PA 235.	)	
_____	)	

At the August 22, 2006 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. J. Peter Lark, Chairman  
Hon. Laura Chappelle, Commissioner  
Hon. Monica Martinez, Commissioner

**ORDER**

On November 21, 2005, Governor Jennifer M. Granholm signed into law 2005 PA 235, amending the Michigan Telecommunications Act, MCL 484.2101 *et seq.* (Act 235). Among other things, Act 235 amended Section 304(1) of the Act to require the provision of primary basic local exchange service to all residential customers within the provider’s service area where it offers residential basic local exchange service by April 1, 2006. MCL 484.2304.

Primary basic local exchange service is defined in MCL 484.2102(y) as:

“...the provision of 1 primary line to a residential customer for voice communication and shall include all of the following:

- (i) Not fewer than 100 outgoing calls per month.
- (ii) Not less than 12,000 outgoing minutes per month.
- (iii) Unlimited incoming calls.

In its December 20, 2005 order in Case No. U-14731, the Commission directed that all providers of basic local exchange service file the tariff upon which it would rely to comply with MCL 484.2304, as amended, no later than January 19, 2006. By order dated January 10, 2006, the Commission granted the Telecommunications Association of Michigan's request for a time extension until February 1, 2006 to file the complying tariff.

As of the date of this order, the Commission's records reflect that the following licensed basic local exchange service providers have not responded to the Commission's directive in its December 20, 2005 order in Case No. U-14731:

Access One, Inc.  
Alticom, Inc.  
American Fiber Network, Inc.  
Borderland Communications, LLC  
Building Communications, Inc.  
Call Giant, Inc.  
Campus Communications Group, Inc.  
CAT Communications International, Inc.  
Ciera Network Systems, Inc.  
Cleartel Telecommunications, Inc.  
dPi Teleconnect, L.L.C.  
EZPhone, Inc.  
Global Crossing Telemangement Inc.  
ICG Telecom Group, Inc.  
IG2, Inc.  
JATO Operating Two Corp.  
Joy Lines, Inc.  
Lucre, Inc.  
Max-Tel Communications, Inc.  
MichTel, Inc.  
Midwestern Telecommunications, Incorporated  
Omniplex Communications Group, LLC  
Pathnet Operating, Inc.  
Preferred Carrier Services, Inc.  
Premiere Network Services, Inc.  
QuantumShift Communications, Inc.  
ServiSense.com, Inc.  
Specialized Services, Inc., d/b/a SSI Affinity  
Suretel, Inc.

TelCove Operations, Inc., d/b/a TeleCove f/k/a Adelphia  
The Free Network, L.L.C.  
Trophy Technologies, Inc., d/b/a Rural Communications  
Truly Clear Inc., d/b/a Truly Clear Communications  
United Communications Systems, Inc., d/b/a Call One  
United States Telecommunications, Inc., d/b/a Tel Com Plus  
Zenk Group, Ltd., d/b/a Planet Access

On May 25, 2006, the Commission issued an order initiating Case No. U-14899 to implement the provisions of Section 301a of 205 PA 235. In that order, the Commission acknowledged that providers had, in large part, complied with the December 20, 2005 order in Case No. U-14731. However, the Commission expressed its concern that providers had failed to adequately prepare for customers to subscribe to primary basic local exchange. In the Commission's view, such a failure constituted a failure to offer that service as required by statute.

Therefore, the Commission required each provider of basic local exchange service in Michigan to demonstrate that it had adequately trained its personnel and made necessary technical adjustments to offer primary basic local exchange service to customers. The Commission directed each provider of basic local exchange service to submit, within 10 business days of the date of the order, evidence of all steps taken to make primary basic local exchange service available to the public, including programming changes, training of personnel, and any customer notices or advertisements for this service. The Commission further directed the companies to provide detailed evidence of the number of requests for primary basic local exchange service since the passage of Act 235 and documentation as to how many customers were receiving primary basic local exchange service on May 1, 2006.

The Commission's records reflect that, of the carriers who submitted filings in response to the December 20, 2005 order in Case No. U-14731, the carriers listed below have not yet filed in compliance with the May 25, 2006 order in Case No. U-14899:

1-800-Reconex, Inc.  
1-800-Reconex, Inc., d/b/a USTel  
Affinity Telecom, Inc.  
American Broadband and Telecommunications Co  
B&S Telecom, Inc.  
Budget Phone, Inc.  
Cinergy Communications Company  
Clear Rate Communications, Inc.  
CMC Telecom, Inc.  
Coast to Coast Telecommunications, Inc.  
DayStarr LLC d/b/a DayStarr Communications  
First Communications, LLC  
IBFA Acquisition Company, LLC, dba The Farm Bureau Connection  
LDMI Telecommunications, Inc., d/b/a LDMI  
Metropolitan Telecommunications of Michigan, Inc., d/b/a MetTel  
New Access Communications LLC  
PhoneCo, L.P.  
Quick Communications, Inc.  
Superior Technologies, Inc.  
TC3 Telecom, Inc.  
TDS Metrocom, LLC  
Telnet Worldwide, Inc.  
TruComm Corporation  
Vertex Broadband, Corp.  
VotaTel Telephone LLC d/b/a VotaTel

The Commission concludes that further steps are necessary to ensure that the statutory requirements are being met. To that end, within 10 business days of the date of this order, the companies listed in Attachment A to this order shall file documentation demonstrating compliance with the Commission's orders in Case No. U-14731 and Case No. U-14899 or show cause why they should not be found in violation of the Michigan Telecommunication Act, MCL 484.2101 *et seq.* and thus, subject to fines and penalties as outlined in MCL 484.2601. In the alternative, a provider may submit notice of desire to surrender its license.

The Commission FINDS that:

a. Jurisdiction is pursuant to 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. Within 10 business days of the date of this order, each company listed on Attachment A to this order shall file documentation demonstrating compliance with the Commission's orders in Case No. U-14731 and Case No. U-14899, show cause why it should not be found in violation of the Michigan Telecommunication Act, MCL 484.2101 *et seq.*, or file a notice of its desire to surrender its license.

THEREFORE, IT IS ORDERED that within 10 business days of the date of this order, each provider listed on Attachment A to this order shall file documentation demonstrating compliance with the Commission's orders in Case No. U-14731 and Case No. U-14899, show cause why it should not be found in violation of the Michigan Telecommunication Act, MCL 484.2101 *et seq.* and thus, subject to fines and penalties as outlined in MCL 484.2601, or submit notice of its desire to surrender its license.

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, pursuant to MCL 484.2203(12).

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ J. Peter Lark

Chairman

( S E A L )

/s/ Laura Chappelle

Commissioner

/s/ Monica Martinez

Commissioner

By its action of August 22, 2006.

/s/ Mary Jo Kunkle

Its Executive Secretary

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, pursuant to MCL 484.2203(12).

MICHIGAN PUBLIC SERVICE COMMISSION

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Chairman

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Commissioner

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Commissioner

By its action of August 22, 2006.

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Its Executive Secretary

**Attachment A**

Companies failing to comply with the December 20, 2005 order in Case No. U-14731 and  
the May 25, 2006 order in Case No. U-14899:

Access One, Inc.  
Alticom, Inc.  
American Fiber Network, Inc.  
Borderland Communications, LLC  
Building Communications, Inc.  
Call Giant, Inc.  
Campus Communications Group, Inc.  
CAT Communications International, Inc.  
Ciera Network Systems, Inc.  
Cleartel Telecommunications, Inc.  
dPi Teleconnect, L.L.C.  
EZPhone, Inc.  
Global Crossing Telemanagement Inc.  
ICG Telecom Group, Inc.  
IG2, Inc.  
JATO Operating Two Corp.  
Joy Lines, Inc.  
Lucre, Inc.  
Max-Tel Communications, Inc.  
MichTel, Inc.  
Midwestern Telecommunications, Incorporated  
Omniplex Communications Group, LLC  
Pathnet Operating, Inc.  
Preferred Carrier Services, Inc.  
Premiere Network Services, Inc.  
QuantumShift Communications, Inc.  
ServiSense.com, Inc.  
Specialized Services, Inc., d/b/a SSI Affinity  
Suretel, Inc.  
TelCove Operations, Inc., d/b/a TeleCove f/k/a Adelphia  
The Free Network, L.L.C.  
Trophy Technologies, Inc., d/b/a Rural Communications  
Truly Clear Inc., d/b/a Truly Clear Communications  
United Communications Systems, Inc., d/b/a Call One  
United States Telecommunications, Inc., d/b/a Tel Com Plus  
Zenk Group, Ltd., d/b/a Planet Access

Companies failing to comply with the May 25, 2006 order in Case No. U-14899:

1-800-Reconex, Inc.  
1-800-Reconex, Inc., d/b/a USTel  
Affinity Telecom, Inc.  
American Broadband and Telecommunications Co  
B&S Telecom, Inc.  
Budget Phone, Inc.  
Cinergy Communications Company  
Clear Rate Communications, Inc.  
CMC Telecom, Inc.  
Coast to Coast Telecommunications, Inc.  
DayStarr LLC d/b/a DayStarr Communications  
First Communications, LLC  
IBFA Acquisition Company, LLC, dba The Farm Bureau Connection  
LDMI Telecommunications, Inc., d/b/a LDMI  
Metropolitan Telecommunications of Michigan, Inc., d/b/a MetTel  
New Access Communications LLC  
PhoneCo, L.P.  
Quick Communications, Inc.  
Superior Technologies, Inc.  
TC3 Telecom, Inc.  
TDS Metrocom, LLC  
Telnet Worldwide, Inc.  
TruComm Corporation  
Vertex Broadband, Corp.  
VotaTel Telephone LLC d/b/a VotaTel

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

STATE OF MICHIGAN )

Case No. U-14731

County of Ingham )

Patricia A. Fronta being duly sworn, deposes and says that on August 22<sup>nd</sup> 2006, A.D. she served a copy of the attached Commission order 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 22<sup>nd</sup> day of August 2006

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Sharron A. Allen  
Notary Public, Ingham County, MI  
My Commission Expires August 16, 2011

SERVICE LIST FOR DOCKET # U – 14731 CASE #

DATE OF PREPARATION: 03/22/2006

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TELECOMMUNICATIONS ASSOCIATION  
OF MICHIGAN  
MILLER, CANFIELD, PADDOCK & STONE  
ONE MICHIGAN AVENUE, SUITE 900  
LANSING MI 48933

MR. MICHAEL C. RAMPE  
MILLER, CANFIELD, PADDOCK AND  
STONE  
ONE MICHIGAN AVENUE, SUITE 900  
LANSING MI 48933

**SUBSCRIPTION LIST  
ALL COMMUNICATION ORDERS**

MR. DON EITNIEAR  
DIT – TELECOMMUNICATIONS DIV.  
HANNA BUILDING, FIRST FLOOR  
LANSING MI **ID MAIL**

MR. MICHAEL BYRNE  
SENATE DEMOCRATIC STAFF  
ROMNEY BUILDING  
LANSING MI **ID MAIL**

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

STATE OF MICHIGAN )

Case No. U-14731

County of Ingham )

April M. Arman being duly sworn, deposes and says that on August 22, 2006 A.D. she served a copy of the attached Commission orders via E-Mail, first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service lists.

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April M. Arman

Subscribed and sworn to before me  
this 22nd day of August 2006

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Sharron A. Allen  
Notary Public, Ingham County, MI  
My Commission Expires August 16, 2011

## TELECOMMUNICATIONS

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<a href="mailto:ben@CLOSECALL.COM">ben@CLOSECALL.COM</a>	(No Name Available)
<a href="mailto:bill.braun@RECONEX.COM">bill.braun@RECONEX.COM</a>	1-800-reconex, Inc.
<a href="mailto:bkinsella@TRUCOMM.NET">bkinsella@TRUCOMM.NET</a>	(No Name Available)
<a href="mailto:bshires@LDMI.COM">bshires@LDMI.COM</a>	Ldmi -
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NOS Communications  
NOS Communications  
PaeTec Communications, Inc.  
PowerNet Global Communications  
Quantum Shift Communications  
Quick Communications  
Qwest Communications  
Reliant Communications, Inc.  
TransNational Communications  
Winstar Communications, LLC  
Z-Tel Communications, Inc.  
Comm South Companies, Inc.  
Metro Teleconnect Companies  
Metro Teleconnect Companies  
Metro Teleconnect Companies  
Allendale Telephone Company  
Baraga Telephone Company  
Barry County Telephone Company  
Carr Telephone Company  
Chapin Telephone Company  
Cinergy Communications Company  
Climax Telephone Company  
Climax Telephone Company  
Cypress Communications Operating  
Company, Inc.  
Drenthe Telephone Company  
Drenthe Telephone Company  
Hiawatha Telephone Company  
IBFA Acquisition Company, dba The Farm  
Bureau  
Kaleva Telephone Company  
Kaleva Telephone Company  
Lennon Telephone Company  
Ogden Telephone Company  
Ogden Telephone Company  
Peninsula Telephone Company  
Pigeon Telephone Company  
Sand Creek Telephone Company  
Springport Telephone Company  
Springport Telephone Company  
Sprint Communications Company, L.P.  
U.S. Signal Company, LLC  
Upper Peninsula Telephone Company  
Waldron Telephone Company  
Winn Telephone Company  
Comtech21, LLC  
Comtech21, LLC  
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[slondon@BULLSEYETELECOM.COM](mailto:slondon@BULLSEYETELECOM.COM)  
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Range Corporation  
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Tru Comm Corporation  
Corvus, Inc.  
Covista, Inc.  
Global Crossing  
Net Express d/b/a Advent Telecom  
Superior Spectrum Telephone and Data  
Bell South Long Distance, Inc.  
OneStar Long Distance, Inc.  
Deerfield Farmers' Telephone Co.  
Lisa Felice  
Call Giant, Inc.  
Grid4 Communications Inc.  
Campus Communications Group, Inc.  
ICG Telecom Group, Inc.  
Omniplex Communications Group, LLC  
Global Teledata II, LLC  
BCN Telecom Inc.  
Bilan Communications Inc.  
Bulls Eye Telecom Inc.  
Bulls Eye Telecom Inc.  
CIMCO Communications Inc.  
CoreComm Michigan Inc.  
Intrado Communications Inc.  
KMC Telecom II Inc.  
Primus Telecommunications Inc.  
Talk America Inc.  
Talk America Inc.  
Talk America Inc.  
Universal Access Inc.  
Verizon North Inc.  
Verizon North Inc.  
Westphalia Broadband Inc.  
Computer Intelligence 2 Inc. (CI2)  
CAT Communications International, Inc.  
Trans National Communications  
International, Inc  
Kathleen Kerr-Lawrence  
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Level 3 Communications, LLC / Wiltel  
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Cogent Comm of MI  
Frontier Comm. of MI, Inc.  
Local Exchange Carriers of MI  
Metropolitan Telecomm of MI  
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Ace Telephone Company of Michigan, Inc.  
Allegiance Telecom of Michigan  
Century Tel of Michigan, Inc.  
Charter Fiberlink- Michigan, LLC  
Charter Fiberlink- Michigan, LLC  
Fibernet of Michigan  
Frontier Communications of Michigan  
Local Exchange Carriers of Michigan, Inc.  
NationsLine Michigan, Inc.  
SBC Ameritech Michigan  
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Choice One  
US Xchange of Michigan, dba Choice One  
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Peninsula Fiber Network  
WilTel Local Network, LLC  
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Broadview Networks  
GVC Networks, LLC  
GVC Networks, LLC  
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Easton Telecom Services, Inc.  
MCI Metro Access Services, Inc.  
McLeodUSA Telecommunications Services  
OnFiber Carrier Services  
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Pacific Centrex Services, Inc.  
Perferred Carriers Services  
Teligent Services, Inc.  
Verizon Select Services, Inc.  
XO Communications Services, Inc.  
France Telecom Corp. Solutions, LLC  
Suretel, Inc.  
T2 Communications, LLC  
Neutral Tandem-Michigan, LLC  
TC3 Telecom Inc.  
ACD Telecom, Inc.  
Affinity Telecom  
Airdis Telecom  
Arialink Telecom, LLC  
BullsEye Telecom, Inc.  
CMC Telecom, Inc.  
Dominion Telecom, Inc.  
Elantic Telecom, Inc.  
Matrix Telecom, Inc. d/b/a Matrix  
Business Tech  
Sage Telecom, Inc.  
Sage Telecom, Inc.  
Sage Telecom, Inc.  
TDS Telecom, Inc.  
United Telecom, Inc.  
Universal Telecom, Inc.  
Pac-West Telecomm, Inc.  
Pac-West Telecomm, Inc.  
ClearTel Telecommunications  
ClearTel Telecommunications  
Cleartel Telecommunications, Inc.  
Midwestern Telecommunications, Inc.  
Midwestern Telecommunications, Inc.  
Navigator Telecommunications  
NorLight Telecommunications, Inc.  
Waypoint Telecommunications, LLC  
dPi Teleconnect, LLC  
Chippewa County Telephone  
New Rochelle Telephone  
Quality Telephone, Inc.  
Sand Creek Telephone  
Buckeye Telesystem, Inc.  
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McLeod USA  
Coldwater Telecomm Utility  
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\*  
\* Total number of users subscribed to the list: 247  
\* Total number of local host users on the list: 0  
\*

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