

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 October 14, 2010 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Orjiakor N. Isiogu, Chairman
Hon. Monica Martinez, Commissioner
Hon. Greg R. White, Commissioner

OPINION AND ORDER

I.

HISTORY OF PROCEEDINGS

On December 17, 2009, Governor Jennifer M. Granholm signed 2009 PA 182 (Act 182) into law. Act 182 amends MCL 484.2310 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2101 *et seq.* (MTA). Act 182 was passed in an effort to reform toll access service rates in Michigan.

The Commission has issued a series of orders in this docket to implement the provisions of Act 182. Pursuant to the provisions of MCL 484.2310(9), the Commission's January 11, 2010 order noted that the Commission is to manage a fund created by "a mandatory monthly contribution by all providers of retail intrastate telecommunications services and all providers of commercial mobile service." That order further established a schedule for filings by affected providers. In the April 13, 2010 order (April 13 order), 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 most recent order, issued on August 10, 2010, dealt with issues raised on rehearing and established a schedule for the funding and disbursement of funds from the restructuring mechanism.

On May 13, 2010, a number of providers¹ filed a joint petition for rehearing of the April 13 order. One of the issues raised on rehearing was the determination by the Commission in its April 13 order that Allband Communications Cooperative (Allband) should be treated as an eligible provider under Act 182 due to its status as an incumbent local exchange carrier granted by the Federal Communications Commission (FCC). Responses to that issue in the petition were filed by AT&T Michigan and Allband. The Commission granted rehearing on the issue, and after analyzing the arguments of the parties, determined that Allband should be removed from the list of eligible providers for purposes of Act 182.

Among other actions, Allband filed a claim in the United States District Court for the Western District of Michigan in Civil Action No. 1:10-cv-889. On September 17, 2010, the Honorable Janet T. Neff issued a preliminary injunction “staying the Commission’s August 10, 2010 order in MPSC Case No. U-16183 insofar as it does not list Allband Communications Cooperative as an Eligible Provider for purposes of 2009 PA 182, MCL 484.2310, and the Michigan Public Service Commission’s orders in U-16183 implementing 2009 PA 182, MCL 484.2310.” The Court further stated that “Allband Communications Cooperative is returned to its status as an Eligible Provider

¹Those providers were: Verizon North Inc.; Contel of the South, Inc., d/b/a Verizon North Systems; Verizon Long Distance LLC; Verizon Enterprise Solutions; Verizon Select Services; MCI Communications Services Inc.; MCImetro Access Transmission Services LLC; Teleconnect Long Distance and Services Company; TTI National Inc.; Muskegon Cellular Partnership; Verizon Wireless Personal Communications Limited Partnership; Alltel Communications of Michigan RSAs, Inc.; Alltel Communications of Michigan RSA #4, Inc.; Alltel Communications of Michigan RSA #1 and RSA #5, Inc.; Alltel Communications of Southern Michigan Cellular Limited Partnership; and New Par.

for all purposes set forth in 2009 PA 182, MCL 484.2310 as determined by the Commission in its April 13, 2010 order . . . pending further order of this Court in this case.”

Therefore, in compliance with the September 17, 2010 order of the United States District Court for the Western District of Michigan, and based solely on the direction from that Court, the Commission amends the restructuring mechanism calculation and list of eligible providers to include Allband. The revenues and disbursements are reflected on Attachment 1, attached to this order.

Allband shall comply with all of the requirements for eligible providers listed in the previous orders. This includes the requirement to register at <http://www.michigan.gov/cpexpress> as a vendor in order to receive payments. If it has not already done so, Allband should comply with these requirements as soon as possible.

THEREFORE, IT IS ORDERED that Attachment 1 to the Commission’s August 10, 2010 order is amended to reflect the mandates of the September 17, 2010 order of the Honorable Janet T. Neff of the United States District Court for the Western District of Michigan in Civil Action No. 1:10-cv-889. The amended Attachment 1 is approved and attached to this order as Amended Attachment 1.

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 October 14, 2010.

Mary Jo Kunkle, Executive Secretary

Intrastate Switched Toll Access Rate Restructuring Mechanism
Eligible Provider Disbursements & Total Fund Size October 14, 2010

Eligible Provider	Annual Disbursement	Monthly Disbursement
Ace Telephone Company	\$418,134.08	\$34,844.51
Allband Communications Cooperative	\$6,061.27	\$505.11
Allendale Telephone Company	\$465,345.88	\$38,778.82
Baraga Telephone Company	\$188,856.72	\$15,738.06
Barry County Telephone Company	\$479,832.98	\$39,986.08
Blanchard Telephone Company	\$49,658.85	\$4,138.24
Bloomington Telephone Company	\$166,919.56	\$13,909.96
Carr Telephone Company	\$101,258.64	\$8,438.22
CenturyTel Midwest-MI, Inc.	\$2,264,069.14	\$188,672.43
CenturyTel of Michigan	\$4,879,597.76	\$406,633.15
CenturyTel of Northern Michigan	\$206,222.02	\$17,185.17
CenturyTel of Upper Michigan	\$1,116,972.46	\$93,081.04
Chapin Telephone Company	\$41,052.03	\$3,421.00
Chatham Telephone Company (TDS Telecom)	\$282,647.89	\$23,553.99
Chippewa County Telephone Company	\$78,420.06	\$6,535.00
Climax Telephone Company	\$24,221.61	\$2,018.47
Communications Corporation of Michigan (TDS Telecom)	\$225,189.18	\$18,765.76
Deerfield Farmers Telephone Company	\$139,826.74	\$11,652.23
Drenthe Telephone Company	\$33,256.40	\$2,771.37
Frontier Telephone Company	\$1,315,368.25	\$109,614.02
Hiawatha Telephone Company	\$360,280.57	\$30,023.38
Island Telephone Company (TDS Telecom)	\$43,005.19	\$3,583.77
Kaleva Telephone Company	\$151,810.41	\$12,650.87
Lennon Telephone Company	\$121,206.95	\$10,100.58
Michigan Central Broadband Company	\$123,378.86	\$10,281.57
Midway Telephone Company	\$48,648.54	\$4,054.04
Ogden Telephone Company	\$29,216.81	\$2,434.73
Ontonagon Telephone Company	\$196,242.17	\$16,353.51
Peninsula Telephone Company	\$49,897.60	\$4,158.13
Pigeon Telephone Company	\$160,513.87	\$13,376.16
Sand Creek Telephone Company	\$70,235.02	\$5,852.92
Shiawassee Telephone Company (TDS Telecom)	\$361,532.60	\$30,127.72
Springport Telephone Company	\$173,014.08	\$14,417.84
Upper Peninsula Telephone Company	\$189,324.92	\$15,777.08
Waldron Telephone Company	\$25,563.13	\$2,130.26
Westphalia Telephone Company	\$282,194.96	\$23,516.25
Winn Telephone Company	\$36,151.75	\$3,012.65
Wolverine Telephone Company (TDS Telecom)	\$879,261.61	\$73,271.80
Sum of Disbursements	\$15,784,390.53	\$1,315,365.88

Total Fund Size:

Annual Disbursements	\$15,784,390.53
Estimated Administrative Costs	\$440,000.00
Reserve = One Month of Disbursements	\$1,315,365.88
Total Size	\$17,539,756.41

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 October 14, 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 14th day of October 2010

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

Service List U-16183

Ace Communications Group
6568 Lake Michigan Drive
P.O. Box 509
Allendale MI 49401-0509

Ace Telephone Company of Michigan, Inc.
Todd Roesler, CEO
5351 North M-37
P.O. Box 69
Mesick MI 49668-0069

Birch Telecom of the Great Lakes, Inc.
2300 Main St., Floor 600
Kansas City MO 61408-2415

Bloomington Telephone Company a/k/a
Bloomington Communications, Inc.
Mark Bahnson, General Manager
101 W. Kalamazoo Street
P.O. Box 187
Bloomington MI 49026-0187

Borderland Communications, LLC
Lee Norton
1133 Main P.O. Box 3
Niagara WI 54151

Carr Telephone Company
Mitch Bogner
4325 Masten Road
P.O. Box 100
Branch MI 49402-0100

Kaleva Telephone Company
Jon Cribbs
9462 Osmo Street
P.O. Box 0006
Kaleva MI 49645

Ogden Telephone Company a/k/a Ogden Long
Distance Service, Inc.
4726 E. Weston Road
Blissfield MI 49228-9629

Mark R. Ortlieb
AT&T Michigan
221 N. Washington Square, Room G1
Lansing MI 48933

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

Service List U-16183

Springcom, Inc. a/k/a Springport Telephone
Company
Janet Beilfuss
400 East Main Street
P.O. Box 208
Springport MI 49284

T-Mobile USA, Inc.
12920 SE 38th Street
Bellevue WA 98006

T2 Communications, Inc.
301 Hoover Blvd.
Suite 100
Holland MI 49423

Bret A. Totoraitis
Michigan Dept. of Attorney General
Public Service Division
6545 Mercantile Way, Suite 15
Lansing MI 48911

A. Randall Vogelzang
Verizon Services Group
600 Hidden Ridge HQE02J27
Irving TX 75038

Waldron Telephone Company a/k/a Waldron
Communications Company
Mark Bernath, President
115 S. Main Street
P.O. Box 197
Waldron MI 49288-0197

Airespring, Inc.
6060 Sepulveda Blvd.
Van Nuys, CA 91411

Alliance Group Services
1221 Post Road E
Westport, CT 06880

Alltel Communications of Michigan RSA #4, Inc.
(Verizon Wireless)
180 Washington Valley Road
Bedminster, NJ 07921

American Telecommunications Systems, Inc.
4450 Belden Village Street NW Suite 602
Canton, OH 44718

BLC Management LLC, dba Angles
Communication Solutions, Mexicall
Communications
11121 Highway 70, Suite 202
Arlington, TN 38002

Budget Call Long Distance, Inc.
225 Kenneth Drive
Rochester, NY 14623

Clear World Communications Corporation
3501 S. Harbor Boulevard Suite 100
Santa Ana, CA 92704

Coleman Enterprises Inc.
107 W Michigan Avenue 4th Floor
Kalamazoo, MI 49007

Cost Plus Communications, LLC
151 S. Rose St., Suite 900
Kalamazoo, MI 49007

Everycall Communications, Inc.,
All American Home Phone, dba Local USA
4315 Bluebonnet Blvd., Suite A
Baton Rouge, LA 70809

Global Capacity Group, Inc.
730 N. Post Oak, Suite 400
Houston, TX 77027

GlobalTouch Telecom, Inc.
11845 West Olympic Blvd Suite 600
Los Angeles, CA 90064

Granite Telecommunications, LLC
100 Newport Avenue Ext.
Quincy, MA 02171

Great Lakes Telecom, Inc.
167 Little Lake Drive
Ann Arbor, MI 48103

Hillsdale, City of, Advanced Comm Utility
45 Monroe Street, PO Box 271
Hillsdale, MI 49242

Holiday Recreation, Inc.
3101 E. Grand River
Lansing, MI 48912

Horizon Telecom, Inc.
3993 Howard Hughes Parkway Suite 250
Las Vegas, NV 89169

Independent Telecommunications Systems
4079 Park East Court
Kentwood, MI 49546

IPC Network Services, Inc.
3 Second Street, 15th Floor
Jersey City, NJ 07311

Lifeconnex Telecom, LLC
13700 Perdido Key Dr., Unit B222
Perdido Key, FL 32507

Long Distance Consolidated Billing Company
20 W. Washington Street, Suite 6A
Clarkston, MI 48346

Long Distance Savings Solutions, LLC
717 S. Wells, Suite 700
Chicago, IL 60607

Lynx Network Group, LLC
P.O. Box 237
Kalamazoo, MI 49004-0237

Main Street Telephone Company
470 Norristown Road, Suite 201
Blue Bell, PA 19422-2322

Mosaic Telecommunications LLC
1172 Nottingham Road
Grosse Point, MI 48230

National Brands Inc.
4633 West Polk Street
Phoenix, AZ 85043

NationsLine Michigan, Inc.
2117 Williamson Road NE
Roanoke, VA 24012

Netlogix Telecom, Inc.
7001 Boulevard 26, #323
N. Richland Hills, TX 76180

Network Communications International Cor
606 East Magrill Street
Longview, TX 75601

NewPath Networks, LLC
768 Garfield Street
Seattle , WA 98109

North American Telephone Company of Michigan,
Inc.
5701 Marble Drive
Troy, MI 48085

OPEX Communications, Inc.
707 Wilshire Blvd, 12th Floor
Los Angeles, CA 90017

Prayztel Communications LLC
1930 Harrison Street, Suite 605
Hollywood, FL 33020

Reduced Rate Long Distance LLC
1800 Pembroke Drive, Suite 300
Orlando, FL 32810

Reliant Communications, Inc.
801 International Parkway, 5th Floor
Lake Mary, FL 32746

Ridley Telephone Company LLC
470 Norristown Road, Suite 201
Blue Bell, PA 19422-2322

T2 Communications, L.L.C.
301 Hoover Blvd
Holland, MI 49423

TCO Network, Inc.
12970 W. Bluemound Road Suite 301
Elm Grove, WI 53122

Telenational Communications, Inc.
5408 N99 Street, Suite C
Omaha , NE 68134-1530

Twin City Capital, LLC
7300 Hudson Boulevard N, #265
Oakdale, MN 55128

United States Telesis, Inc.
2829 Townsgate Road, Suite 103
West Lake Village, CA 91361

V-Global Communications, Inc.
263 Tresser Boulevard, 9th Floor
Stamford, CT 06901

VoiceNet Telephone LLC
107 W Michigan Avenue, 4th Floor
Kalamazoo, MI 49007

WDT World Discount Telecom, Inc.
13644 Neutron Road
Dallas, TX 75244

Yupee Phone, LLC
4623 E 13 Mile Road
Warren, MI 48092

4M Communications, Inc.
P.O. Box 269, 982 Polaris Crescent
Traverse City, MI 49685

Andrews University - Telecommunications
8490 E. Camps Circle Drive
Berrien Springs, MI 49104-0870

Boom Events Inc.
2929 Covington Ct.
Lansing, MI 48912

CFL, LLC d/b/a CFL Payphones
P.O. Box 1550
North Sioux City, SD 57049

Consolidated Comm Enterprise Services, Inc.
121 South 17th Street
Mattoon, IL 61938

Consolidated Telecom, Inc.
1320 Greenway Drive, Suite 450
Irving, TX 75038

CTS Communication Corp.
110 N. Main Street
Climax, MI 49034

Davren Industries
2747 Cascade Springs
Grand Rapids, MI 49546

DonTel Communications
12614 McClelland Ave
Grant, MI 49327

Embarq Payphone Services Inc.
5454 W 110th St.
Overland Park, KS 66211

Evercom Systems, Inc
14651 Dallas Parkway, Ste. 600
Dallas, TX 75254

Frontier Communications of Michigan Inc
109 Randolph Street
Brooklyn, MI 49230

FSH Communications, LLC
100 West Monroe St. Ste. 2101
Chicago, IL 60603

Great Lakes Telephone
PO Box 0158
Royal Oak, MI 48068-0158

Haverhill Co, Inc., The
1123 E. Apache Blvd. #105
Tempa, AZ, AZ 85281

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3101 E Grand River Ave
Lansing, MI 48912

HSI Telecommunications, Inc.
3402 Beltline Park Dr. N.
Mobile, AL 36617

Independent Telecommunications Co.
11213 Ridge View Trail
Fenton, MI 48430

Michigan Technological University
1400 Townsend Dr.
Houghton, MI 49931

Midway Telephone Co
11697 Hwy M-28, PO Box 97
Watton, MI 49970

Midwest Telcommunications, Inc.
6238 Pokagon Road
Berrien Springs, MI 49103-1512

N American Telephone Co of MI Inc.
5701 Marble Drive
Troy, MI 48085

Pay Tel Communications, Inc.
P.O. Box 8179
Greensboro, NC 27419

Premiere Enterprises Corp
P.O. Box 970437
Ypsilanti, MI 48197

Vern J Hyatt Enterprises
1740 Margaret
Grand Rapids, MI 49507

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 October 14, 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 14th day of October, 2010

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

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