

Department of Licensing and Regulatory Affairs  
Public Service Commission  
Administrative Rules for Unbundled Network Element and Local Interconnection Services  
Rule Set 2021-41 LR

NOTICE OF PUBLIC HEARING

Tuesday, October 5, 2021

09:00 AM

The public hearing will be held virtually via Microsoft Teams. Any person may attend and participate in this hearing via the following web link or by dialing the number below at the time of the hearing. Join on your computer or mobile app: <https://bit.ly/U-21078> Or call in (audio only): 248-509-0316 Phone Conference ID: 409 788 013#

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Unbundled Network Element and Local Interconnection Services rule set.

The Michigan Public Service Commission is considering the re-adoption of rules governing unbundled network elements and local interconnection services, located at Mich Admin Code, R 484.71 to 484.75. The Commission will hold a public hearing to solicit comments from anyone who wishes to comment on the proposed re-adoption.

These rules, previously re-promulgated and put into effect in 2013, 2016, and 2019, specify the minimum quality standards for provision of unbundled network elements (UNEs) and local interconnection services applicable to incumbent local exchange carriers (ILECs) interconnecting with competitive local exchange carriers (CLECs), to enable efficient competition in the marketplace in the provision of basic local exchange service. R 484.74 requires that the minimum quality standards for the provision of UNEs and local interconnection by an ILEC be either the standards set out in the final order in an industrywide proceeding before the Commission, or, where there is no such order, the standards adopted by the interconnecting parties pursuant to their interconnection agreement (ICA) approved by the Commission. The only current, final order in an industry-wide proceeding—the September 24, 2020 order in Case No. U-11830—applies to AT&T Michigan (the ILEC) and all CLECs interconnecting with AT&T Michigan. Thus, all other ILECs are subject to the alternative standard; that is, those standards adopted by the ILEC and CLEC in their ICA approved by the Commission.

The rules apply to large ILECs in their offering of wholesale UNEs and interconnection. Small ILECs typically do not offer UNEs on a wholesale basis. The few CLECs engaged in offering wholesale services are excluded from these rules due to the small amount of activity that they generate and the costs that would be incurred to implement processes to address and monitor such rules. The rules are based upon existing negotiation processes between ILECs and CLECs, as provided for by 47 USC 251 and 252, and standards established through industry-wide proceedings that occur between the individual ILECs and participating CLECs before the Commission.

Creating an intricate set of rules for the provision of unbundled network elements and local interconnection services is unnecessary due to market forces and the effective negotiation processes between providers already in existence. When such processes already exist and allow for certainty, there is no need for additional regulatory intervention. There is presently no known reason to believe there will be any negative effects from adopting these rules. The Commission proposes to re-adopt the rules, with some minor changes, effective April 19, 2022.

By authority conferred on the public service commission by sections 202 and 213 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2202 and 484.2213. The proposed rules will take effect 4/19/2022 after filing with the Secretary of State. The proposed rules are published on the State of Michigan web site at <http://www.michigan.gov/ARD> and in the Michigan Register in the 9/15/2021 issue. Copies of these proposed rules may also be obtained by mail or electronic transmission at the following address: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov).

Comments on these proposed rules may be made at the hearing or by mail or electronic mail at the following address until 10/19/2021 at 05:00PM.

Executive Secretary, Case No. U-21078

Email: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov)

Michigan Public Service Commission, P.O. Box 30221, Lansing, MI 48909

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-284-8090 to make arrangements.