

# HOUSE BILL No. 5440

January 14, 1998, Introduced by Rep. Scranton and referred to the Committee on Public Utilities.

A bill to amend 1991 PA 179, entitled  
"Michigan telecommunications act,"  
by amending sections 102, 207, 309, and 360 (MCL 484.2102,  
484.2207, 484.2309, and 484.2360), sections 102 and 207 as  
amended and section 360 as added by 1995 PA 216.

## **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 net-  
3 work for the purpose of enabling a provider to originate or ter-  
4 minate telecommunication services within the local exchange.  
5 Except for end-user common line services, access service does not  
6 include access service to a person who is not a provider.

7       (b) "Basic local exchange service" or "local exchange  
8 service" means the provision of an access line and usage within a

1 local calling area for the transmission of high-quality 2-way  
2 interactive switched voice or data communication.

3 (c) "Cable service" means 1-way transmission to subscribers  
4 of video programming or other programming services and subscriber  
5 interaction for the selection of video programming or other pro-  
6 gramming services.

7 (d) "Commission" means the Michigan public service  
8 commission.

9 (e) "Contested case" or "case" means a proceeding as defined  
10 in section 3 of the administrative procedures act of 1969, ~~Act~~  
11 ~~No. 306 of the Public Acts of 1969, being section 24.203 of the~~  
12 ~~Michigan Compiled Laws~~ 1969 PA 306, MCL 24.203.

13 (F) "DIRECTORY ASSISTANCE SERVICE" MEANS THE PROVISION BY  
14 TELEPHONE OF A LISTED TELEPHONE NUMBER WITHIN THIS STATE.

15 (G) ~~-(f)-~~ "Educational institution" means a public educa-  
16 tional institution or a private non-profit educational institu-  
17 tion approved by the department of education to provide a program  
18 of primary, secondary, or higher education, a public library, or  
19 a nonprofit association or consortium whose primary purpose is  
20 education. A nonprofit association or consortium under this sub-  
21 division shall consist of 2 or more of the following:

22 (i) Public educational institutions.

23 (ii) Nonprofit educational institutions approved by the  
24 department of education.

25 (iii) The state board of education.

26 (iv) Telecommunication providers.

1 (v) A nonprofit association of educational institutions or  
2 consortium of educational institutions.

3 (H) ~~(g)~~ "Energy management services" means a service of a  
4 public utility providing electric power, heat, or light for  
5 energy use management, energy use control, energy use informa-  
6 tion, and energy use communication.

7 (I) ~~(h)~~ "Exchange" means 1 or more contiguous central  
8 offices and all associated facilities within a geographical area  
9 in which local exchange telecommunication services are offered by  
10 a provider.

11 (J) ~~(i)~~ "Handicapper" means a person who has 1 or more of  
12 the following physical characteristics:

13 (i) Blindness.

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

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

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

20 (v) A lung disease from which the person's expiratory volume  
21 for 1 second, when measured by spirometry, is less than 1 liter,  
22 or from which the person's arterial oxygen tension is less than  
23 60 mm/hg of room air at rest.

24 (vi) A cardiovascular disease from which the person measures  
25 between 3 and 4 on the New York heart classification scale, or  
26 from which a marked limitation of physical activity causes  
27 fatigue, palpitation, dyspnea, or anginal pain.

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

4 (K) ~~-(j)-~~ "Information services" or "enhanced services"  
5 means the offering of a capability for generating, acquiring,  
6 storing, transforming, processing, retrieving, utilizing, or  
7 making available information, including energy management serv-  
8 ices, that is conveyed by telecommunications. Information serv-  
9 ices or enhanced services do not include the use of such capabil-  
10 ity for the management, control, or operation of a telecommunica-  
11 tions system or the management of a telecommunications service.

12 (l) ~~-(k)-~~ "Interconnection" means the technical arrangements  
13 and other elements necessary to permit the connection between the  
14 switched networks of 2 or more providers to enable a telecommuni-  
15 cation service originating on the network of 1 provider to termi-  
16 nate on the network of another provider.

17 (M) ~~-(l)-~~ "Inter-LATA prohibition" means the prohibitions on  
18 the offering of inter-exchange or inter-LATA service contained in  
19 the modification of final judgment entered pursuant to a consent  
20 decree in United States v American Telephone and Telegraph Co.,  
21 552 F. Supp. 131 (D.D.C. 1982) and in the consent decree approved  
22 in United States v GTE Corp., 603 F. Supp. 730 (D.D.C. 1984).

23 (N) ~~-(m)-~~ "LATA" means the local access and transport area  
24 as defined in United States v American Telephone and Telegraph  
25 Co., 569 F. Supp. 990 (D.D.C. 1983).

26 (O) ~~-(n)-~~ "License" means a license issued pursuant to this  
27 act.

1 (P) ~~(o)~~ "Line" or "access line" means the medium over  
2 which a telecommunication user connects into the local exchange.

3 (Q) ~~(p)~~ "Local calling area" means a geographic area  
4 encompassing 1 or more local communities as described in maps,  
5 tariffs, or rate schedules filed with and approved by the  
6 commission.

7 ~~(q) "Local directory assistance" means the provision by~~  
8 ~~telephone of a listed telephone number within the caller's area~~  
9 ~~code.~~

10 (r) "Local exchange rate" means the monthly and usage rate,  
11 including all necessary and attendant charges, imposed for basic  
12 local exchange service to customers.

13 (s) "Loop" means the transmission facility between the net-  
14 work interface on a subscriber's premises and the main distribu-  
15 tion frame in the servicing central office.

16 (t) "Operator service" means a telecommunication service  
17 that includes automatic or live assistance to a person to arrange  
18 for completion and billing of a telephone call originating within  
19 this state that is specified by the caller through a method other  
20 than 1 of the following:

21 (i) Automatic completion with billing to the telephone from  
22 which the call originated.

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

26 (iii) Completion in association with directory assistance  
27 services.

1 (u) "Operator service provider" or "OSP" means a provider of  
2 operator service.

3 (v) "Payphone service" means a telephone call provided from  
4 a public, semipublic, or individually owned and operated tele-  
5 phone that is available to the public and is accessed by the  
6 depositing of coin or currency or by other means of payment at  
7 the time the call is made.

8 (w) "Person" means an individual, corporation, partnership,  
9 association, governmental entity, or any other legal entity.

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

15 (y) "Reasonable rate" or "just and reasonable rate" means a  
16 rate that is not inadequate, excessive, or unreasonably  
17 discriminatory. A rate is inadequate if it is less than the  
18 total service long run incremental cost of providing the  
19 service.

20 (z) "Residential customer" means a person to whom telecom-  
21 munication services are furnished predominantly for personal or  
22 domestic purposes at the person's dwelling.

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

1 (bb) "State institution of higher education" means an  
2 institution of higher education described in sections 4, 5, and 6  
3 of article VIII of the state constitution of 1963.

4 (cc) "Telecommunication provider" or "provider" means a  
5 person or an affiliate of the person each of which for compensa-  
6 tion provides 1 or more telecommunication services.

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

12 (ee) "Toll service" means the transmission of 2-way interac-  
13 tive switched communication between local calling areas. Toll  
14 service does not include individually negotiated contracts for  
15 similar telecommunication services or wide area telecommunica-  
16 tions service.

17 (ff) "Total service long run incremental cost" means, given  
18 current service demand, including associated costs of every com-  
19 ponent necessary to provide the service, 1 of the following:

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

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

1 (gg) "Wide area telecommunications service" or "WATS" means  
2 the transmission of 2-way interactive switched communication over  
3 a dedicated access line.

4 Sec. 207. (1) The commission shall determine the manner in  
5 which ~~local~~ directory assistance service to the end user is to  
6 be regulated under this act. The regulations shall include ~~both~~  
7 ~~rates and~~ THE quality of service.

8 (2) THIS SECTION SHALL NOT BE CONSTRUED TO GIVE THE COMMIS-  
9 SION THE AUTHORITY TO ALLOW A PROVIDER OF BASIC LOCAL EXCHANGE  
10 SERVICE OR PAYPHONE SERVICE TO CHARGE A CUSTOMER FOR PROVIDING  
11 DIRECTORY ASSISTANCE SERVICE.

12 Sec. 309. (1) A provider of basic local exchange service  
13 AND PAYPHONE SERVICE shall provide to each customer ~~local~~ AT NO  
14 ADDITIONAL CHARGE directory assistance SERVICE WITHIN AND OUTSIDE  
15 THE LOCAL CALLING AREA and, at no additional charge to the cus-  
16 tomer, an annual printed telephone directory.

17 (2) A provider of interzone service, as defined in tariffs  
18 on file with the commission on December 31, 1991, shall continue  
19 to provide the service pursuant to the terms of the tariffs. A  
20 provider may alter interzone service rates pursuant to provisions  
21 of section 304.

22 (3) A provider of basic local exchange service shall provide  
23 each customer at no additional charge the option of having access  
24 to 900 prefix services blocked through the customer's exchange  
25 service.

26 Sec. 360. (1) No later than January 1, 1996, a provider of  
27 basic local exchange service shall establish a rate to other



1 providers of basic local exchange service for providing directory  
2 assistance SERVICE.

3       (2) This section does not prohibit providers of basic local  
4 exchange service from entering into an agreement to provide for  
5 the exchange of providing directory assistance SERVICE on other  
6 terms and conditions.

7       (3) THIS SECTION SHALL NOT BE CONSTRUED TO ALLOW A PROVIDER  
8 OF BASIC LOCAL EXCHANGE SERVICE OR PAYPHONE SERVICE TO CHARGE A  
9 CUSTOMER FOR PROVIDING DIRECTORY ASSISTANCE SERVICE.