

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion,)	
to promulgate rules to maintain and enforce)	
quality of service standards for the provision of)	Case No. U-16251
basic local exchange service to end users.)	
_____)	

At the April 27, 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

ORDER AND NOTICE OF HEARING

On February 16, 2010, the Commission sought permission from the State Office of Administrative Hearings and Rules (SOAHR) to promulgate rules to maintain and enforce quality of service standards for the provision of basic local exchange service to end users.¹ SOAHR approved the request for rulemaking, SOAHR #2010-007 LG, on February 17, 2010.

To provide the public with an opportunity to comment on the proposed rules, the Commission has scheduled a public hearing, which will be held at 9:00 a.m. on June 24, 2010, in the Commission offices at 6545 Mercantile Way in Lansing. Any person may attend the public

¹Under MCL 484.2202(2), the service quality rules promulgated by the Commission in 2007 (which these proposed rules mirror) expire three years after their promulgation. Because MCL 484.2202(2) permits the Commission to renew the expiring rules, this rule set is promulgating without change the service quality rules adopted in 2007. The service quality rules in existence prior to 2007 that were not revised in 2007 remain in effect and do not need to be repromulgated at this time.

hearing and may offer comments on the proposed rules. The Commission encourages interested parties to become involved in the proceedings.

In addition, any person may submit written comments regarding the proposed rule. The comments should reference Case No. U-16251, and must be received no later than 5:00 p.m. on July 15, 2010. Address mailed comments to: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, MI 48909. Electronic comments may be e-mailed to mpscdockets@michigan.gov, and documents, in Word or PDF format, may be attached to the e-mail. Comments may also be submitted electronically through the Commission's E-Dockets Website at: michigan.gov/mpscdockets. Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. If you require assistance prior to e-filing, contact Commission staff at (517) 241-6180 or by e-mail at mpscdockets@michigan.gov. All information submitted to the Commission in this matter will become public information available on the Commission's website and subject to disclosure; and all comments will be filed in Case No. U-16251.

THEREFORE, IT IS ORDERED that:

A. A public hearing regarding the promulgation of rules to maintain and enforce quality of service standards for the provision of basic local exchange service to end users shall be held at 9:00 a.m. on June 24, 2010, in the offices of the Commission, 6545 Mercantile Way, Lansing. A notice of hearing is attached to this order as Exhibit A. A copy of the proposed rulemaking is attached to this order as Exhibit B.

B. The public hearing will be legislative in nature and any person may present data, views, questions, and arguments regarding the issue. Statements may be limited in duration by the

presiding officer in order to ensure that all interested parties have an opportunity to participate in the proceedings.

C. Any person may file written or electronic comments, suggestions, data, views, questions, argument, and modifications concerning the issue. To be considered, all comments must be received at the Commission no later than 5:00 p.m. on July 15, 2010, and should reference Case No. U-16251.

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

MICHIGAN PUBLIC SERVICE COMMISSION

Orjiakor N. Isiogu, Chairman

Monica Martinez, Commissioner

Greg R. White, Commissioner

By its action of April 27, 2010.

Mary Jo Kunkle, Executive Secretary

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

NOTICE OF HEARING
REGARDING THE PROMULGATION OF TELECOMMUNICATIONS
SERVICE QUALITY RULES.
CASE NO. U-16251
2010-007 LG

- The Michigan Public Service Commission is considering promulgating telecommunications service quality rules. The Commission will hold a public hearing to solicit comments from anyone who wishes to comment on the proposed rules.
- The information below describes how a person may participate in this case.
- You may call or write the Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909, 800.292.9555 for a free copy of the proposed rules. Any person may review the rules at the Commission offices, or on the Commission's E-Docket Website at michigan.gov/mpscedockets.
- The public hearing will be held:

DATE: June 24, 2010

TIME: 9:00 a.m.

LOCATION: Michigan Public Service Commission
6545 Mercantile Way, Suite 7
Lansing, Michigan

PARTICIPATION: Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People needing any accommodation to participate should contact the Commission's Executive Secretary at 517.241.6160 in advance to request mobility, visual, hearing or other assistance. DELEG is an equal opportunity employer/program.

These rules involve telecommunications service quality. The hearing will be for the purpose of providing an opportunity for all interested persons to present statements, views, data, questions, or arguments concerning the proposed rules. The public hearing

will continue until all parties present have had a reasonable opportunity to present statements regarding the proposed rules. Persons presenting statements may be asked questions by the Commission and its Staff, as well as by the presiding officer. Statements may be limited in duration by the presiding officer in order to ensure that all interested parties have an opportunity to participate in the proceedings.

Written and electronic comments may be filed with the Commission and must be received no later than 5:00 p.m. on July 15, 2010. Written comments should be sent to the: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Electronic comments may be emailed to mpscedockets@michigan.gov. All comments should reference Case No. U-16251. All information submitted to the Commission in this manner will become public information available on the Commission's website and subject to disclosure.

Jurisdiction is pursuant to 1919 PA 419, MCL 460.55 *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.*

The Commission anticipates that it will take nine months to conclude these rulemaking proceedings. These rules are proposed to become effective upon filing with the Secretary of State.

This notice of hearing is also published in the June 1, 2010 Michigan Register under SOAHR (State Office of Administrative Hearings & Rules) # 2010-007 LG at www.michigan.gov/soahr.

DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

MICHIGAN PUBLIC SERVICE COMMISSION

TELECOMMUNICATIONS SERVICE QUALITY RULES

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the Michigan public service commission by section 5 of 1919 PA 419, MCL 460.55)

R 484.520, R 484.523, R 484.524, R 484.531, R 484.534, R 484.535, R 484.539, R 484.540c, R 484.543, R 484.546, R 484.551, R 484.553, R 484.554, R 484.555, R 484.557, R 484.558, R 484.560, R 484.561, and R 484.571 are amended as follows:

PART 1. GENERAL PROVISIONS

R 484.520 Definitions.

Rule 20. (1) As used in these rules:

(a) “Act” means 1991 PA 179, MCL 484.2101 to MCL 484.2701.

(b) “Answer” means that a provider’s representative, voice response unit, or automated operator system is ready to render assistance or ready to accept information necessary to process a call.

(c) “Average busy season, busy hour traffic” means the average traffic volume for the busy season, busy hour.

(d) “Business day” means those days on which the provider’s offices are open for business.

(e) “Busy hour” means the hour when a telecommunication switching system carries the greatest volume of traffic. The busy hour is typically the busiest hour of the busiest day of a normal week.

(f) “Busy season” means the period of the year during which a telecommunication switching system carries the greatest volume of traffic.

(g) “Call” means the action by a customer to obtain a telephone connection whether the connection is completed or not.

(h) “Central office” means a switching unit in a telecommunication system which provides service to the general public, and which has the necessary equipment and operating arrangements for terminating and interconnecting customer lines and trunks or trunks only.

(i) “Commission” means the Michigan public service commission.

(j) “Customer” means any person, firm, partnership, corporation, municipality, cooperative, organization, or governmental agency using regulated telecommunication services furnished by a provider.

April 27, 2010

(k) “Customer trouble report” means any oral or written report from a customer relating to a physical defect, difficulty, or dissatisfaction with the operation or facilities of a provider.

(l) “Emergency” means the loss of service to any of the following entities:

(i) A hospital, medical care facility, or any other facility providing health or public safety services.

(ii) An employee of a public safety, emergency medical, or professional trade who is on call during the service loss and has so advised the provider.

(iii) A person who has a medical need that is life-threatening and has so advised the provider.

(iv) A school while in regular class session.

(v) An adult care facility.

(vi) A child care facility during business hours.

(m) “Enhanced 9-1-1 (E 9-1-1)” means an advanced form of 9-1-1 service that transmits the caller’s telephone number to the public safety answering point, for cross-reference with an address database to determine the caller’s location, which is relayed to a video-monitor for the emergency dispatcher to direct public safety personnel responding to the emergency.

(n) “Exchange” means 1 or more contiguous central offices and all associated facilities within a geographical area in which basic local exchange service is offered by a provider.

(o) “Facilities-based provider” means a telecommunication provider that provides basic local exchange service to end user customers by means of network facilities that it owns or controls. Where the term facilities-based provider is used throughout these rules, the rule shall only apply to a provider to the extent that the rule applies to the network facilities that the provider user owns or controls and uses to provision service to the affected end-user.

(p) “Installation” means the provision of service to the provider’s interface device or equivalent equipment.

(q) “Line” or “access line” means the medium over which a telecommunication user connects into the local exchange.

(r) “Local calling area” means a geographic area encompassing 1 or more local communities as described in maps, tariffs, or rate schedules filed with and approved by the commission.

(s) “NPA-NXX” refers to the first 6 digits of a 10-digit telephone number, where the first 3 digits of the telephone number identify the numbering plan area (NPA) or area code and the second 3 digits (NXX) identify the central office code or prefix that serves that number.

(t) “Out of service” means a condition of a customer’s telecommunication service that prevents the customer from either making or receiving calls.

(u) “Residential customer” means a person to whom telecommunication services are furnished predominantly for personal or domestic purposes at the person’s dwelling.

(v) “Provider” means a person, firm, partnership, corporation, or other entity that provides basic local exchange service as defined by section 102(b) of the act.

(w) “Small business customer” means a business which has 3 or fewer access lines.

(x) “Tariff” means the compilation of all rates, charges, classifications, and rules adopted by a provider and filed with the commission.

(y) “Traffic” means telephone call volume, based on the number and duration of messages.

(2) A term defined in the act has the same meaning when used in these rules.

PART 2. RECORDS, REPORTS, AND TARIFFS

R 484.523 Report of service disruption.

Rule 23. (1) A facilities-based provider shall report promptly to the commission any specific occurrence on its network that disrupts service to a substantial number of customers or that may impair its ability to furnish service to a substantial number of customers. A facilities-based provider shall report all disruptions that affect the lesser of 25% or 2,000 of the access lines in any exchange for 1 hour or more. It shall notify the telecommunications division of the commission within 90 minutes of becoming aware of the disruption during normal business hours, or, if the disruption occurs during the evening or a weekend, within 90 minutes of the commencement of the next business day. The facilities-based provider shall also notify other providers dependent on the facilities-based provider's network within 90 minutes of becoming aware of the occurrence, unless interconnection agreements specify other notice requirements.

(2) A facilities-based provider shall file a final report with the telecommunications division of the commission in electronic form within 30 days of any service disruption subject to subrule (1) of this rule. The report shall contain all of the following information:

- (a) The reason for the disruption.
- (b) The geographic area affected.
- (c) The number of customers affected.
- (d) The type of services affected.
- (e) The effect upon the provider.
- (f) Whether the service disruption was avoidable.
- (g) An explanation of the provider's remedy for the service disruption.
- (h) A description of the actions that the provider has taken or could take to avoid similar disruptions in the future.

(3) The reports submitted to the telecommunications division of the commission under subrules (1) and (2) of this rule shall be deemed to contain confidential information within the meaning of Section 210 of the act and shall be exempt from the freedom of information act, 1976 PA 442, MCL 15.231 to MCL 15.246.

R 484.524 Service measurements.

Rule 24. Upon request of the commission or the staff of its telecommunications division, a provider shall provide the commission with documentation of the provider's compliance with these rules.

PART 3. CUSTOMER RELATIONS

R 484.531 Rate and special charges information.

Rule 31. (1) Upon the request of a customer or an applicant for service, a provider shall explain the rates, charges, and provisions under which it provides service and shall provide a copy of the applicable tariff section or pages for the regulated telecommunication services.

This requirement may be satisfied by referring a customer to an internet website containing tariffs if the customer states he or she has access to the website.

(2) A provider shall furnish reasonable access to information and assistance necessary to enable the customer or applicant to obtain the most economical service available to meet the customer's or applicant's stated needs, including state or federal "lifeline" programs that may be available. The provider shall advise the customer or applicant about any of the provider's alternative services that are available to meet those needs. The information may include printed explanations of alternative services and rates. This information shall be accessible on the provider's website.

(3) A provider shall do all of the following:

(a) Before the customer purchases the service or upon request, provide each customer a clear and simple explanation of the terms and conditions of the services purchased by the customer including, but not limited to, a statement of all fees, charges, and taxes that will be included in the customer's monthly bill.

(b) Include in the statement required by subdivision (a) of this subrule a good faith estimate by the provider of the actual monthly cost that the customer will be required to pay if the service is purchased.

(c) Comply with all federal and state requirements regarding truth in billing, E 9-1-1 services, and primary basic local exchange service.

(d) If E 9-1-1 service is not available to the customer, then ensure that the customer has an alternative means to reach emergency service responders.

(4) Upon request, a provider shall furnish the customer or applicant with a written, detailed estimate of any special charges not specifically set forth in the provider's tariff. Special charges include any of the following:

(a) Extraordinary construction, maintenance, and replacement costs.

(b) Expenses for overtime work at the customer's or applicant's request.

(c) Special installations, equipment, and assemblies.

R 484.534 Public information.

Rule 34. (1) A provider shall make available to a customer or applicant all of the following information on a website or shall provide copies upon request:

(a) Maps or NPA-NXX data showing local calling areas and zone boundaries.

(b) Publicly announced information as to the availability of specific classes of service at a customer's or applicant's location.

(c) Publicly announced information concerning plans for major service changes at a customer's or applicant's location.

(2) A provider shall advise a customer if the customer is located in an area in which the dialing of a 7- or 10-digit number may result in toll charges.

(3) A provider shall prominently display on its bills and other messages to its customers the provider's phone numbers to be used for customer inquiries, disputes, repairs, and other contacts.

(4) A provider shall provide upon request a corporate mailing address to which a customer may write and at which the provider will accept registered or certified mail for complaints, inquiries, and disputes and shall respond in a timely manner.

(5) A provider shall provide upon request a corporate e-mail address to which a customer may write and at which the provider will accept e-mailed complaints.

(6) A provider shall provide upon request the name, address, and telephone number of the appropriate regulatory agency.

R 484.535 Business offices.

Rule 35. (1) A provider shall maintain business offices that are adequately staffed with qualified persons to do all of the following:

- (a) Provide information relating to its services and rates.
- (b) Accept and process applications for service.
- (c) Explain charges on bills.
- (d) Adjust erroneous charges.
- (e) Enter into payment arrangements.
- (f) Act as a representative of the provider.

(2) A provider shall maintain a local or toll-free telephone number by which all customers served by a business office may call that office at no charge.

(3) A provider shall maintain sufficient staffing to ensure that customers and others who call a business office ~~may be permitted to~~ talk to a person who is able to provide assistance within a monthly average of 120 seconds of calling the office during normal business hours.

(4) A provider shall ensure that all information provided to customers and others is accurate and in compliance with commission rules and the provider's tariff. A provider shall not make a statement to a customer that the provider knows to be untrue.

R 484.539 Directories.

Rule 39. (1) A provider shall furnish to new customers and annually to existing customers, at no additional charge, an up-to-date telephone directory for the customer's area unless the provider and customer agree otherwise.

(2) If a provider publishes a directory, the provider shall furnish a copy to the commission.

(3) The front cover of each directory shall indicate the area included in the directory and the month and year of issue. The front portion of the directory shall conspicuously feature information about placing calls to emergency services, police and fire departments, E 9-1-1 service, 2-1-1 service, and dual party relay service.

(4) Each directory shall contain instructions concerning all of the following:

- (a) Placing of local and long-distance calls.
- (b) Obtaining repair and directory assistance services.
- (c) The locations and telephone numbers of the provider's business office or offices for the area served by the directory.
- (d) The means to determine which numbers are in the local calling area.
- (e) How to identify the equipment for which the provider is responsible and the equipment for which the customer is responsible.

R 484.540c Complaints and appeals.

Rule 40c. (1) Within 10 business days after receiving an oral or written complaint from a customer or applicant, a provider shall investigate and respond fully and promptly unless an extension of time is requested and granted by the complainant. A provider shall notify the customer or applicant of its proposed disposition of the complaint after having made a good faith attempt to resolve the complaint. Upon request by the customer or applicant, a provider shall furnish its proposed disposition of the complaint in writing.

(2) A provider shall prominently include, on all of its bills and in each telephone directory, the telephone number to which a customer or applicant can make inquiries and direct a complaint. The provider shall provide a mail and e-mail address upon request and shall identify a distinctive entity or person designated by the provider to receive written complaints.

(3) A provider shall require its personnel to provide upon request any complaint escalation procedures and the name, address, and telephone number of the commission for further review of an unresolved problem.

(4) Upon receipt of a written complaint from the commission's telecommunications division, a provider shall do all of the following:

(a) If necessary, attempt to contact the affected customer within 2 business days.

(b) Promptly investigate the complaint and report the results of its investigation.

(c) Provide a final response to the commission or its telecommunications division within 10 business days, unless an extension is requested and granted by the commission's telecommunications division.

(5) Failure to respond to a customer, applicant, commission, or the commission's telecommunication division within 30 days of a complaint, unless an extension is granted, shall create a presumption that the complaint is valid.

PART 4. ENGINEERING AND PLANNING

R 484.543 Customer line transmission requirements.

Rule 43. A provider shall comply with all of the following standards for all customer loops at the network interface device:

(a) A circuit loss of less than 8.5 decibels measured to a milliwatt reference.

(b) A circuit current of 20 milliamperes or more.

(c) A circuit noise level of less than 30 decibels-reference noise calibration.

(d) A power influence level of less than 90 decibels-reference noise calibration.

R 484.546 Emergency operation.

Rule 46. (1) A facilities-based provider shall make reasonable provision to provide service notwithstanding emergency power interruptions, unusual and prolonged increases in traffic, illness of its personnel, and fires, storms, or other emergencies. It shall inform its employees of the procedures to be followed for an emergency to prevent or minimize interruption and impairment of telecommunication service.

(2) A facilities-based provider shall equip each central office, remote switch, remote line unit, and interexchange toll switching office or access tandem with a minimum of 3 hours of peak load battery reserve, if permanent auxiliary power is installed, and 5 hours of battery reserve, if permanent emergency power is not installed, or 8 hours of battery reserve if the central office is in a remote location. It shall have available a mobile power unit to be delivered and connected to central offices, remote switches, and remote line units within 8 hours.

(3) A provider shall maintain current, written emergency procedures that are directed to the prompt restoration of telecommunication service during abnormal conditions.

(4) An E 9-1-1 service supplier shall provide 24-hour, 7-day-a-week data base access so as to permit information to be acquired or corrected.

(5) A provider, E 9-1-1 service supplier, public safety answering point, or any entity providing or maintaining E 9-1-1 data base information shall correct each error in the 9-1-1 system or data base within 1 business day.

PART 5. REPAIR AND INSTALLATION

R 484.551 Maintenance of plant and equipment.

Rule 51. (1) A facilities-based provider shall adopt and implement a maintenance program designed to achieve efficient operation of its system consistent with the rendering of safe, adequate, and continuous service in compliance with applicable codes, including the national electric safety code and other state and local codes.

(2) A facilities-based provider shall test, as needed, and maintain all plant and equipment up to and including the network interface device at the customer's location in safe and serviceable repair at no charge to the customer beyond the normal monthly charge for basic local exchange service. A facilities-based provider shall do at least all of the following:

- (a) Repair or replace broken, damaged, or deteriorated parts.
- (b) Readjust adjustable apparatus and equipment when found to be in unsatisfactory operating condition.
- (c) Correct electrical faults, such as leakage or poor insulation, noise induction, cross talk, or poor transmission characteristics.

R 484.553 Customer repair requests.

Rule 53. (1) A provider shall make provision for the receipt of customer repair requests at all hours. A provider shall maintain adequate personnel to answer customer repair calls within a monthly average of 25 seconds. An acknowledgment that the customer is waiting on the line is not an answer.

(2) A provider shall maintain adequate personnel to answer customer calls within a monthly average of 3 minutes with the assistance of a live person.

(3) A provider shall arrange to have a representative available at all times to accept calls from providers and users of E 9-1-1 and emergency services to report trouble with its telecommunication services to those providers.

(4) A provider shall make a full and prompt investigation of all repair requests and shall render reasonable assistance to the customer to identify a cause for the outage that may be corrected by the customer.

(5) A provider shall maintain an accurate record of repair requests by telephone number or circuit number, as appropriate. The record shall include all of the following information:

- (a) The customer or service affected.
- (b) The time, date, and nature of the repair request.
- (c) The action taken to clear the repair request or satisfy the complaint.
- (d) The date and time the repair was completed or the request was otherwise closed.
- (6) Until the customer indicates satisfaction of the request, a provider shall not attempt to market new services to a customer calling to report a repair request, unless such services would assist in resolving the problem.

(7) If access to a customer's premises is necessary to complete the repair and the customer is not available, then a tag shall be left on the customer's door indicating the date, an explanation of the repair problem necessitating entry into the customer's premises, and the technician's name and signature.

R 484.554 Emergency repairs.

Rule 54. (1) A provider shall attempt to clear all emergency out-of-service trouble within 4 hours after being reported to or found by the provider, except in any of the following situations:

- (a) The safety of the provider's personnel would be at risk.
 - (b) Access to the customer's premises is required but not available.
 - (c) The repair is necessitated by an unavoidable occurrence affecting a large number of customers.
 - (d) The repair is technically infeasible to accomplish.
- (2) All providers shall have emergency E 9-1-1 plans to serve all customers who lack access to E 9-1-1 for periods greater than 4 hours.
- (3) A provider shall expedite a repair for a customer who has a medical emergency. Unless it has a specific, identifiable reason to doubt a customer's claim, a provider shall accept the customer's statement there is a medical condition requiring expedited restoration of service.

R 484.555 Out-of-service repairs.

Rule 55. (1) A provider shall arrange to clear all out-of-service trouble of a nonemergency nature within the following time frames, unless the customer agrees to alternative arrangements:

- (a) Out-of-service trouble shall be cleared within a monthly average of 36 hours after being reported to or found by the provider.
 - (b) The same repeat out-of-service trouble reported or found within 15 days of a prior repair shall be repaired the same or next business day after being reported to or found by the provider and identified as a repeat trouble.
- (2) For any service outage which is not cleared within 36 hours or less from the time it is reported to or found by the provider, a provider shall give a customer a bill credit equal to 1/30 of the customer's monthly charge for basic local exchange service for each day of the outage until service is restored.
- (3) If a provider fails to achieve a monthly average repair time of 36 hours or less for 3 consecutive months, that provider shall credit those residential and small business customers for whom the provider fails to repair the service within 36 hours or less, on a going forward basis, an additional \$5.00 per day for the fourth and subsequent days of service outage until the first full day that service is restored. The provisions of this subrule shall continue to apply until the provider achieves a 36-hour or less monthly average repair time for 3 consecutive months.
- (4) For the same repeat trouble within 15 days of the first occurrence, a provider shall give a residential or small business customer a credit of \$5.00 for each day or portion of each day, beginning the second day after the repeat trouble is reported to or found by the provider, until service is restored.

R 484.557 Repair appointments and commitments.

Rule 57. (1) For all repair requests requiring a customer to be present, a provider shall give a residential or small business customer a 4-hour time period within which the repair will commence. Otherwise, the commitments will specify a 24-hour period.

(2) For appointments scheduled at least 48 hours in advance, a provider shall keep all repair commitments unless it contacts the customer not less than 24 hours in advance and reschedules the appointment or commitment. If unusual repairs are required or other factors preclude completing repairs promptly, then a provider shall make reasonable efforts to notify the customer.

(3) If a provider misses a time commitment and subrule (2) of this rule does not apply, then the provider shall give the customer a credit of \$15.00 for each missed commitment.

R 484.558 Installation and local number portability commitments.

Rule 58. (1) A provider shall install service for a residential or small business customer or applicant within a monthly average of 5 business days of the request, unless a later date is requested or agreed to by the customer or applicant, the customer or applicant misses the appointment, or government permits or right-of-way access are required before installation.

(2) For basic local exchange service, a provider shall release the loop facilities and telephone number serving its customer within a monthly average of 4 business days after a request is made by a customer or on behalf of a customer to change local service providers.

(3) A provider shall keep records of all installations and local number portability requests not completed by the commitment date.

(4) If a provider does not complete an installation, except migration, by the fifth day or commitment date, then the provider shall waive 50% of the installation fee, unless the customer or applicant misses the appointment. If a provider does not complete an installation by the eleventh day, or migration by the sixteenth day, then the provider shall waive 100% of the installation fee, unless the customer or applicant misses the appointment.

(5) A provider shall provide for the reclassification of service at the request of a customer not later than the date mutually agreed to between the provider and the customer. A provider shall report to the commission orders for reclassification of service being held more than 60 days.

R 484.560 Planned service interruptions.

Rule 60. If a provider must interrupt service to work on lines or equipment, then it shall arrange to do the work in a manner that will cause minimal inconvenience to its customers. If the provider reasonably expects that service will be interrupted for more than 15 minutes, then the provider shall attempt to notify each affected customer, including wholesale customers, in advance of the interruption. At a minimum, customers shall be given 24 hours' advance notice for such a planned service interruption unless circumstances make notification not practicable. The provider shall make emergency service available, as required, for the duration of the interruption.

PART 6. MONITORING

R 484.561 Key measures of performance.

Rule 61. (1) A provider shall compile information on all of the following performance measures:

(a) Completing the investigation and contacting the customer in a monthly average of 10 days or less of the receipt of a complaint.

(b) Restoring service in a monthly average of 36 hours or less of the receipt of a trouble report.

(c) Answering calls to a business office in a monthly average of 120 seconds or less.

(d) Answering calls to a repair office in a monthly average of 25 seconds or less.

(e) Meeting new installation commitments a monthly average of 5 business days or less or 10 business days or less for migration.

(f) An average monthly rate of customer trouble reports of more than 4%.

(2) If a provider fails to meet any of the measures specified in subrule (1) of this rule for 2 consecutive months, then the provider shall file a performance measure report and a remedial plan with the commission.

(3) The provider shall develop the format of the report in consultation with the commission's telecommunications division.

PART 7. WAIVERS AND EXCEPTIONS

R 484.571 Waivers and exceptions.

Rule 71. (1) A provider may petition for a permanent or temporary waiver or exception from these rules when specific circumstances beyond the control of the provider render compliance impossible or when compliance would be unduly economically burdensome or technologically infeasible.

(2) A provider may request a temporary waiver in order to have sufficient time to implement procedures and systems to comply with these rules.

(3) A provider is exempt from R 484.555, R 484.557, or R 484.558, under any of the following circumstances:

(a) If the problem is or was caused by the customer, an independent third party, or malicious damage, then a provider's exemption is automatic, and the information described in subrule (4) of this rule need not be provided unless requested by the staff of the commission's telecommunications division. This exemption is not available if, at the time the damage occurred, the provider was not in compliance with the Miss Dig program procedures.

(b) The problem is or was attributable to an "act of God." The term "act of God" shall include events such as any of the following:

(i) Flood.

(ii) Lightning.

(iii) Tornado.

(iv) Earthquake.

(v) Fire.

(vi) Blizzard.

(vii) Ice storm.

(viii) Other unusual natural or man-made disasters.

(c) There is a work stoppage or other work action by the provider's (or underlying provider's) employees, beyond the control of the provider, that causes or caused a significant reduction in employee hours worked.

(d) The problem occurs or occurred during a major failure. A “major failure” is a single event or occurrence that is not the direct result of action taken by the provider and that generates out-of-service reports affecting 100 or more access lines.

(4) The provider shall notify the commission’s telecommunications division, in writing, within 10 business days of its intent to invoke the occurrence of an event described in subdivision (b), (c), or (d) of subrule (3) of this rule. The notification to the commission shall include all of the following information:

- (a) Specific description of the event and general impact.
- (b) Date or dates of the event.
- (c) Location affected, such as exchanges or wire centers.
- (d) Estimated number of customers affected.

(5) If the commission’s telecommunication division staff disputes the validity of the provider’s invocation of an event described in subrule (3) of this rule, it shall notify the provider within 10 business days, in writing stating the reasons for such dispute. If the dispute cannot be resolved within 10 business days of the notification, then the provider shall file an application with the commission within 10 business days thereafter for resolution of the dispute.

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

STATE OF MICHIGAN)

Case No. U-16251

County of Ingham)

Mignon Middlebrook being duly sworn, deposes and says that on April 27, 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 27th day of April 2010

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

Mr. Avi Lonstein
Airespring, Inc.
6060 Sepulveda Blvd.
Van Nuys, CA 91411

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

Mr. Casey Wojciechowski
Cost Plus Communications, LLC
151 S. Rose St.
Ste. 900
Kalamazoo, MI 49007

Mr. John Brydels, Jr.
Everycall Communications, Inc.,
dba All American Home Phone,
dba Local USA
4315 Bluebonnet Blvd.
Ste. A
Baton Rouge, LA 70809

Mr. Darin McAreavey
Global Capacity Group, Inc.
730 N. Post Oak
Ste. 400
Houston, TX 77027

Mr. Robert Hale, Jr.
Granite Telecommunications, LLC
100 Newport Avenue Ext.
Quincy, MA 02171

Mr. R. Kelley
Hillsdale, City of, Advanced
Communications Utility
45 Monroe Street
P.O. Box 271
Hillsdale, MI 49242

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

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

Mr. William Linsmeier
TCO Network, Inc.
12970 W. Bluemound Rd.
Ste. 301
Elm Grove, WI 53122

PROOF OF SERVICE

STATE OF MICHIGAN)

Case No. U-16251

County of Ingham)

Lisa Felice, being duly sworn, deposes and says that on April 27, 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 lists **(Listserv Distribution List)**.

Lisa Felice

Subscribed and sworn to before me
this 27th day of April 2010

Gloria Pearl Jones
Notary Public, Ingham County, MI
My commission expires June 5, 2016
Acting in Ingham County, MI

Bill.Braun@Reconex.com; charles.forst@360.net; sbogdan@broadviewnet.com; jsandford@above.net; markj@accessoneinc.com; jason.brown@accesspointinc.com; sharonl@accutel.net; schoen.kevin@acd.net; schoen.kevin@acd.net; truskowski@acecomgroup.com; jmueller@acninc.com; gregl@goait.com; mpsc@avcinc.com; ssinclair@airdis.com; ron.siegel@allband.org; mike.osborne@allcom.net; jsa@ambt.net; rob.heath@afnltd.com; jason@arialink.com; clglover@att.com; rg1467@att.com; matt-schultz@comcast.net; byuille@800goquick.com; dmorken@bandwidth.com; pwstark@up.net; refisher@mei.net; macchio@bcntele.com; bseely@bcnsi.com; tm5886@att.com; tjackson@birch.com; dbronson@blanchardtel.com; jsnyder@btc-bci.com; leen@borderlandnet.net; marva.johnson@bhnis.com; sbogdan@broadviewnet.com; eblumin@broadvox.net; rogelio.pena@level3.com; linda.cicco@bt.com; askus@buckeye-telesystem.com; lakishat@budgetprepay.com; dbailey@bullseyetelecom.com; mpsc-itsp@callgiant.com; robin.brown@fusionbroadband.com; teri@carrinter.net; chris@castlewire.com; william.weber@cbeyond.net; jjames@iti.net; ron.p.johnson@centurytel.com; vickie.norris@centurytel.com; ron.p.johnson@centurytel.com; chapintel@power-net.net; CFL.Regulatory@chartercom.com; cfl.regulatory@chartercom.com; jbrogan@jamadots.net; bcapraro@cimco.net; scott.ringo@cinbell.com; tnamy@clearrate.com; jburnham@ctstelecom.com; cschroeder@closecall.com; cchamp@cmctelecom.net; jroyer@muni.cbpu.com; stacey_parker@cable.comcast.com; jsummersett@comlink.biz; ktwomey@commpartners.us; contact@cli-inc.com; linapeng@comnet-telecom.com; Imatosian@comtech21.com; regulatory.affairs@excel.com; paul.fuglie@verizon.com; rwheeler@onecommunications.com; mabbagnaro@cordiacorp.com; PUC@covista.com; rwheeler@onecommunications.com; scott@utmi.net; fkirby@cypresscom.net; cjr@daystarr.net; dave@cass.net; kmudge@covad.com; toroark@dpiteleconnect.com; prweaver@comcast.net; mike.osborne@allcom.net; shobbs@dsl.net; mb@birns.net; toddg@iserv.net; bstewart@eastontelecom.com; butler@eot.net; dave.gibson@entelegent.com; pmasters@ernestgroup.com; pmorse@fairpoint.com; mcegelski@firstcomm.com; joe.topel@orange-ftgroup.com; sbohler@czn.com; sbohler@czn.com; abriggs@globalconnectionsinc.com; diane.peters@globalcrossing.com; edward.oreilly@globalteldata.com; mcegelski@firstcomm.com; chopkins@grid4.com; kbradley@gvcwinstar.net; jbrogan@jamadots.net; pwstark@up.net; James.Mertz@hypercube-llc.com; caseyw@countryconnect.us; carl.billek@corp.idt.net; info@inetworksgroup.com; agertsburg@infotelecom.us; asimone@intelepeer.com; sperkins@cavtel.com; regulatory@intrado.com; toddg@iserv.net; jcribbs@kaltelnet.net; chuang@cinergycom.com; mhring@cavtel.com; rfletcher@power-net.net; rogelio.pena@level3.com; john.greive@lightyear.net; strandtc@liquidweb.com; jkk@lecmi.com; steve@lucre.net; joel.brewer@enversa.com; mattv@markur.com; mgold@masscommgroup.com; regulatory@matrixbt.com; smendez@mcgrawcom.net; paul.fuglie@verizon.com; jredman-carter@mcleodusa.com; mark@nomadinter.net; djc@metronet.cc; rdichy@mettel.net; glenn@customsoft.net; david.thomas@alphacomm.net; jbrogan@jamadots.net; jerry.holt@midwestern.net; jon_brinton@inter-tel.com; thennington@momentumtelecom.com; mike.cooper@us.ngridwireless.com; mike@navtel.com; dave@tuz.net; rmonto@neutraltandem.com; ppieters@newedgenetworks.com; sgibbs@nhcgrp.com; kscovill@telecomsys.com; kelly.faul@xo.com; sfenker1@earthlink.net; chuang@cinergycom.com; chuang@cinergycom.com; jrenneker@nos.com; adam@nswtelecom.com; corie@ogdentel.com; jbrogan@jamadots.net; mary.buley@onvoy.com; sm1024@cynergycomm.net; lmartin@pacwest.com; judy.messenger@paetec.com; bbailey@pelzercom.com; jbrogan@jamadots.net; jack@pentel.net; sharonl@accutel.net; ehe@avci.net; dpacker@pngmail.com; klawrence@primustel.com; jbrown@vcmsolutions.com; byuille@800goquick.com; jeff.wirtzfeld@qwest.com; rick@racc2000.com; admin@rangetele.com; sflatt@sagetelecom.net; souders@sandcreektelco.com; cmartin@wideopenwest.com; neal@solaritytelecom.com; braymor@si-2.com; jsnyder@btc-bci.com; sbranch@spys-inc.com; vanessa.leon@spectrotel.com; janet@springcom.com; kenneth.schifman@sprint.com; mark.iannuzzi@telnetww.com; mhring@cavtel.com; joe@tc3telecom.com; clglover@att.com; paul.pederson@tdstelecom.com; rogelio.pena@level3.com; regulatory@pioneertelephone.com; ejohnston@telereconnect.com; mark.iannuzzi@telnetww.com; michael.geoffroy@telrite.com; pearllombardo@freecomusa.com; ljenkins@power-net.net; joe@tc3telecom.com; julie.laine@twcable.com; manzalone@touchtone.net; sgnepp@tncii.com; bonkowski-r@bcinetworks.net; mvitale1@dnsys.com; kimm.partridge@ucn.net; cfoster@callone.net; sgray@universaltelecom.com; david.thomas@alphacomm.net; bboshoven@ussignalcom.com; mwhiting@onecommunications.com; chip@velocity.org; paul.fuglie@verizon.com; patrick@crockerlawfirm.com; mark@waldrontel.com; ictpete@aol.com; dfox@4wbi.net; cbarton@wcs.com; ljenkins@power-net.net; john.ivanuska@xo.com; russop@magicjack.com;

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PaeTec Communications, Inc.
Quantum Shift Communications
Quick Communications
Quick Communications, Inc.
Reliant Communications, Inc.
South American Communications
TransNational Communications
Trinsic Communications, Inc.
United Communications, Inc. dba Call

Vilaire Communications
Broadwing Communictions, LLC (Level 3

Allendale Telephone Company
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Barry County Telephone Company
Carr Telephone Company
Chapin Telephone Company
Climax Telephone Company
Cypress Communications Operating

Hiawatha Telephone Company
Kaleva Telephone Company
Kaleva Telephone Company
Lennon Telephone Company
Ogden Telephone Company
Peninsula 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
Waldron Telephone Company
Winn Telephone Company; Winn

Comtech21, LLC
Allband Communications Cooperative
Cordia Communications Corp.
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