

# HOUSE BILL NO. 4918

May 25, 2021, Introduced by Reps. Camilleri, Young, Puri, Aiyash, Rogers, Hope, Hood, Hammoud, Pohutsky, Weiss, Manoogian, Morse, Cavanagh, Brabec, Cynthia Johnson, Haadsma, Sowerby, Tyrone Carter, Steckloff, Garza, Rabhi, LaGrand and Ellison and referred to the Committee on Communications and Technology.

A bill to amend 1991 PA 179, entitled  
"Michigan telecommunications act,"  
by amending sections 102, 103, 201, 202, 205, 210, 213, 303, 304,  
305, 305a, 305b, 313, 353a, 401, 502, and 503 (MCL 484.2102,  
484.2103, 484.2201, 484.2202, 484.2205, 484.2210, 484.2213,  
484.2303, 484.2304, 484.2305, 484.2305a, 484.2305b, 484.2313,  
484.2353a, 484.2401, 484.2502, and 484.2503), sections 102, 201,  
202, 205, 210, 213, 303, 305, 305a, 305b, 353a, 401, and 503 as  
amended by 2011 PA 58 and sections 103, 304, 313, and 502 as

amended by 2014 PA 52, and by adding sections 301a, 306, 308, 309b, 311, 312, 314, 321, 362, 504, and 602.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 102. As used in this act:

2           (a) "Access service" means access to a local exchange network  
3 for the purpose of enabling a provider to originate or terminate  
4 telecommunication services within the local exchange. Except for  
5 end-user common line services, access service does not include  
6 access service to a person who is not a provider.

7           (b) "Basic local exchange service" or "local exchange service"  
8 means the provision of an access line and usage within a local  
9 calling area for the transmission of high-quality 2-way interactive  
10 switched voice or data communication.

11           (c) "Broadband service" means a **mass-market** retail service  
12 ~~capable of transmitting data over an access line at a rate greater~~  
13 ~~than 200 kilobits per second.~~**by wire or radio provided to customers**  
14 **in this state that provides the capability to transmit data to, and**  
15 **receive data from, all or substantially all internet endpoints,**  
16 **including, but not limited to, any capabilities that are incidental**  
17 **to and enable the operation of the communications service, but**  
18 **excluding dial-up internet access service. Broadband service**  
19 **includes any service provided to customers in this state that**  
20 **provides a functional equivalent of a service described in this**  
21 **subdivision or that is used to evade the protections of this act.**

22           (d) "Cable service" means 1-way transmission to subscribers of  
23 video programming or other programming services and subscriber  
24 interaction for the selection of video programming or other  
25 programming services.

26           (e) "Commission" means the Michigan public service commission.

1 (f) "Contested case" or "case" means a ~~proceeding~~**contested**  
2 **case** as **that term is** defined in section 3 of the administrative  
3 procedures act of 1969, 1969 PA 306, MCL 24.203.

4 (g) "Educational institution" means a public educational  
5 institution or a private non-profit educational institution  
6 approved by the department of education to provide a program of  
7 primary, secondary, or higher education, a public library, or a  
8 nonprofit association or consortium whose primary purpose is  
9 education. A nonprofit association or consortium under this  
10 subdivision shall consist of 2 or more of the following:

11 (i) Public educational institutions.

12 (ii) Nonprofit educational institutions approved by the  
13 department of education.

14 (iii) The state board of education.

15 (iv) Telecommunication providers.

16 (v) A nonprofit association of educational institutions or  
17 consortium of educational institutions.

18 (h) "End user" means the retail subscriber of a  
19 telecommunication service.

20 (i) "Energy management services" means a service of a public  
21 utility providing electric power, heat, or light for energy use  
22 management, energy use control, energy use information, and energy  
23 use communication.

24 (j) "Exchange" means 1 or more contiguous central offices and  
25 all associated facilities within a geographical area in which basic  
26 local exchange service is offered by a provider.

27 (k) "Information services" or "enhanced services" means the  
28 offering of a capability for generating, acquiring, storing,  
29 transforming, processing, retrieving, utilizing, or making

1 available information, including energy management services, that  
2 is conveyed by telecommunications. Information services or enhanced  
3 services do not include the use of that capability for the  
4 management, control, or operation of a telecommunications system or  
5 the management of a telecommunications service.

6 (l) "Interconnection" means the technical arrangements and  
7 other elements necessary to permit the connection between the  
8 switched networks of 2 or more providers to enable a  
9 telecommunication service originating on the network of 1 provider  
10 to terminate on the network of another provider.

11 (m) "License" means a license issued under this act.

12 (n) "Line" or "access line" means the medium over which a  
13 telecommunication user connects into the local exchange.

14 (o) "Local calling area" means a geographic area encompassing  
15 1 or more local communities as described in maps, tariffs, or rate  
16 schedules filed with and approved by the commission.

17 (p) "Local directory assistance" means the provision by  
18 telephone of a listed telephone number within the caller's area  
19 code.

20 (q) "Local exchange rate" means the monthly and usage rate,  
21 including all necessary and attendant charges, imposed for basic  
22 local exchange service to customers.

23 (r) "Loop" means the transmission facility between the network  
24 interface on a subscriber's premises and the main distribution  
25 frame in the servicing central office.

26 (s) "Operator service" means a telecommunication service that  
27 includes automatic or live assistance to a person to arrange for  
28 completion and billing of a telephone call originating within this  
29 state that is specified by the caller through a method other than 1

1 of the following:

2 (i) Automatic completion with billing to the telephone from  
3 which the call originated.

4 (ii) Completion through an access code or a proprietary account  
5 number used by the person, with billing to an account previously  
6 established with the provider by the person.

7 (iii) Completion in association with directory assistance  
8 services.

9 (t) "Operator service provider" or "OSP" means a provider of  
10 operator service.

11 (u) "Payphone service" means a telephone call provided from a  
12 public, semipublic, or individually owned and operated telephone  
13 that is available to the public and is accessed by the depositing  
14 of coin or currency or by other means of payment at the time the  
15 call is made.

16 (v) "Person" means an individual, corporation, partnership,  
17 association, governmental entity, or any other legal entity.

18 (w) "Person with disabilities" means an individual who has 1  
19 or more of the following physical characteristics:

20 (i) Blindness.

21 (ii) Inability to ambulate more than 200 feet without having to  
22 stop and rest during any time of the year.

23 (iii) Loss of use of 1 or both legs or feet.

24 (iv) Inability to ambulate without the prolonged use of a  
25 wheelchair, walker, crutches, braces, or other device required to  
26 aid mobility.

27 (v) A lung disease from which the individual's expiratory  
28 volume for 1 second, when measured by spirometry, is less than 1  
29 liter, or from which the individual's arterial oxygen tension is

1 less than 60 mm/hg of room air at rest.

2 (vi) A cardiovascular disease from which the individual  
3 measures between 3 and 4 on the New York ~~heart~~**Heart Association**  
4 classification scale, or from which a marked limitation of physical  
5 activity causes fatigue, palpitation, dyspnea, or anginal pain.

6 (vii) Other diagnosed disease or disorder including, but not  
7 limited to, severe arthritis or a neurological or orthopedic  
8 impairment that creates a severe mobility limitation.

9 (x) "Port", except for the loop, means the entirety of local  
10 exchange, including dial tone, a telephone number, switching  
11 software, local calling, and access to directory assistance, a  
12 white pages listing, operator services, and interexchange and  
13 intra-LATA toll carriers.

14 (y) "Public safety system" means a communication system  
15 operated by a public entity to provide emergency police, fire,  
16 medical, and other first responder services. Public safety system  
17 includes the Michigan state police communication system.

18 (z) "Reasonable rate" or "just and reasonable rate" means a  
19 rate that is not inadequate, excessive, or unreasonably  
20 discriminatory.

21 (aa) "Residential customer" means a person to whom  
22 telecommunication services are furnished predominantly for personal  
23 or domestic purposes at the person's dwelling.

24 (bb) "Special access" means the provision of access service,  
25 other than switched access service, to a local exchange network for  
26 the purpose of enabling a provider to originate or terminate  
27 telecommunication service within the exchange, including the use of  
28 local private lines.

29 (cc) "State institution of higher education" means an

1 institution of higher education described in sections 4, 5, and 6  
2 of article VIII of the state constitution of 1963.

3 (dd) "Telecommunications act of 1996" means Public Law 104-  
4 104.

5 (ee) "Telecommunication provider" or "provider" means a person  
6 that for compensation provides 1 or more telecommunication  
7 services. Telecommunication provider does not include a provider of  
8 commercial mobile service as **that term is** defined in section  
9 332(d)(1) of the telecommunications act of 1996, 47 USC 332.

10 (ff) "Telecommunication services" or "services" includes  
11 regulated and unregulated services offered to customers for the  
12 transmission of 2-way interactive communication and associated  
13 usage. ~~A telecommunication service is not a public utility service.~~

14 (gg) "Toll service" means the transmission of 2-way  
15 interactive switched communication between local calling areas.  
16 Toll service does not include individually negotiated contracts for  
17 similar telecommunication services or wide area telecommunications  
18 service.

19 (hh) "Total service long run incremental cost" means, given  
20 current service demand, including associated costs of every  
21 component necessary to provide the service, 1 of the following:

22 (i) The total forward-looking cost of a telecommunication  
23 service, relevant group of services, or basic network component,  
24 using current least cost technology that would be required if the  
25 provider had never offered the service.

26 (ii) The total cost that the provider would incur if the  
27 provider were to initially offer the service, group of services, or  
28 basic network component.

29 (ii) "Wide area telecommunications service" or "WATS" means

1 the transmission of 2-way interactive switched communication over a  
2 dedicated access line.

3       Sec. 103. (1) Except as otherwise provided in this act, this  
4 act ~~shall~~ **does** not be ~~construed to~~ prevent any person from  
5 providing telecommunication services in competition with another  
6 telecommunication provider.

7       (2) The commission shall ~~maintain a publicly available~~  
8 ~~database of providers in each exchange that are licensed to or~~  
9 ~~otherwise provide toll and local exchange service in this state.~~  
10 **submit an annual report describing the status of competition in**  
11 **telecommunication services, including broadband access, in this**  
12 **state, including, but not limited to, the toll and local exchange**  
13 **service markets in this state. The report required under this**  
14 **section must be submitted to the governor and the house and senate**  
15 **standing committees with oversight of telecommunication issues.**

16       (3) A provider shall submit to the commission all information  
17 requested by the commission necessary for the preparation ~~and~~  
18 ~~maintenance of the database~~ **annual report** under this section.

19       Sec. 201. (1) Except as otherwise provided by this act or  
20 federal law, the commission has the jurisdiction and authority to  
21 administer this act and all federal telecommunications laws, rules,  
22 orders, and regulations that are delegated to the state. ~~7~~  
23 ~~including, but not limited to, the authority to arbitrate and~~  
24 ~~enforce interconnection agreements and to establish rates in~~  
25 ~~accordance with the standards set forth by applicable law.~~

26       (2) **The commission has the jurisdiction and authority to**  
27 **regulate all providers of broadband service.**

28       (3) The commission shall exercise its jurisdiction and  
29 authority consistent with this act and all federal

1 telecommunications laws, rules, orders, and regulations.

2       Sec. 202. (1) In addition to the other powers and duties  
3 prescribed by this act, the commission shall do all of the  
4 following:

5       (a) Establish by order the manner and form in which  
6 telecommunication providers of regulated services within the state  
7 keep accounts, books of accounts, and records in order to determine  
8 the total service long-run incremental cost requirements of this  
9 act of providing a service. The commission requirements under this  
10 subdivision ~~shall~~**must** be consistent with any regulations covering  
11 the same subject matter made by the ~~federal communications~~  
12 ~~commission.~~**Federal Communications Commission.**

13       (b) ~~Except as otherwise provided in this subdivision, require~~  
14 **Require** by order that a provider of a regulated service, including  
15 access service, make available for public inspection and file with  
16 the commission a schedule of the provider's rates, services, and  
17 conditions of service, including access service provided by  
18 contract. ~~Except for access service, a provider is exempt from any~~  
19 ~~commission order requiring that provider to file with the~~  
20 ~~commission its rates, services, and conditions of regulated service~~  
21 ~~if the provider files a certification with the commission opting~~  
22 ~~out of the filing requirement. A certification under this~~  
23 ~~subdivision shall be signed by an officer of the provider.~~

24       (c) Promulgate rules under section 213 to establish and  
25 enforce quality standards for all of the following:

26       (i) The provision of basic local exchange service to end users.

27       (ii) The provision of unbundled network elements and local  
28 interconnection services to providers that are used in the  
29 provision of basic local exchange service.

1           (iii) The timely and complete transfer of an end user from 1  
2 provider of basic local exchange service to another provider.

3           (iv) Providers of basic local exchange service that cease to  
4 provide the service to any segment of end users or geographic area,  
5 go out of business, or withdraw from the state, including the  
6 transfer of customers to other providers and the reclaiming of  
7 unused telephone numbers.

8           (v) **The provision of broadband service in this state**  
9 **including, but not limited to, network resiliency, public safety,**  
10 **billing transparency, service quality, dispute resolution,**  
11 **nondiscriminatory treatment, service for vulnerable populations,**  
12 **and discontinuance of service.**

13           (2) Rules promulgated under subsection (1) (c) ~~shall~~**must**  
14 include remedies for the enforcement of the rules that are  
15 consistent with this act and federal law. Rules promulgated under  
16 subsection (1) (c) (ii) ~~shall~~**do** not apply to the provision of  
17 unbundled network elements and local interconnection services  
18 subject to quality standards in an interconnection agreement  
19 approved by the commission. In promulgating any rules under  
20 subsection (1) (c), the commission shall consider to what extent  
21 current market conditions are sufficient to provide adequate  
22 service quality to basic local exchange service end users. Any  
23 service quality rules promulgated by the commission ~~shall~~ expire  
24 within 3 years ~~of~~**after** the effective date of the rules. The  
25 commission may, before the expiration of the rules, promulgate new  
26 rules under subsection (1) (c). ~~However, the commission may~~  
27 ~~promulgate new rules under subsection (1) (c) (iii) at any time. Any~~  
28 ~~service quality rules promulgated by the commission under~~  
29 ~~subsection (1) (c) (i) and any retail service quality rules~~

1 ~~promulgated before January 1, 2006 shall expire on June 30, 2011.~~

2 (3) The commission shall permit the electronic filing of any  
3 pleadings, tariffs, or any other document required or allowed to be  
4 filed with the commission under this act.

5 Sec. 205. **(1)** The commission may investigate and resolve  
6 complaints under this act. The penalties under this act ~~shall~~**must**  
7 not be imposed for a violation that occurred more than 2 years  
8 before the date the complaint was filed.

9 **(2) If the commission finds, after notice and hearing, that**  
10 **the rates, quality, general availability, or conditions for a**  
11 **regulated service, including broadband, violate this act, an order**  
12 **of the commission under this act, or is adverse to the public**  
13 **interest, the commission may require changes in how the**  
14 **telecommunication services are provided. The commission's authority**  
15 **includes, but is not limited to, the revocation of a license and**  
16 **issuing cease and desist orders.**

17 Sec. 210. (1) Except under the terms of a mandatory protective  
18 order, trade secrets and commercial or financial information  
19 submitted under this act are exempt from **disclosure under** the  
20 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

21 (2) If information is disclosed under a mandatory protective  
22 order, then the information may be included in the commission's  
23 evidentiary record if admissible, but ~~shall remain~~**remains**  
24 confidential.

25 (3) There is a rebuttable presumption that cost studies,  
26 customer usage data, marketing studies, and contracts between  
27 providers are trade secrets or commercial or financial information  
28 protected under subsection (1). The burden of removing the  
29 presumption under this subsection is with the party seeking to have

1 the information disclosed.

2 ~~(4) Information regarding settlement, including a recommended~~  
 3 ~~settlement issued by a mediator in a proceeding, shall be disclosed~~  
 4 ~~only to the parties to the proceeding unless all parties consent to~~  
 5 ~~disclosure. A mediator's recommended settlement may be disclosed to~~  
 6 ~~the commission after the commission has issued a final order. The~~  
 7 ~~administrative law judge assigned to any contested case proceeding~~  
 8 ~~arising from a mediation shall not be made aware of the acceptance~~  
 9 ~~or rejection by the parties of the recommended settlement, or the~~  
 10 ~~terms of the recommended settlement. The parties to the mediation~~  
 11 ~~shall not disclose or reveal the terms of the recommended~~  
 12 ~~settlement to anyone other than the parties to the mediation.~~

13 Sec. 213. (1) Subject to section 201, ~~and limited to its~~  
 14 ~~specific authority over a service as provided under this act, the~~  
 15 commission may promulgate rules under the administrative procedures  
 16 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

17 (2) A proceeding before the commission to promulgate rules  
 18 under this act ~~shall~~ **must** be concluded within 180 days ~~from~~ **after**  
 19 the date that the proceeding is initiated.

20 ~~(3) The following administrative rules are rescinded:~~

21 ~~(a) Privacy standards for telecommunication services, R~~  
 22 ~~484.201 to R 484.208 of the Michigan administrative code.~~

23 ~~(b) Billing standards for basic residential telecommunication~~  
 24 ~~service, R 484.301 to R 484.386 of the Michigan administrative~~  
 25 ~~code.~~

26 ~~(c) Telecommunications service quality, R 484.519 to R 484.571~~  
 27 ~~of the Michigan administrative code.~~

28 **Sec. 301a. A provider licensed under this act shall offer**  
 29 **primary basic local exchange service to each residential customer**

1 **within the provider's service area where the provider is offering**  
2 **residential basic local exchange service.**

3       Sec. 303. (1) The sale or transfer of shares of stock of a  
4 provider of **primary** basic local exchange service is not a sale or  
5 transfer of a license or a discontinuance of service.

6       (2) The commission has the authority to approve or deny a  
7 proposed addition, elimination, or modification of an area code in  
8 this state. The commission shall give public notice and shall  
9 conduct a public hearing in the affected geographic area before an  
10 addition, elimination, or modification of an area code is made in  
11 this state.

12       (3) A license issued under this act is not transferable to an  
13 unlicensed provider.

14       (4) In case of the bankruptcy of a licensed provider, the  
15 commission shall establish the procedures for the transfer of the  
16 license to another qualified provider.

17       Sec. 304. (1) **The rates for primary basic local exchange**  
18 **service must be just and reasonable. Each provider shall set the**  
19 **initial rates for primary basic local exchange service. Except as**  
20 **provided under section 310a or a higher rate approved by the**  
21 **commission under subsection (2) (d), the initial rates may not**  
22 **exceed the rates for the lowest cost calling plan that includes a**  
23 **limited number of outgoing calls of the provider in place before**  
24 **the rates are set under this subsection. If a provider does not**  
25 **offer a calling plan with a limited number of outgoing calls, the**  
26 **provider shall set the initial rate for primary basic local**  
27 **exchange service that must be just and reasonable and is subject to**  
28 **commission review.**

29       (2) A provider may alter its rates for primary basic local

1 exchange services by 1 or more of the following:

2 (a) Filing with the commission a notice of a reduction in a  
3 primary basic local exchange rate. A rate alteration under this  
4 subdivision is effective without commission review or approval.

5 (b) Filing with the commission a notice of an increase in a  
6 primary basic local exchange rate to a level not to exceed the rate  
7 established under subsection (1) or subdivisions (c) and (d). A  
8 rate alteration under this subdivision is effective without  
9 commission review or approval.

10 (c) Filing with the commission notice of an increase in a  
11 basic local exchange rate that does not exceed 1% less than the  
12 Consumer Price Index. Unless the commission determines that the  
13 rate alteration exceeds the allowed increase under this  
14 subdivision, the rate alteration takes effect 90 days after the  
15 date of the notice required under subsection (3). As used in this  
16 subdivision, "Consumer Price Index" means the most recent reported  
17 annual average percentage increase in the Detroit Consumer Price  
18 Index for all items for the prior 12-month period by the United  
19 States Department of Labor.

20 (d) Filing with the commission an application to increase a  
21 primary basic local exchange rate in an amount greater than that  
22 allowed under subsection (1) or subdivision (c). The application  
23 must be accompanied with sufficient documentary support that the  
24 rate alteration is just and reasonable. The commission shall make a  
25 determination within the 90-day period provided for in subsection  
26 (5) of 1 of the following:

27 (i) That the rate alteration is just and reasonable.

28 (ii) That a filing under section 203 is necessary to review the  
29 rate alteration.

1 (3) Notice to customers of a rate alteration is required for a  
2 rate alteration under subsection (2)(c) or (d) and must be included  
3 in or on the bill of each affected customer of the provider at  
4 least 1 billing cycle before the effective date of the rate  
5 alteration.

6 (4) The notice required under subsection (3) must contain at  
7 least all of the following information:

8 (a) A statement that the customer's rate may change.

9 (b) An estimate of the amount of the annual change for the  
10 typical residential customer that would result by the rate change.

11 (c) A statement that a customer may comment on or receive  
12 complete details of the rate alteration by calling or writing the  
13 commission. The statement must also include the telephone number  
14 and address of the commission. Complete details of the rate  
15 alteration must be provided free of charge to the customer at the  
16 expense of the provider.

17 (5) Except as otherwise provided in subsections (2) and (6),  
18 an altered primary basic local exchange rate takes effect 90 days  
19 after the date of the notice required by subsection (3).

20 (6) On receipt of a complaint or pursuant to a determination  
21 under subsection (2)(d), the commission may require a filing under  
22 section 203 to review a proposed rate alteration under subsection  
23 (2)(d). The commission's final order may approve, modify, or reject  
24 the rate alteration.

25 (7) In reviewing a rate alteration under subsection (6), the  
26 commission shall consider only 1 or more of the following factors  
27 if relevant to the rate alteration as specified by the provider:

28 (a) Total service long run incremental cost of basic local  
29 exchange services.

1           (b) Comparison of the proposed rate to the rates charged by  
2 other providers in this state for the same service.

3           (c) Whether a new function, feature, or capability is being  
4 offered as a component of basic local exchange service.

5           (d) Whether there has been an increase in the costs to provide  
6 basic local exchange service in the geographic area of the proposed  
7 rate.

8           (e) Whether the provider's further investment in the network  
9 infrastructure of the geographic area of the proposed rate is  
10 economically justifiable without the proposed rate.

11           (8) A provider is allowed only 1 rate increase for each  
12 regulated service during any 12-month period.

13           (9) A call made to a local calling area adjacent to the  
14 caller's local calling area is considered a local call and ~~shall~~  
15 **must** be billed as a local call. Effective December 31, 2007, a call  
16 made to a called party who is not located within the geographic  
17 area of the caller's local calling area or an adjacent local  
18 calling area as defined by the commission's order in case numbers  
19 U-12515 and U-12528, dated February 5, 2001, is not a local call if  
20 the tariff, service guide, or similar document containing the terms  
21 and conditions of the provider originating the call does not  
22 classify the call as a local call.

23           (10) An alteration by a provider to the rate of a package,  
24 combination, or bundle of telecommunication or other services that  
25 includes primary basic local exchange service is not subject to  
26 this section as long as the primary basic local exchange service  
27 component of the package, combination, or bundle is available for  
28 purchase on a stand-alone basis.

29           (11) A provider shall offer its unregulated calling features

1 on a stand-alone basis to its primary basic local exchange service  
2 customers. The purchase of a calling feature under this subsection  
3 does not affect the regulated rate of the primary basic local  
4 exchange service.

5 (12) A person with disabilities or who is voluntarily  
6 providing a service for an organization classified by the Internal  
7 Revenue Service as a section 501(c)(3) or (19) organization, or a  
8 person who provides a service for a congressionally chartered  
9 veterans organization or their duly authorized foundations, is  
10 exempt from the 100 calls per month limitation and must receive a  
11 flat rate allowing unlimited calls per month. A person exempt from  
12 the call cap under this subsection must not be charged a rate  
13 greater than the flat rate charged residential customers for  
14 primary basic local exchange service.

15 (13) Except as provided in subsection (14), for the purposes  
16 of this section and the act, providers who, together with any  
17 affiliated providers, provide basic local exchange service or basic  
18 local exchange and toll service to less than 250,000 end-users in  
19 this state may determine total service long run incremental cost  
20 through preparation of a cost study or may determine that their  
21 total service long run incremental cost is the same as that of a  
22 provider with more than 250,000 end-users.

23 (14) ~~(2)~~—A provider of basic local exchange service with less  
24 than ~~10,000~~—15,000 end-users in this state may determine that their  
25 total service long run incremental cost is the same as that of a  
26 provider with more than 250,000 end-users.

27 (15) A provider shall file with the commission for review and  
28 approval of a tariff for the rates and charges for calls made that  
29 exceed the 100-call limit of primary basic local exchange service.

1           Sec. 305. A provider of basic local exchange service shall not  
2 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  
10 another provider.

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

13           (f) Refuse or delay a request of another provider for  
14 information regarding the technical design, equipment capabilities  
15 and features, geographic coverage, and traffic patterns of the  
16 local exchange network.

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

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

23           (i) Discriminate against any provider or any party who  
24 requests the information for commercial purposes in the  
25 dissemination of customer proprietary information. A provider shall  
26 provide without unreasonable discrimination or delay telephone  
27 directory listing information and related services to persons  
28 purchasing telephone directory listing information to the same  
29 extent and in the same quality as provided to the provider,

1 affiliates of the provider, or any other listing information  
2 purchaser.

3 (j) Refuse or delay access service by any person to another  
4 provider.

5 **(k) Sell, lease, or otherwise transfer an asset to an**  
6 **affiliate for an amount less than the fair market value of the**  
7 **asset.**

8 **(l) Buy, lease, or otherwise acquire an asset from an affiliate**  
9 **of the provider for an amount greater than the fair market value of**  
10 **the asset.**

11 **(m) ~~(k)~~**—Bundle unwanted services or products for sale or lease  
12 to another provider.

13 **(n) ~~(l)~~**—Perform any act that has been prohibited by this act or  
14 an order of the commission.

15 **(o) ~~(m)~~**—Sell services or products, extend credit, or offer  
16 other terms and conditions on more favorable terms to an affiliate  
17 of the provider than the provider offers to other providers.

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

20 Sec. 305a. (1) Except as otherwise provided by federal law,  
21 where technically feasible, a provider originating or forwarding an  
22 intrastate call that is terminated on the network of another  
23 provider shall do all of the following:

24 (a) For originated calls, transmit the telephone number of the  
25 party originating the call ~~. The telephone number shall be~~  
26 ~~transmitted~~ without alteration in the network signaling  
27 information.

28 (b) For forwarded calls, transmit the telephone number of the  
29 party originating the call, to the extent that information has been

1 provided by the originating carrier, ~~The telephone number shall~~  
2 ~~be transmitted~~ without alteration in the network signaling  
3 information.

4 (2) The commission ~~shall~~**may** investigate complaints alleging  
5 violations of this section and may initiate proceedings under  
6 section 203 to resolve disputes between providers regarding  
7 identification of traffic and disputes regarding compensation  
8 rights and obligations between providers who originate, forward, or  
9 terminate intrastate traffic.

10 (3) If the commission determines that the telephone number has  
11 not been transmitted as required by this section, the provider  
12 against whom the complaint was filed shall demonstrate that it was  
13 not technically feasible to transmit the information, or that it  
14 had a legitimate business or other good faith reason for not  
15 transmitting the telephone number.

16 (4) If the commission determines that a provider violated this  
17 section, the commission shall determine if the violation resulted  
18 in a nonpayment or underpayment of compensation to the complaining  
19 provider under the terms of the parties' compensation agreement or  
20 its intrastate access tariff. The commission shall determine the  
21 amount of the nonpayment or underpayment and order the violating  
22 provider to make payment. The commission ~~shall~~**may** assess a fine  
23 against the violating provider in an amount equal to 2 times the  
24 payment amount, and may take any other action authorized by  
25 ~~Michigan~~ law that it considers necessary.

26 (5) A provider that originates an intrastate call subject to  
27 section 251(b)(5) of the telecommunications act of 1996, 47 USC  
28 251, shall agree to establish a reciprocal compensation arrangement  
29 for the termination of those calls. Originating and terminating

1 providers shall agree to begin negotiations no more than 30 days  
2 after the originating provider receives a request from a  
3 terminating provider to establish an arrangement. During the  
4 negotiation period, reciprocal compensation rates ~~shall~~**must** be  
5 assessed by the terminating carrier under an interim arrangement  
6 with the originating carrier. Originating and terminating providers  
7 shall use good faith efforts to conclude negotiations and finalize  
8 an agreement within a reasonable time period.

9 (6) A provider that originates an intrastate intra-LATA call  
10 subject to a terminating carrier's intrastate access tariffs shall  
11 pay the tariffed rate for termination of the call.

12 (7) The commission may resolve disputes under this section  
13 between originating and terminating providers related to  
14 negotiation of the reciprocal compensation agreement and the  
15 payment of the tariffed rates.

16 Sec. 305b. A provider of any telecommunication service shall  
17 do all of the following:

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

23 (b) The statement required under subdivision (a) ~~shall~~**must**  
24 include a good faith estimate by the provider of the actual monthly  
25 cost that the customer will be required to pay if the service is  
26 purchased.

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

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

4           (e) Comply with sections 505 and 507.

5           Sec. 306. A telecommunication provider of basic local exchange  
6 service is not required to provide toll services. If a  
7 telecommunication provider that provides basic local exchange  
8 service does not offer toll or have interconnection with a toll  
9 provider, the commission shall order a toll provider to  
10 interconnect with the telecommunication provider on terms that are  
11 fair to both providers.

12           Sec. 308. (1) Basic local exchange or access rates or proceeds  
13 from the sale, lease, or transfer of rate acquired assets must not  
14 be used, directly or indirectly, to subsidize or offset the costs  
15 of other products or services offered by the provider or an  
16 affiliate of the provider by providing such other products or  
17 services at less than the total service long-run incremental cost.

18           (2) A provider of basic local exchange service shall not sell  
19 or transfer capital assets used to provide the service for an  
20 amount less than the fair market value to any other provider or  
21 affiliated entity for the purpose of providing an unregulated  
22 service.

23           (3) A provider of basic local exchange service shall notify  
24 the commission when it transfers, in whole or in part, substantial  
25 assets, functions, or employees associated with basic local  
26 exchange service to an affiliated entity, indicating the identity  
27 of the affiliated entity, description of the transaction, and the  
28 impact on basic local exchange service.

29           (4) In an investigation under this section or under section

1 203, the commission may review the books and accounts of both the  
2 provider and affiliated entities of the provider.

3       Sec. 309b. A provider of a regulated service in this state  
4 shall take no action prohibited under state or federal labor laws  
5 to discourage or prevent its employees from seeking union  
6 representation, pursuing collective bargaining, or engaging in any  
7 other activities protected, including, but not limited to, the  
8 closing of an office or facility in this state to prevent  
9 organizing.

10       Sec. 311. (1) A telecommunication provider of both basic local  
11 exchange service and toll service shall impute as provided under  
12 section 362 to itself its prices of special toll access service and  
13 switched access for the use of essential facilities it uses in the  
14 provision of toll, WATS, or other service for which toll access  
15 service is a component.

16       (2) All other providers of intrastate special toll access  
17 service, switched toll access services, toll, or WATS shall impute  
18 to themselves in the aggregate on a service by service basis their  
19 individual cost of special or switched toll access service or its  
20 equivalent in their pricing.

21       (3) Telecommunication services that utilize special or  
22 switched toll access service must be made available for resale by  
23 the telecommunication provider offering the service.

24       Sec. 312. (1) The commission shall not review or set the rates  
25 for toll service.

26       (2) The commission shall require that toll service is  
27 universally available to all persons within the state.

28       (3) On commission review and approval, all providers of toll  
29 service shall make available to their customers adjacent exchange

1 toll calling plans. All providers of toll service shall inform  
2 their customers of the available plans that provide a monthly  
3 allowance of toll calling to adjacent exchanges for which there is  
4 no local calling. All providers of toll service shall inform their  
5 customers of the available plans. The plans required under this  
6 subsection remain in effect under this act until altered by order  
7 of the commission.

8       Sec. 313. (1) A telecommunication provider that provides  
9 ~~either basic local exchange, broadband, or toll service, or both,~~  
10 **any combination of those services**, shall not discontinue ~~either~~  
11 ~~service~~ **any of those services** to an exchange unless 1 or more  
12 alternative **telecommunication** providers ~~for toll service, or 2 or~~  
13 ~~more alternative providers for basic local exchange service,~~ are  
14 furnishing a ~~comparable voice~~ **the same telecommunication** service to  
15 the customers in the exchange. ~~A comparable voice service includes~~  
16 ~~any 2-way voice service offered through any form of technology that~~  
17 ~~is capable of placing and receiving calls from a provider of basic~~  
18 ~~local exchange service, including voice over internet protocol~~  
19 ~~services and wireless services.~~

20       (2) A telecommunication provider proposing to discontinue a  
21 regulated service to an exchange shall file a notice of the  
22 discontinuance of service with the commission, publish the notice  
23 in a newspaper of general circulation within the exchange, provide  
24 notice to each of its customers within the exchange by first-class  
25 mail or within customer bills, and provide other reasonable notice  
26 as required by the commission.

27       (3) Within ~~60~~ **30** days after the date of publication ~~or receipt~~  
28 of the notice required by subsection (2), a person or other  
29 telecommunication provider affected by a discontinuance of services

1 by a telecommunication provider may apply to the commission to  
2 determine if the discontinuance of service is authorized under this  
3 act. ~~Within 90 days after the date of publication of the notice~~  
4 ~~required by subsection (2), the commission may, in response to a~~  
5 ~~request or on its own initiative, commence a proceeding to~~  
6 ~~determine if the discontinuance of service is authorized under this~~  
7 ~~act. The commission has 180 days from the date any proceeding is~~  
8 ~~initiated under this subsection to issue its final order. A~~  
9 ~~provider shall not discontinue service unless it has provided at~~  
10 ~~least 60 days' notice to each customer after a commission order has~~  
11 ~~been issued under this subsection or after the last day for~~  
12 ~~initiating a proceeding under this subsection.~~

13 ~~(4) Discontinuance of basic local exchange service under this~~  
14 ~~section by an incumbent local exchange carrier does not affect the~~  
15 ~~requirements of that incumbent local exchange carrier under federal~~  
16 ~~law and this act. As used in this subdivision, "incumbent local~~  
17 ~~exchange carrier" means that term as defined in section 251(h) of~~  
18 ~~the telecommunications act of 1996, 47 USC 251. This section does~~  
19 ~~not create, restrict, or expand the commission's jurisdiction and~~  
20 ~~authority for any of the following:~~

21 ~~(a) The jurisdiction and authority established under section~~  
22 ~~201.~~

23 ~~(b) The jurisdiction and authority to carry out the~~  
24 ~~commission's obligations to enforce the rights, duties, and~~  
25 ~~obligations of an entity that are established in sections 251 and~~  
26 ~~252 of the telecommunications act of 1996, 47 USC 251 and 252, and~~  
27 ~~any applicable agreement or wholesale tariff or state law, rule,~~  
28 ~~regulation, or order related to wholesale rights, duties, and~~  
29 ~~obligations, including, but not limited to, interconnection and~~

1 ~~exchange voice traffic.~~

2 ~~(c) The jurisdiction and authority to regulate switched access~~  
3 ~~rates, terms, and conditions, including the implementation of~~  
4 ~~federal or state law concerning intercarrier compensation.~~

5 ~~(5) Subsections (1) to (3) do not apply after December 31,~~  
6 ~~2016. Beginning January 1, 2017, a telecommunication provider that~~  
7 ~~provides basic local exchange or toll service may discontinue that~~  
8 ~~service in an exchange by doing each of the following:~~

9 ~~(a) At the same time as filing a petition under section 214 of~~  
10 ~~the telecommunications act of 1996, 47 USC 214, all of the~~  
11 ~~following:~~

12 ~~(i) File a notice of the proposed discontinuance of service~~  
13 ~~with the commission.~~

14 ~~(ii) Publish a notice of the proposed discontinuance of service~~  
15 ~~in a newspaper of general circulation within the exchange.~~

16 ~~(iii) Provide notice of the proposed discontinuance of service~~  
17 ~~to each of the telecommunication provider's customers within the~~  
18 ~~exchange by first-class mail or within customer bills.~~

19 ~~(iv) Provide notice of the proposed discontinuance of service~~  
20 ~~to any interconnecting telecommunication providers by first class~~  
21 ~~mail or other notice permitted under the terms of the~~  
22 ~~interconnection agreement between the providers.~~

23 ~~(b) Upon approval of the federal communications commission to~~  
24 ~~discontinue service, at least 90 days before discontinuing service,~~  
25 ~~all of the following:~~

26 ~~(i) File a notice of the discontinuance of service with the~~  
27 ~~commission.~~

28 ~~(ii) Publish a notice of the discontinuance of service in a~~  
29 ~~newspaper of general circulation within the exchange.~~

1       ~~(iii) Provide notice of the discontinuance of service to each of~~  
2 ~~the telecommunication provider's customers within the exchange by~~  
3 ~~first-class mail or within customer bills.~~

4       ~~(iv) Provide notice to any interconnecting telecommunication~~  
5 ~~providers by first-class mail or other notice permitted under the~~  
6 ~~terms of the interconnection agreement between the providers.~~

7       ~~(6) After January 1, 2017, and only in an area in which a~~  
8 ~~telecommunication provider either has given notice of a proposed~~  
9 ~~discontinuance of service under subsection (5) or has discontinued~~  
10 ~~service within the previous 90 days, a customer of that provider or~~  
11 ~~any interconnecting telecommunication provider may request the~~  
12 ~~commission to investigate the availability of comparable voice~~  
13 ~~service with reliable access to 9-1-1 and emergency services to~~  
14 ~~that customer or a customer of an interconnecting telecommunication~~  
15 ~~provider. If the commission, after conducting an investigation to~~  
16 ~~last no longer than 180 days regarding the availability of~~  
17 ~~comparable voice service with reliable access to 9-1-1 and~~  
18 ~~emergency services, determines that the federal communications~~  
19 ~~commission failed to make a finding that the present and future~~  
20 ~~public convenience and necessity is not adversely affected or has~~  
21 ~~not adequately addressed the issue, the commission shall declare by~~  
22 ~~order that an emergency exists in an area in this state that is not~~  
23 ~~served by at least 1 voice service provider offering comparable~~  
24 ~~voice service with reliable access to 9-1-1 and emergency services~~  
25 ~~through any technology or medium and shall conduct a request for~~  
26 ~~service process to identify a willing provider of comparable voice~~  
27 ~~service with reliable access to 9-1-1 and emergency services in~~  
28 ~~that area, including the current provider. A provider shall not be~~  
29 ~~required to participate in the request for service process. The~~

1 ~~willing provider may utilize any form of technology that is capable~~  
2 ~~of providing comparable voice service with reliable access to 9-1-1~~  
3 ~~and emergency services, including voice over internet protocol~~  
4 ~~services and wireless services. If the commission determines that~~  
5 ~~another provider is not capable of providing comparable voice~~  
6 ~~service with reliable access to 9-1-1 and emergency services in~~  
7 ~~that area, the commission shall issue an order requiring the~~  
8 ~~current telecommunication provider to provide comparable voice~~  
9 ~~service with reliable access to 9-1-1 and emergency services in~~  
10 ~~that area utilizing any form of technology that the commission~~  
11 ~~determines is capable of providing comparable voice service with~~  
12 ~~reliable access to 9-1-1 and emergency services, including voice~~  
13 ~~over internet protocol services and wireless services, until~~  
14 ~~another willing provider is available. An intrastate universal~~  
15 ~~service fund under section 316a shall not be created or used to~~  
16 ~~compensate or fund a willing provider or current telecommunication~~  
17 ~~provider to provide service under this section. As used in this~~  
18 ~~subsection:~~

19 ~~(a) "Comparable voice service" includes any 2-way voice~~  
20 ~~service offered through any form of technology, including voice~~  
21 ~~over internet protocol services and wireless services, that is~~  
22 ~~capable of placing calls to and receiving calls from a provider of~~  
23 ~~basic local exchange service.~~

24 ~~(b) "Emergency services" means services provided to the public~~  
25 ~~by police, fire, ambulance, or other first responders.~~

26 ~~(c) "Reliable access to 9-1-1" means the rules, regulations,~~  
27 ~~and guidelines set forth in the FCC trials order, including all~~  
28 ~~appendices, that provide comparable and reliable consumer access to~~  
29 ~~emergency services.~~

1       ~~(d) "Willing provider" means a provider that voluntarily~~  
2 ~~participates in the request for service process.~~

3       ~~(7) Beginning January 1, 2017, a telecommunication provider~~  
4 ~~that discontinues service under this section shall adhere to all~~  
5 ~~rules, regulations, and guidelines set forth in the FCC trials~~  
6 ~~order, including all appendices, for each of that telecommunication~~  
7 ~~provider's exchanges in this state, whether or not the~~  
8 ~~discontinuance is undertaken pursuant to an official trial under~~  
9 ~~the FCC trials order, except that all notices or reports to be~~  
10 ~~filed with the federal communications commission shall be submitted~~  
11 ~~to the Michigan public service commission for its information. This~~  
12 ~~subsection is effective until the federal communications commission~~  
13 ~~determines the legal and policy framework and establishes the~~  
14 ~~requirements for the IP-transition including emergency connectivity~~  
15 ~~requirements that provide comparable and reliable consumer access~~  
16 ~~to emergency services.~~

17       ~~(8) As used in this section, "FCC trials order" means the~~  
18 ~~order of the federal communications commission, CN docket nos. 13-5~~  
19 ~~and 12-353, adopted January 30, 2014, and any subsequent order of~~  
20 ~~the federal communications commission modifying or revising that~~  
21 ~~order that includes emergency connectivity requirements that~~  
22 ~~provide comparable and reliable consumer access to emergency~~  
23 ~~services.~~

24       **Sec. 314. (1) A provider of a regulated service shall not**  
25 **discontinue the regulated service for failure by a customer to pay**  
26 **a rate or charge imposed for an unregulated service. For the**  
27 **purposes of this section, the commission may determine how payments**  
28 **are allocated between regulated and unregulated services.**

29       **(2) The commission shall determine when and under what**

1 conditions a provider of basic local exchange service may  
2 discontinue service under this section.

3       **Sec. 321. A provider of a regulated telecommunication service**  
4 **shall not charge a rate for the service that is less than the total**  
5 **service long run incremental cost of providing the service.**

6       Sec. 353a. (1) When negotiating a successor interconnection  
7 agreement, unless the parties agree otherwise, the parties shall  
8 use an interconnection agreement ~~which~~**that** has been approved by  
9 the commission in the 3-year period immediately preceding the  
10 commencement of negotiations as the baseline document. **A party**  
11 **requesting the adoption of language different than that found in**  
12 **the baseline document in an arbitration proceeding bears the burden**  
13 **of persuasion that the requested change is lawful and appropriate.**

14       (2) If a party negotiating an interconnection agreement takes  
15 a position that the opposing party believes is contrary to a prior  
16 ruling of the commission in an arbitration proceeding, the opposing  
17 party may file a motion with the commission for a determination  
18 under this section. The motion ~~shall~~**must** be filed no later than 90  
19 days ~~from~~**after** the commencement of negotiations. The commission  
20 shall rule ~~upon~~**on** the motion within 21 days ~~of~~**after** the date the  
21 motion is filed, and the commission shall determine the extent to  
22 which the issue may be relitigated.

23       **Sec. 362. (1) The rate of a provider of local exchange service**  
24 **is subject to subsection (2) if all of the following apply:**

25       **(a) The provider has a service that competes with a service of**  
26 **another provider.**

27       **(b) The other provider utilizes a service, including any**  
28 **unbundled service element or basic network component, from the**  
29 **provider of local exchange service that is not available within the**

1 relevant market or geographic area from any other provider of local  
2 exchange service.

3 (c) The provider of local exchange service uses that same  
4 noncompetitive service or its functional equivalent.

5 (2) The rate of a telecommunication service must exceed the  
6 sum of both of the following:

7 (a) The tariffed rates, including access, carrier common line,  
8 residual interconnection, and similar charges, for the  
9 noncompetitive service or its functional equivalent that is  
10 actually used by the provider of local exchange service, as those  
11 rates would be charged a customer for the use of that service.

12 (b) The total service long run incremental costs of all other  
13 components of the provider of local exchange service.

14 Sec. 401. (1) Except as otherwise provided by law or preempted  
15 by federal law, the commission does not have authority over  
16 enhanced services, paging, cellular, mobile, answering services,  
17 ~~retail broadband service,~~ video, cable service, pay-per-view,  
18 shared tenant, private networks, financial services networks, radio  
19 and television, WATS, personal communication networks, municipally  
20 owned telecommunication system, 800 prefix services, burglar and  
21 fire alarm services, energy management services, except for state  
22 institutions of higher education the reselling of centrex or its  
23 equivalent, payphone services, interconnected voice over internet  
24 protocol service, and the reselling of an unlicensed  
25 telecommunication service. The services listed in this subsection  
26 ~~shall~~ **are** not ~~be~~ considered part of basic local exchange service.

27 (2) The commission has authority over the telecommunication  
28 services specifically provided for in this act.

29 ~~(3) This section does not modify or affect either of the~~

1 following:

2 ~~(a) The authority of a provider or the commission to act~~  
3 ~~pursuant to or enforce 47 USC 251, 47 USC 252, any lawful and~~  
4 ~~applicable tariff, or any state law, regulation, or order related~~  
5 ~~to wholesale rights and obligations, including the rights and~~  
6 ~~obligations of local exchange carriers to interconnect and exchange~~  
7 ~~voice traffic.~~

8 ~~(b) The payment of switched access rates or other intercarrier~~  
9 ~~compensation rates, as applicable.~~

10 Sec. 502. (1) A provider of a ~~basic local exchange~~  
11 **telecommunication** service shall not do any of the following:

12 (a) Make a statement or representation, including the omission  
13 of material information, regarding the rates, terms, or conditions  
14 of providing a **telecommunication** service that is ~~intentionally~~  
15 false, misleading, or deceptive. As used in this subdivision,  
16 "material information" includes, but is not limited to, ~~a good~~  
17 ~~faith estimate of~~ all applicable fees, taxes, and charges that will  
18 be billed to the end-user, regardless of whether the fees, taxes,  
19 or charges are authorized by state or federal law.

20 (b) Charge an end-user for a subscribed service for which the  
21 end-user did not make an initial affirmative order. Failure to  
22 refuse an offered or proposed subscribed service is not an  
23 affirmative order for the service.

24 (c) If an end-user has canceled a service, charge the end-user  
25 for service provided after the effective date the service was  
26 canceled.

27 (d) **If a residential end-user has orally ordered a service,**  
28 **fail to confirm the order in writing within 15 days after the**  
29 **service is ordered.**

1           **(e) State to an end-user that their basic local exchange**  
2 **service or other regulated service will be discontinued unless the**  
3 **end-user pays a charge that is due for an unregulated service.**

4           **(f) Disparage the services, business, or reputation of another**  
5 **by false, deceptive, or misleading representation of fact.**

6           **(g) Represent to a party to whom services are supplied that**  
7 **the services are being supplied in response to a request made by or**  
8 **on behalf of the party when they are not.**

9           **(h) ~~(d)~~—Cause a probability of confusion or a misunderstanding**  
10 **as to the legal rights, obligations, or remedies of a party to a**  
11 **transaction by making an intentionally false, deceptive, or**  
12 **misleading statement or by failing to inform the customer of a**  
13 **material fact, the omission of which is deceptive or misleading.**

14           **(i) ~~(e)~~—Represent or imply that the subject of a transaction**  
15 **will be provided promptly, or at a specified time, or within a**  
16 **reasonable time, if the provider knows or has reason to know it**  
17 **will not be so provided.**

18           **(j) Cause coercion and duress as a result of the time and**  
19 **nature of a sales presentation.**

20           **(k) ~~(f)~~—Require the purchase of a regulated service of the**  
21 **provider as a condition of purchasing an unregulated service.**

22           **(l) ~~(g)~~—If a ~~bona fide~~ dispute exists between a customer and**  
23 **the provider, disconnect the service to the customer for nonpayment**  
24 **of that disputed amount.**

25           **(2) When the commission has authority to bring a proceeding**  
26 **for a violation of this section, the commission may accept an**  
27 **assurance of discontinuance of a method, act, or practice that is**  
28 **alleged to be unlawful under this section from the person who is**  
29 **alleged to have engaged, be engaging, or be about to engage in the**

1 method, act, or practice. The assurance of discontinuance is not an  
2 admission of guilt and ~~shall~~**must** not be introduced in any other  
3 proceeding. Unless rescinded by the parties or voided by the court  
4 for good cause, the parties to the assurance of discontinuance may  
5 enforce the assurance in circuit court. The assurance of  
6 discontinuance may include a stipulation for any of the following:

7 (a) The voluntary payment by the person for the cost of  
8 investigation.

9 (b) An amount to be held in escrow pending the outcome of an  
10 action.

11 (c) An amount for restitution to an aggrieved person.

12 **Sec. 503. (1) The commission shall promulgate rules that**  
13 **establish privacy guidelines in the providing of telecommunication**  
14 **services.**

15 (2) **The rules promulgated under this section must include, but**  
16 **need not be limited to, protections against the releasing of**  
17 **certain customer information and customer privacy intrusions.**

18 (3) A person who obtains an unpublished telephone number using  
19 a telephone caller identification service shall not do any of the  
20 following without the written consent of the customer of the  
21 unpublished telephone number:

22 (a) Disclose the unpublished telephone number to another  
23 person for commercial gain.

24 (b) Use the unpublished telephone number to solicit business.

25 (c) Intentionally disclose the unpublished telephone number  
26 through a computer data base, on-line bulletin board, or other  
27 similar mechanism.

28 **Sec. 504. Each telecommunication provider doing business in**  
29 **this state shall file with the commission a small and minority**

1 owned telecommunication business participation plan. A new provider  
2 seeking to do business in this state shall file a small and  
3 minority owned telecommunication business participation plan with  
4 the commission with its application for license. The plan must  
5 contain the entity's plan for purchasing goods and services from  
6 small and minority owned telecommunications businesses and  
7 information on programs, if any, to provide technical assistance to  
8 small and minority owned telecommunications businesses.

9       Sec. 602. The commission shall ensure that none of the amounts  
10 paid under section 601 or any other related defense costs are  
11 passed through to the provider's customers in any manner.