

# HOUSE BILL No. 5272

October 6, 2005, Introduced by Rep. Elsenheimer and referred to the Committee on Energy and Technology.

A bill to amend 1991 PA 179, entitled  
"Michigan telecommunications act,"  
by amending section 305 (MCL 484.2305), as amended by 1995 PA 216.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 305. (1) A provider of basic local exchange service shall  
2 not do any of the following:

3       (a) Discriminate against another provider by refusing or  
4 delaying access service to the local exchange.

5       (b) Refuse or delay interconnections or provide inferior  
6 connections to another provider.

7       (c) Degrade the quality of access service provided to another  
8 provider.

9       (d) Impair the speed, quality, or efficiency of lines used by

1 another provider.

2 (e) Develop new services to take advantage of planned but not  
3 publicly known changes in the underlying network.

4 (f) Refuse or delay a request of another provider for  
5 information regarding the technical design, equipment capabilities  
6 and features, geographic coverage, and traffic patterns of the  
7 local exchange network.

8 (g) Refuse or delay access service or be unreasonable in  
9 connecting another provider to the local exchange whose product or  
10 service requires novel or specialized access service requirements.

11 (h) Upon a request, fail to fully disclose in a timely manner  
12 all available information necessary for the design of equipment  
13 that will meet the specifications of the local exchange network.

14 (i) Discriminate against any provider or any party who  
15 requests the information for commercial purposes in the  
16 dissemination of customer proprietary information. A provider shall  
17 provide without unreasonable discrimination or delay telephone  
18 directory listing information and related services to persons  
19 purchasing telephone directory listing information to the same  
20 extent and in the same quality as provided to the provider,  
21 affiliates of the provider, or any other listing information  
22 purchaser.

23 (j) Refuse or delay access service by any person to another  
24 provider.

25 (k) Sell, lease, or otherwise transfer an asset to an  
26 affiliate for an amount less than the fair market value of the  
27 asset.

1       (l) Buy, lease, or otherwise acquire an asset from an affiliate  
2 of the provider for an amount greater than the fair market value of  
3 the asset.

4       (m) Bundle unwanted services or products for sale or lease to  
5 another provider.

6       (n) Perform any act that has been prohibited by this act or an  
7 order of the commission.

8       (o) Sell services or products, extend credit, or offer other  
9 terms and conditions on more favorable terms to an affiliate of the  
10 provider than the provider offers to other providers.

11       (p) Discriminate in favor of an affiliated burglar and fire  
12 alarm service over a similar service offered by another provider.

13       (2) A provider of cellular telecommunication services shall  
14 not do either of the following:

15       (a) Unreasonably provide services, extend credit, or offer  
16 other terms and conditions on more favorable terms to an affiliate  
17 of the provider or to its retail department that sells to end users  
18 than the provider offers to other providers.

19       (b) Unreasonably use rates or proceeds from providers,  
20 directly or indirectly, to subsidize or offset the costs of  
21 cellular service offered by the provider, or an affiliate of the  
22 provider, to other providers or to end-users.

23       (3) Until a provider has complied with section 304a, the  
24 provider of a rate regulated service shall not provide that service  
25 in combination with an unregulated service in section 401 or an  
26 unbundled or resold service under section 357 at a price that does  
27 not exceed the total service long run incremental cost of each

1 service.

2 (4) IF A SERVICE CONTRACT EXISTS BETWEEN A PROVIDER AND A  
3 RESIDENTIAL CUSTOMER, THE PROVIDER SHALL DISCLOSE IN WRITING  
4 WHETHER THERE ARE ANY EARLY TERMINATION FEES, CHARGES, OR PENALTIES  
5 IF THE CONTRACT IS TERMINATED BY THE CUSTOMER BEFORE THE CONTRACT'S  
6 TERMINATION DATE. IF THE TERMS OF THE CONTRACT EXCEEDS 1 YEAR, THE  
7 CONTRACT IS NOT ENFORCEABLE UNLESS IT IS SIGNED BY THE CUSTOMER.