

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion, )	
to implement 2009 PA 182, MCL 484.2310. )	Case No. U-16183
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At the October 25, 2017 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. Sally A. Talberg, Chairman  
Hon. Norman J. Saari, Commissioner  
Hon. Rachael A. Eubanks, 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 MCL 484.2310 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2101 *et seq.* (MTA). The amendment reformed toll access service rates in Michigan.

As noted in previous orders, Act 182 requires that the Commission administer a fund known as the intrastate switched toll access rate restructuring mechanism<sup>1</sup> (restructuring mechanism). MCL 484.2310(9). The restructuring mechanism is to be 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). This restructuring mechanism must “be established and shall begin operation by September 13, 2010.” MCL 484.2310(9). The act further

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<sup>1</sup> See, MCL 484.2310(23)(e).

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 total size of the restructuring mechanism at \$18,057,034.86, and notified eligible providers of the disbursements for which they were eligible.

Act 182, as amended by 2014 PA 52, also requires that “the Commission shall recalculate the size of the restructuring mechanism for each eligible provider on March 18, 2018[,]” and specifies the procedure for the recalculation. MCL 484.2310(16), (16)(a), and (16)(b).

To implement this recalculation, the Commission needs to collect data, including confidential data, from eligible providers. In addition, to ensure proper compliance with the requirements of Act 182, the Commission needs to collect certain data from contributing providers. MCL 484.2310(22) directs that “eligible providers and contributing providers shall provide information to the commission that is required for the administration of the restructuring mechanism.”<sup>2</sup>

Any provider that believes it is not a contributing provider must submit an explanation and documentation of this to the Commission by November 29, 2017.

By November 29, 2017, all eligible providers must submit their intrastate switched toll access rates, by rate element, that were in effect as of July 1, 2009; their current interstate switched toll access rates; their 2008 intrastate switched toll access minutes of use and other demand quantities; and their total of access lines in service as of December 31, 2008.

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<sup>2</sup> MCL 484.2310(22) also provides that: “Company-specific information pertaining to access lines, switched toll access services minutes of use, switched toll access demand quantities, contributions, and intrastate telecommunications services revenues submitted to the commission under this subsection is confidential commercial or financial information and exempt from public disclosure pursuant to . . . [MCL 484.2210.]”

The Commission is aware that providers may have changed their access rate structuring since July 2009. In particular, many providers currently have separate originating and terminating rates for certain elements that were formerly combined into a single rate. In these instances, a provider shall calculate what its current rate would be under its 2009 rate structure, and include these calculations and supporting documentation with its data submission.

To recalculate the restructuring mechanism, the Commission also requires each eligible provider's access line count as of December 31, 2017. Therefore, all providers must submit this data to the Commission by January 22, 2018. A list of eligible providers, as defined by MCL 484.2310(23)(c), is attached to this order as Exhibit A.

To properly fulfil its statutory responsibility to administer the restructuring mechanism, the Commission is also collecting data from contributing providers. All contributing providers, as defined by MCL 484.2310(23)(b), must submit their 2016 interstate retail telecommunications services revenue and uncollectibles by November 29, 2017.

Any provider that believes it is not a contributing provider must submit an explanation and documentation to the Commission by November 29, 2017.

**THEREFORE, IT IS ORDERED that:**

- A. All eligible providers shall submit the following information to the Commission by November 29, 2017, in the format set forth in Exhibit B, attached to this order:
1. Eligible providers' July 1, 2009, intrastate switched toll access rates shall be submitted by rate element. If using a combined rate, details regarding how the rate was developed, as well as references to the provider's tariffs wherein the rate or rates are found, must be included.
  2. Eligible providers' current interstate switched toll access rates shall be submitted by rate element. If the provider's current rate structure differs from that which was in place on July 1, 2009, the provider must include a calculation of what the current rate would be had the July 1, 2009 rate structure remained in effect. Calculations must be fully illustrated and

include documentation. If a combined rate is used, the provider must include details regarding how the rate was developed, as well as references to the provider's tariffs wherein the rate or rates are found.

3. Eligible providers shall include the total number of access lines in service as of December 31, 2008.
4. Eligible providers' intrastate switched access minutes of use for calendar year 2008 must be included for each rate element, including the number of termination and mileage factors, as appropriate.

B. All eligible providers shall submit their total number of access lines in service as of December 31, 2017, by January 22, 2018.

C. All contributing providers shall submit the following figures, stated individually, to the Commission by November 29, 2017:

1. 2016 total intrastate retail telecommunications services revenues;
2. 2016 actual or projected uncollectible intrastate retail telecommunications services revenues; and
3. 2016 total intrastate retail telecommunications revenues minus uncollectibles. Note: the value reported for subparagraph C.3. of this ordering paragraph, should be equal to the value of subparagraph C.1., minus the value of subparagraph C.2.

D. As directed by 2009 PA 182, all contributing providers shall base their report on revenues derived from retail intrastate telecommunications services, as defined in MCL 484.2102(ff), when reporting their retail intrastate telecommunications revenues.

E. All information required to be filed by either 2009 PA 182, or this order, shall be accompanied by a sworn affidavit, by a person knowledgeable of the facts, that attests to the accuracy and authenticity of all data provided.

F. Any provider that believes that it is not a contributing provider shall file a sworn affidavit, by a person knowledgeable of the facts, that attests to the fact that the company is not a

contributing provider, as well as full documentation of the explanation for the position taken in the affidavit.

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](mailto:mpscedockets@michigan.gov) and to the Michigan Department of the Attorney General - Public Service Division at [pungpl@michigan.gov](mailto: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

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Sally A. Talberg, Chairman

By its action of October 25, 2017.

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Norman J. Saari, Commissioner

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Kavita Kale, Executive Secretary

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Rachael A. Eubanks, Commissioner

<b>Eligible Providers</b>
Ace Telephone Company (Ace)
Ace Telephone Company (Peninsula)
Allband Communications Cooperative
Allendale Telephone Company
Allendale Telephone Company (Drenthe)
Baraga Telephone Company
Barry County Telephone Company
Blanchard Telephone Company
Bloomington Telephone Company
Carr Telephone Company
CenturyTel Midwest-MI, Inc.
CenturyTel of Michigan
CenturyTel of Northern Michigan
CenturyTel of Upper Michigan
Chapin Telephone Company
Chatham Telephone Company (TDS Telecom)
Chippewa County Telephone Company
Climax Telephone Company
Communications Corporation of Michigan (TDS Telecom)
Deerfield Farmers' Telephone Company
Frontier Communications of Michigan
Hiawatha Telephone Company
Island Telephone Company (TDS Telecom)
Kaleva Telephone Company
Lennon Telephone Company
Michigan Central Broadband Company
Midway Telephone Company
Ogden Telephone Company
Ontonagon Telephone Company
Pigeon Telephone Company
Sand Creek Telephone Company
Shiawassee Telephone Company (TDS Telecom)
Springport Telephone Company
Upper Peninsula Telephone Company
Waldron Telephone Company
Westphalia Telephone Company
Winn Telephone Company
Wolverine Telephone Company (TDS Telecom)

Company Name  
 Contact Name  
 Phone Number  
 Email

**EXHIBIT B**  
**U-16183**

Intrastate Switched Access Rate Elements Billed	Rate Intrastate 07/01/09	Rate Interstate Current	Units Billed in Calendar Year 2008	Difference in Rate	Difference in Dollars
Carrier Common Line - Originating				0.000000	0.00
Carrier Common Line - Terminating				0.000000	0.00
Local Switching				0.000000	0.00
Information Surcharge				0.000000	0.00
Tandem Interconnection Charge				0.000000	0.00
Tandem Switched Termination				0.000000	0.00
Tandem Switched Facility				0.000000	0.00
Tandem Switching				0.000000	0.00
Shared Multiplexing DS3 -DS1				0.000000	0.00
Shared Trunk Port				0.000000	0.00
800 Data Base Access Service Queries - Basic				0.000000	0.00
800 Data Base Access Service Queries - Vertical				0.000000	0.00
Entrance Facility				0.000000	0.00
Voice Grade Two-Wire				0.00	0.00
Voice Grade Four-Wire				0.00	0.00
High Capacity DS1				0.00	0.00
High Capacity DS3				0.00	0.00
Synchronous Optic Channel OC3				0.00	0.00
Synchronous Optic Channel OC12				0.00	0.00
Direct Trunk Facility				0.00	0.00
Voice Grade				0.00	0.00
High Capacity DS1				0.00	0.00
High Capacity DS3				0.00	0.00
Synchronous Optic Channel OC3				0.00	0.00
Synchronous Optic Channel OC12				0.00	0.00
Direct Trunk Termination				0.00	0.00
Voice Grade				0.00	0.00
High Capacity DS1				0.00	0.00

High Capacity DS3	0.00	0.00
Synchronous Optic Channel OC3	0.00	0.00
Synchronous Optic Channel OC12	0.00	0.00
Multiplexing DS3 to DS1	0.00	0.00
Multiplexing DS1 to Voice Grade	0.00	0.00
Reduction in annual intrastate switched toll access revenues		0.00
Access Lines at 12/31/08		

# PROOF OF SERVICE

STATE OF MICHIGAN )

Case No. U-16183

County of Ingham )

Lisa Felice being duly sworn, deposes and says that on October 25, 2017 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).



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Lisa Felice

Subscribed and sworn to before me  
This 25th day of October 2017



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Steven J. Cook  
Notary Public, Ingham County, Michigan  
As acting in Eaton County  
My Commission Expires: April 30, 2018

Service List for U-16183

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Birch Telecom of the Great Lakes Inc	<a href="mailto:angela.hoke@birch.com">angela.hoke@birch.com</a>
Bloomington Telephone Company Inc	<a href="mailto:markb@bloomingtontelecom.net">markb@bloomingtontelecom.net</a>
Borderland Communications LLC	<a href="mailto:bob.webb@nsight.com">bob.webb@nsight.com</a>
Carr Telephone Company	<a href="mailto:teri@carrinter.net">teri@carrinter.net</a>
Michael Holmes	<a href="mailto:holmes.michael@telecommich.org">holmes.michael@telecommich.org</a>
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Ogden Telephone Company	<a href="mailto:corie@ogdentel.com">corie@ogdentel.com</a>
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