

MCL 484.2310(12). This restructuring mechanism must “be established and shall begin operation within 270 days after the effective date” of Act 182.

In an order issued April 13, 2010, the Commission established the total size of the restructuring mechanism to be \$18,057,034.86, and notified eligible providers of the disbursements for which they are eligible.

The April 13 order noted the lack of response from some providers. At this juncture, the Commission has made or attempted contact with 509 companies related to Case No. U-16183, and has identified 265 contributing providers. Although some potential providers may have not responded, the Commission is confident that the vast majority of the applicable revenues in Michigan have been considered. Only 68 companies have not responded at all to the Staff, none of which is likely to have revenue sufficient to affect the results here. The total 2008 retail intrastate telecommunications revenue is \$4,190,942,420.15.

Dividing the total restructuring mechanism fund by the total intrastate revenue, the Commission calculates a 0.431% contribution factor. Each contributing provider will be billed monthly for one twelfth of that provider’s 2008 intrastate telecommunications services revenues, as reported in this docket, multiplied by the contribution factor.

The restructuring mechanism must be operational by September 13, 2010, and the Commission must give 30 days’ notice to providers before the fund is operational. The Commission, therefore, expects to issue another order by early August informing providers of the operational date of the fund, as well as the mechanics for paying into or receiving distributions from the fund, including where to send payments and the date monthly contribution payments are due, among other things.

In order to better design the mechanics of the fund, the Commission finds that it should allow parties to comment on certain aspects of the restructuring mechanism. Specifically, the Commission seeks comment on the following issues:

- 1) 2009 PA 182 allows the Commission to increase or decrease the contribution assessment on a quarterly or other basis as necessary to maintain sufficient funds for disbursements. MCL 484.2310(14). The Commission Staff will actively monitor the fund and immediately inform the Commission should an increase or decrease become necessary. However, as a regular review period, should the Commission seek revenue information from all providers in order to review the contribution assessment on a quarterly, semi-annual, annual, or other basis?
- 2) Revenue for some providers is so small that calculating the monthly amount results in a few cents or (in one case, at least) less than one cent per month. How should the Commission handle this issue? Should an annual payment be permitted for providers with small enough revenues? If so, how should any review period apply to these providers. Should the Commission set a minimum payment amount below which the Commission would not pursue payment?
- 3) Will the regular review process discussed above adequately address:
 - a) New providers entering the market?
 - b) Industry mergers, acquisitions, or other provider transactions?If not, what measures should the Commission take to address these issues?
- 4) The Commission has deemed Allband Communications Cooperative to be an eligible provider given that the Federal Communications Commission (FCC) granted that company incumbent local exchange carrier (ILEC) status. How should the Commission address other potential providers that may gain FCC ILEC status? Would these providers become eligible providers immediately, not until the next review of the fund size (either four or eight years from the operational date of the fund) or should such providers be excluded from the definition of eligible provider?
- 5) The Commission anticipates that the first contribution payment into the fund will be due in September 2010, with contribution payments due on a date certain for each subsequent month throughout the life of the restructuring mechanism. The Commission further anticipates that initial disbursements from the fund will be made in October 2010. Additional payments will be made on a date certain for each subsequent month throughout the life of the restructuring mechanism.² The Commission also notes that providers must file new tariffs detailing revised intrastate switched toll access rates. Is this schedule appropriate?

²The Commission will also seek input from the Department of Energy, Labor & Economic Growth operational experts as well as the Michigan Department of Treasury concerning the billing and payment process and time required.

- 6) Are there other issues related to the restructuring mechanism that the Commission should address before the operational date of the restructuring mechanism?

Comments addressing the foregoing issues may be filed on or before June 14, 2010.

Thereafter, reply comments may be filed by July 12, 2010. The Staff will submit a final recommendation to the Commission by the end of July. The anticipated August order will address these issues as well as explain the process for submitting and receiving payments.

THEREFORE, IT IS ORDERED that parties may file comments addressing the issues listed in the order on or before June 14, 2010 and may file reply comments by July 12, 2010.

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).

MICHIGAN PUBLIC SERVICE COMMISSION

Orjiakor N. Isiogu, Chairman

Monica Martinez, Commissioner

Greg R. White, Commissioner

By its action of May 17, 2010.

Mary Jo Kunkle, Executive Secretary

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

STATE OF MICHIGAN)

Case No. U-16183

County of Ingham)

Mignon Middlebrook being duly sworn, deposes and says that on May 17, 2010 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.

Mignon Middlebrook

Subscribed and sworn to before me
This 17th day of May 2010

Gloria Pearl Jones
Notary Public, Ingham County, MI
My Commission Expires June 5, 2016

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Ace Telephone Company of Michigan, Inc.
Tony Ruskowski
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P.O. Box 69
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Birch Telecom of the Great Lakes, Inc.
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Kansas City MO 61408-2415

Bloomington Telephone Company a/k/a
Bloomington Communications, Inc.
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Bloomington MI 49026-0187

Borderland Communications, LLC
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Mitch Bogner
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Branch MI 49402-0100

Kaleva Telephone Company
Jon Cribbs
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P.O. Box 0006
Kaleva MI 49645

Ogden Telephone Company a/k/a Ogden Long
Distance Service, Inc.
4726 E. Weston Road
Blissfield MI 49228

Southwest Michigan Communications, Inc.
P.O. Box 187
Bloomington MI 49026

Springcom, Inc. a/k/a Springport Telephone
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Janet Beilfuss
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Service List U-16183

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

STATE OF MICHIGAN)

Case No. U-16183

County of Ingham)

Lisa Felice being duly sworn, deposes and says that on May 17, 2010 A.D. she served a copy of the attached **Commission Order (Commission's Own Motion) via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).

Lisa Felice

Subscribed and sworn to before me
This 17th day of May 2010

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

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