

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion,	)	
to implement 2009 PA 182, MCL 484.2310.	)	Case No. U-16183
	)	

At the February 20, 2020 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Sally A. Talberg, Chairman
Hon. Daniel C. Scripps, Commissioner
Hon. Tremaine L. Phillips, Commissioner

ORDER

The Commission commenced this proceeding on January 11, 2010, in order to implement the provisions of 2009 PA 182 (Act 182), which amended MCL 484.2310 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2101 *et seq.* The amendment reformed toll access service rates in Michigan.

As noted in previous orders, Act 182 requires that the Commission administer a fund known as the intrastate switched toll access rate restructuring mechanism (restructuring mechanism). MCL 484.2310(9), 484.2310(23)(e). The restructuring mechanism is to be funded via "a mandatory monthly contribution by all providers of retail intrastate telecommunications services and all providers of commercial mobile service." MCL 484.2310(12). The Act further provides that "[t]he commission may increase or decrease the contribution assessment on a quarterly or other basis as necessary to maintain sufficient funds for disbursements." MCL 484.2310(14).

In an order issued April 13, 2010, the Commission established the total size of the restructuring mechanism at \$18,057,034.86, and notified eligible providers of the disbursements for which they were eligible. On February 22, 2018, the fund size was reduced to \$9,987,468.39 pursuant to the recalculation as directed in Act 182, as amended by 2014 PA 52. Since the fund was established in 2010, several orders have addressed the size of the contribution assessment.

In an order dated May 17, 2010, the Commission calculated a 0.431% contribution factor, and stated that each contributing provider would be billed monthly for one-twelfth of that provider's 2008 intrastate telecommunications services revenues, as reported in this docket, multiplied by the contribution factor.

In an order dated August 10, 2010 (August 10 order), the Commission addressed several issues on rehearing. Among other things, the August 10 order dealt with the appropriate period for review of the sufficiency of collections resulting from the calculated percentage. The Commission held:

The Commission directs the [Commission] Staff to continuously monitor the response to the system put in place by this order. Should it appear that the fund may become insufficient to cover the necessary payments, the Staff shall alert the Commission to the need for review. In the absence of an earlier review, the Commission finds that it should reexamine the method and amounts following a year of implementation.

August 10 order, p. 11.

In orders dated February 8, 2011, October 31, 2012, December 19, 2013, September 26, 2014, November 5, 2015, February 11, 2016, and February 22, 2018, the Commission adjusted the contribution factor to enable the restructuring mechanism to meet its obligations to make provider disbursements and pay administrative costs, and to ensure that a cash reserve equal to one month of disbursements was in place. Over time, the contribution factor has fluctuated from a low of

0.32% to a high of 0.98%, with the current contribution factor of 0.51% set in the February 22, 2018 order.

At this juncture, it has come to the Commission's attention that the restructuring mechanism is in need of adjustment. Because contributions are lower than anticipated, it is necessary to revise the contribution percentage to ensure the fund is able to meet its monthly obligations while maintaining an appropriate cash reserve. Given the amount of revenue subject to the contribution percentage (total intrastate retail telecommunications service revenue for all contributing providers), the Commission Staff (Staff) recommends that the contribution percentage be revised to 0.78% (.0078) in order to bring in enough money each month to provide for disbursements, administrative costs, and the required cash reserve in the fund. The Staff recommends that this new contribution percentage go into effect on April 14, 2020 (the day after the April contributions are due). Providers would then be subject to the adjusted contribution percentage beginning with the contributions due May 13, 2020.

The Commission finds that it should adopt the recommendations of the Staff, and directs the Staff to update the online form that providers use to determine their contribution amounts beginning April 14, 2020, to reflect the revised contribution rate. The new contribution factor shall be reflected first in the May 13, 2020 contribution.

THEREFORE, IT IS ORDERED that:

A. The restructuring mechanism contribution factor shall increase from 0.51% to 0.78% effective April 14, 2020.

B. On April 14, 2020, the Commission Staff shall update the online form used by contributing providers in calculating the monthly contribution to reflect the new percentage.

C. The Commission Staff shall continue to monitor the activity of the restructuring mechanism to ensure that the contribution percentage assessed is appropriate.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 484.2203(12). To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel. Electronic notifications should be sent to the Executive Secretary at mpscedockets@michigan.gov and to the Michigan Department of the Attorney General - Public Service Division at pungpl@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Sally A. Talberg, Chairman

Daniel C. Scripps, Commissioner

Tremaine L. Phillips, Commissioner

By its action of February 20, 2020.

Lisa Felice, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

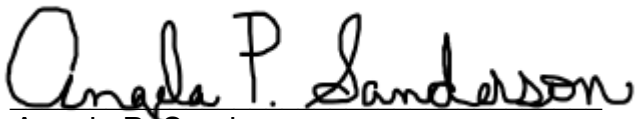
Case No. U-16183

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on February 20, 2020 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).


Brianna Brown

Subscribed and sworn to before me
this 20th day of February 2020.



Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2024

Service List for Case: U-16183

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Carr Telephone Company
Chapin Telephone Company
Climax Telephone Company
Cypress Comm Oper Company,
Hiawatha Telephone Company
IBFA Acquistion Company
Kaleva Telephone Company
Lennon Telephone Company
Ogden Telephone Company
Pigeon Telephone Company
Sand Creek Telephone Company
Springport Telephone Company
Springport Telephone Company
Sprint Communications Company, L.P.
TNCI Operating Company, LLC
U.S. Signal Company, LLC
Waldron Telephone Company
Allband Communications Cooperative
FairPoint Communications Solutions Corp.
New Horizons Comm Corp.
Range Corporation
TruComm Corporation
Jie Cui
CynergyComm.Net, Inc.
DayStarr, LLC
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Birch Telecom of the Great Lakes, Inc.
Level3 Comm
BT Communications Sales LLC
Bingham McCutchen LLP
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Telecom Management, Inc., dba Pioneer Long
Robert McCausland
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Metropolitan Telecomm of MI
Ace Telephone Company of Michigan, Inc.
Charter Fiberlink- Michigan, LLC
Fibernet of Michigan
Frontier Communications of Michigan
Local Exchange Carriers of Michigan, Inc.
Chrissie Pearce- MPSC
MiTel NetSolutions
ATI Network,s Inc
Bright House Network
Broadview Networks & A.R.C. Networks,
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JAS Networks & EagleNet
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U-16183 - Special Distribution

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Midwest Energy Cooperative d/b/a Midwest Energy & Communications	dave.allen@teammidwest.com	David	Allen	VP of Regulatory Compliance
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Windstream NTI, LLC	nicole.winters@windstream.com	Nicole	Winters	Counsel
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PROOF OF SERVICE

STATE OF MICHIGAN)

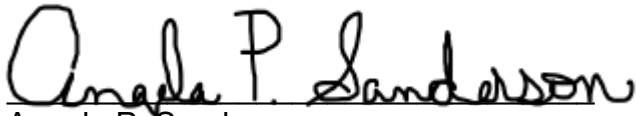
Case No. U-16183

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on February 20, 2020 A.D. she served a copy of the attached Commission order by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.


Brianna Brown

Subscribed and sworn to before me
this 20th day of February 2020.



Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2024

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Campus Communications Group, Inc.	Ms.	Pamela	Swisher		P.O. Box 25		Champaign	IL	61824
Lynx Network Group, Inc.	Mr.	Gerald	Philipp	Co-Owner	22588 Vineyard Circle		Mattawan	MI	49071
VoxBeam Telecommunications Inc.		Ryan	Rapolti		6314 Kingspointe Parkway	Suite 1	Orlando	FL	32819