

MICHIGAN TELECOMMUNICATIONS ACT (EXCERPT)

Act 179 of 1991

Article 3A

INTERCONNECTION OF TELECOMMUNICATION PROVIDERS WITH THE BASIC LOCAL EXCHANGE SERVICE

484.2351 Providers of basic local exchange service or basic local exchange and toll service; applicability of article.

Sec. 351.

Until January 1, 2000 and except for section 361, this article does not apply to providers who, together with any affiliated providers, provide basic local exchange service or basic local exchange and toll service to less than 250,000 end-users in this state on January 1, 1996.

History: Add. 1995, Act 216, Imd. Eff. Nov. 30, 1995

484.2352 Rates for basic local exchange service for interconnection; rates for network elements, unbundled loops, number portability, and termination of local traffic.

Sec. 352.

(1) The rates of a provider of basic local exchange service for interconnection under this article shall be at the provider's total service long run incremental cost of providing the service.

(2) The rates for network elements and combinations of network elements, unbundled loops, number portability, and the termination of local traffic shall be the rates established by the commission.

(3) The rate of a network element shall not exceed either of the following:

(a) The tariffed or contract rate a retail customer or affiliate is or would be charged for the element, service, or its functional equivalent.

(b) The rate and other appropriate charges, or portions of charges, if any, to be determined by the commission, of a retail service which includes the same network element less the total service long run incremental costs of all other components that together form the same retail service.

(4) If the network element imputation test in subsection (3) is not met, the unbundled network element rate shall be reduced until the network element rate meets that standard.

(5) Existing network element rates may be revised or new network element rates established by the commission after notice and hearing. To initiate a proceeding under this subsection, a party shall file with the commission a petition to establish or alter network element rates. The petition shall clearly state the proposed rate or rates and include reasonable documentary support for the proposed rate or rates. If the petitioner seeks an increase to a previously commission ordered rate, the petitioner shall demonstrate that the proposed revision results from an increase in underlying cost and the increase in underlying cost has been reflected in retail rates.

History: Add. 1995, Act 216, Imd. Eff. Nov. 30, 1995 ;-- Am. 2005, Act 235, Imd. Eff. Nov. 22, 2005

484.2353 Report and recommendations.

Sec. 353.

The commission shall issue a report and make recommendations to the legislature and the governor on or before January 1, 2007 involving the issues, scope, terms, and conditions of interconnection of telecommunication providers with the basic local exchange service.

History: Add. 1995, Act 216, Imd. Eff. Nov. 30, 1995 ;-- Am. 2005, Act 235, Imd. Eff. Nov. 22, 2005

484.2353a Interconnection agreement; negotiation.

Sec. 353a.

(1) When negotiating a successor interconnection agreement, unless the parties agree otherwise, the parties shall use an interconnection agreement which has been approved by the commission in the 3-year period immediately preceding the commencement of negotiations as the baseline document.

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

History: Add. 2005, Act 235, Imd. Eff. Nov. 22, 2005 ;-- Am. 2011, Act 58, Imd. Eff. June 14, 2011

A. JOINT MARKETING

484.2354 Repealed. 2005, Act 235, Imd. Eff. Nov. 22, 2005.

Compiler's Notes: The repealed section pertained to prohibited actions by provider of basic local exchange service.

B. SERVICE UNBUNDLING

484.2355 Service unbundling and separate pricing.

Sec. 355.

(1) A provider of basic local exchange service shall unbundle and separately price each basic local exchange service offered by the provider into the loop and port components and allow other providers to purchase such services on a nondiscriminatory basis.

(2) Unbundled services and points of interconnection shall include at a minimum the loop and the switch port.

History: Add. 1995, Act 216, Imd. Eff. Nov. 30, 1995 ;-- Am. 2005, Act 235, Imd. Eff. Nov. 22, 2005

484.2356 Co-location with other providers.

Sec. 356.

A provider of local exchange service shall allow and provide for virtual co-location with other providers at or near the central office of the provider of local exchange service of transmission equipment that the provider has exclusive physical control over and is necessary for efficient interconnection of the unbundled services. Providers may enter into an agreement that allows for interconnection on other terms and conditions than provided under this subsection.

History: Add. 1995, Act 216, Imd. Eff. Nov. 30, 1995

C. RESALE OF LOCAL EXCHANGE SERVICE

484.2357 Basic local exchange services; availability for resale; wholesale rates; applicability of section.

Sec. 357.

(1) A provider of local exchange service shall make available for resale on nondiscriminatory terms and conditions all basic local exchange services that on January 1, 1996 it is offering to its retail customers. Resale shall be provided on a wholesale basis.

(2) Except for restrictions on resale, a provider of local exchange service may include in its wholesale tariffs any use or class of customer restrictions it includes in its retail tariffs.

(3) A provider of local exchange service is not required to offer for resale either of the following:

(a) A package of services where basic local exchange service is jointly marketed or combined with other services, or for any promotional or discounted offering of basic local exchange service.

(b) Services for which the provider does not have existing facilities in place to serve the intended end user, or any service offered for the first time subsequent to March 1, 1996.

(4) Each provider of local exchange service shall file tariffs with the commission which set forth the wholesale rates, terms, and conditions for basic local exchange services. The wholesale rates shall be set at levels no greater than the provider's current retail rates less the provider's avoided costs.

(5) Wholesale rates shall not be less than the provider's total service long run incremental cost of the services.

(6) This section does not apply after December 31, 2007.

History: Add. 1995, Act 216, Imd. Eff. Nov. 30, 1995 ;-- Am. 2005, Act 235, Imd. Eff. Nov. 22, 2005

D. NUMBER PORTABILITY

484.2358 "Number portability" defined; requirements.

Sec. 358.

(1) As used in this section, "number portability" means the capability for a local exchange customer at a particular location to change providers of basic local exchange service without any change in the local exchange customer's telephone number, while preserving the full range of functionality that the customer could obtain by changing telephone numbers.

(2) A provider of basic local exchange service shall provide number portability. The commission shall, consistent with federal law, enforce number portability, number administration, number reclamation, and number assignment between regulated and unregulated providers.

History: Add. 1995, Act 216, Imd. Eff. Nov. 30, 1995 ;-- Am. 2005, Act 235, Imd. Eff. Nov. 22, 2005

E. TERMINATION RATES

484.2359 Termination of local traffic; establishment of rate charge; agreement.

Sec. 359.

(1) Except as otherwise provided by federal law, a provider of basic local exchange service shall establish a rate charge for other providers of basic local exchange service for the termination of local traffic on its network as provided under section 352.

(2) This section does not prohibit providers of basic local exchange service from entering into an agreement to provide for the exchange of local traffic on other terms and conditions. Any compensation arrangements agreed to between providers under this subsection shall be available to other providers with the same terms and conditions on a nondiscriminatory basis.

History: Add. 1995, Act 216, Imd. Eff. Nov. 30, 1995 ;-- Am. 2005, Act 235, Imd. Eff. Nov. 22, 2005

F. DIRECTORY ASSISTANCE

484.2360 Repealed. 2005, Act 235, Imd. Eff. Nov. 22, 2005.

Compiler's Notes: The repealed section pertained to directory assistance rate.

G. ATTACHMENT RATES

484.2361 "Attachment" and "usable space" defined; rates, terms, and conditions for attachments.

Sec. 361.

(1) As used in this section:

(a) "Attachment" means any wire, cable, facility, or other apparatus installed upon any pole or in any duct or conduit, owned or controlled, in whole or in part, by a provider.

(b) "Usable space" means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable grade clearance and includes the space which separates telecommunication and power lines.

(2) A provider shall allow and establish the rates, terms, and conditions for attachments by another provider, cable service, or an educational institution establishing a telecommunication system under section 307.

(3) The rates, terms, and conditions shall be just and reasonable. A rate shall be just and reasonable if it assures the provider recovery of not less than the additional costs of providing the attachments, nor more than an amount determined by multiplying the percentage of the total usable space, or the percentage of the total duct or conduit capacity, which is occupied by the attachment, by the sum of the operating expenses and actual capital costs of the provider attributable to the entire pole, duct, or right-of-way.

(4) An attaching provider or cable service shall obtain any necessary authorization before occupying public ways or private rights-of-way with its attachment.

(5) A public utility that directly provides a regulated telecommunication service or cable service shall establish the rates, terms, and conditions for attachments as provided under this section.

(6) This section shall not be construed to limit the commission's authority to regulate the rates, terms, and conditions of attachments upon poles or in ducts or conduits owned or controlled by utilities engaged in the transmission of electricity for light, heat, or power.

History: Add. 1995, Act 216, Imd. Eff. Nov. 30, 1995 ;-- Am. 1997, Act 183, Imd. Eff. Dec. 30, 1997

H. IMPUTATION

484.2362 Repealed. 2011, Act 58, Imd. Eff. June 14, 2011.

Compiler's Notes: The repealed section pertained to rates subject to certain conditions and limitations.

I. CUSTOMER DATA BASE

484.2363 Access to data bases.

Sec. 363.

Providers of basic local exchange service shall allow access by other providers, on a nondiscriminatory basis and in a timely and accurate manner, to data bases, including, but not limited to, the line information data base (LIDB), the 800 data base, and other information necessary to complete a call within the exchange, either on terms and conditions as the providers may agree or as otherwise ordered by the commission.

History: Add. 1995, Act 216, Imd. Eff. Nov. 30, 1995