

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the notice of)	
TALK AMERICA SERVICES, LLC,)	
of discontinuance of basic local exchange service)	Case No. U-20623
and toll service.)	
_____)	

At the June 10, 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

Talk America Services, LLC (TAS) was licensed to provide basic local exchange service throughout the state of Michigan pursuant to the February 12, 2015 order in Case No. U-17707. On August 19, 2019, TAS filed a notice in this docket pursuant to Section 313(5) of the Michigan Telecommunications Act (MTA), MCL 484.2313(5), proposing to discontinue basic local exchange and toll service to all of its existing customer base in Michigan (August 19 notice) effective January 6, 2020. The August 19 notice was accompanied by an affidavit, a copy of the newspaper notice, a copy of the notice that went to customers, and a copy of the company's discontinuance application filed with the Federal Communications Commission (FCC) pursuant to 47 USC 214. In the August 19 notice, TAS reported that it had 4,619 customers. TAS stated that AT&T Michigan and "Frontier," as well as unidentified competitive local exchange carriers, are

alternative carriers providing basic local exchange service in TAS's service area. August 19 notice, p. 3.

MCL 484.2313(5) provides, in relevant part:

Beginning January 1, 2017, a telecommunication provider that provides basic local exchange or toll service may discontinue that service in an exchange by doing each of the following:

- (a) At the same time as filing a petition under section 214 of the telecommunications act of 1996, 47 USC 214, all of the following:
 - (i) File a notice of the proposed discontinuance of service with the commission.
 - (ii) Publish a notice of the proposed discontinuance of service in a newspaper of general circulation within the exchange.
 - (iii) Provide notice of the proposed discontinuance of service to each of the telecommunication provider's customers within the exchange by first-class mail or within customer bills.
 - (iv) Provide notice of the proposed discontinuance of service to any interconnecting telecommunication providers by first-class mail or other notice permitted under the terms of the interconnection agreement between the providers.¹

On September 5, 2019, TAS filed an affidavit of publication of the discontinuance notice. On December 19, 2019, the Commission issued an order (December 19 order) finding that TAS's August 19 notice demonstrated compliance with the Section 313(5)(a) notice requirements.

On October 2, 2019, after approval of its discontinuance application by the FCC, TAS filed its second notice in this docket (October 2 notice) regarding the discontinuance of service pursuant to the requirements of MCL 484.2313(5)(b), which provides:

- Upon approval of the federal communications commission to discontinue service, at least 90 days before discontinuing service, all of the following:
- (i) File a notice of the discontinuance of service with the commission.
 - (ii) Publish a notice of the discontinuance of service in a newspaper of general circulation within the exchange.

¹ TAS stated that it operated as a pure reseller and does not interconnect directly with any other telecommunications provider; and that its underlying wholesale provider (which has informed TAS that it will no longer provide service) is aware of the discontinuance and no further notice is required. August 19 and October 2, 2019 notices, p. 3.

- (iii) Provide notice of the discontinuance of service to each of the telecommunication provider's customers within the exchange by first-class mail or within customer bills.
- (iv) Provide notice to any interconnecting telecommunication providers by first-class mail or other notice permitted under the terms of the interconnection agreement between the providers.²

TAS's October 2 notice was accompanied by the same supporting documents. In the December 19 order, the Commission found that TAS's October 2 notice demonstrated compliance with the Section 313(5)(b) notice requirements. The Commission also found that TAS complied with the federal discontinuance requirements contained in 47 CFR 63.71(a)(5)(i) and 47 CFR 63.71(f)(1), and that the FCC, by default, had approved the discontinuance.

Section 313(6) of the MTA, MCL 484.2313(6), addresses the effect of discontinuance, and provides:

After January 1, 2017, and only in an area in which a telecommunication provider either has given notice of a proposed discontinuance of service under subsection (5) or has discontinued service within the previous 90 days, a customer of that provider or any interconnecting telecommunication provider may request the commission to investigate the availability of comparable voice service with reliable access to 9-1-1 and emergency services to that customer or a customer of an interconnecting telecommunication provider. If the commission, after conducting an investigation to last no longer than 180 days regarding the availability of comparable voice service with reliable access to 9-1-1 and emergency services, determines that the federal communications commission failed to make a finding that the present and future public convenience and necessity is not adversely affected or has not adequately addressed the issue, the commission shall declare by order that an emergency exists in an area in this state that is not served by at least 1 voice service provider offering comparable voice service with reliable access to 9-1-1 and emergency services through any technology or medium and shall conduct a request for service process to identify a willing provider of comparable voice service with reliable access to 9-1-1 and emergency services in that area, including the current provider. A provider shall not be required to participate in the request for service process. The willing provider may utilize any form of technology that is capable of providing comparable voice service with reliable access to 9-1-1 and emergency services, including voice over internet protocol services and wireless services. If the commission determines that another provider is not capable of providing

² *Ibid.*

comparable voice service with reliable access to 9-1-1 and emergency services in that area, the commission shall issue an order requiring the current telecommunication provider to provide comparable voice service with reliable access to 9-1-1 and emergency services in that area utilizing any form of technology that the commission determines is capable of providing comparable voice service with reliable access to 9-1-1 and emergency services, including voice over internet protocol services and wireless services, until another willing provider is available. An intrastate universal service fund under section 316a shall not be created or used to compensate or fund a willing provider or current telecommunication provider to provide service under this section. As used in this subsection:

- (a) "Comparable voice service" includes any 2-way voice service offered through any form of technology, including voice over internet protocol services and wireless services, that is capable of placing calls to and receiving calls from a provider of basic local exchange service.
- (b) "Emergency services" means services provided to the public by police, fire, ambulance, or other first responders.
- (c) "Reliable access to 9-1-1" means the rules, regulations, and guidelines set forth in the FCC trials order, including all appendices, that provide comparable and reliable consumer access to emergency services.
- (d) "Willing provider" means a provider that voluntarily participates in the request for service process.

Thus, "a customer of that [discontinuing] provider . . . may request the commission to investigate the availability of comparable voice service with reliable access to 9-1-1 and emergency services to that customer," and the Commission may thereupon commence an investigation into that issue.

In the December 19 order, the Commission detailed the comments or informal complaints it had received from 12 then-current TAS customers who were having difficulty locating alternative providers of comparable service, and the Commission determined that it should conduct an investigation pursuant to Section 313(6) of the MTA. To that end, the Commission directed all incumbent local exchange carriers and competitive local exchange carriers operating in TAS's service area to, no later than January 16, 2020, file statements in this docket listing all of the specific types of comparable voice service with reliable access to 9-1-1 and emergency services that they provide in that service area. The Commission also requested that all VoIP and wireless service providers operating in TAS's service area provide the same information in this docket by

the same date. In light of the commencement of the investigation, the Commission urged TAS to delay discontinuance.

The Commission received timely responses from over 80 providers. On January 23, 2020, the Commission issued an order directing the Commission Staff (Staff) to post to the Commission's website a list of alternative service providers with available comparable residential voice service, including reliable access to 9-1-1 and emergency services. The Commission also issued a press release, a consumer alert, and social media announcements to inform TAS customers of the available comparable service options.

TAS delayed discontinuance and provided the Staff with periodic updates regarding customer counts. By March 23, 2020, TAS had 25 access lines that had not completed the disconnection process; by April 14, 2020, it was down to four lines; and on April 27, 2020, TAS filed a notice that the discontinuance process was complete and that TAS no longer has customers in Michigan. Thereafter, the Staff informed the Commission that all customer complaints had been resolved and recommended that this docket be closed.

The Commission agrees with the Staff's recommendation. TAS has provided evidence that all of the requirements of MCL 484.2313 have been met, all customers have been transitioned to other service providers, and all complaints have been resolved. This concludes the Commission's investigation and the Commission finds that this docket should be closed.

THEREFORE, IT IS ORDERED that:

A. Talk America Services, LLC, has satisfied all of the requirements to discontinue basic local exchange service and toll service in Michigan.

B. The investigation commenced on December 19, 2019, is concluded and this docket is closed.

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

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, under 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 June 10, 2020.

Lisa Felice, Executive Secretary


PROOF OF SERVICE

STATE OF MICHIGAN)

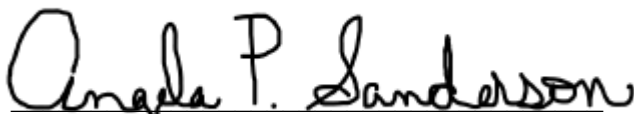
Case No. U-20623

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on June 10, 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 10th day of June 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-20623

Name

Email Address

Sharon Thomas

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Special Distribution U-20623

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Windstream New Edge, LLC f.k.a. EarthLink Business, LLC	jonathan.bardsley@windstream.com	Jonathan	Bardsley	Analyst II
Windstream Norlight LLC	nicole.winters@windstream.com	Nicole	Winters	Counsel
Windstream NTI, LLC	nicole.winters@windstream.com	Nicole	Winters	Counsel
Winn Telephone Company dba Winn Telecom	mgraf@winntelecommunications.net	Mark	Graf	General Manager
Xclutel, LLC	ssinclair@xclutel.com	Scott	Sinclair	CEO
XO Communications Services, LLC	kelly.faul@verizon.com	Kelly	Faul	Senior Manager Government Relations
YMax Communications Corp.	tina.tecce@magicjack.com	Tina	Tecce	
Zayo Group, LLC	charles.forst@zayo.com	Charles	Forst	Director, Regulatory Reporting

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Company Name	FIRST NAME	LAST NAME	POSITION	E-MAIL
123.Net, Inc. dba Local Exchange Carriers of Michigan, Inc.	James	Kandler		jkk@lecmi.com
Access Point, Inc.	Jason	Brown	Regulatory Affairs	jason.brown@accesspointinc.com
AccessLine Communications Corporation	Michael	Fischer	Sr. Vice President	Mfischer@accessline.com
Air Advantage, LLC	Scott	Zimmer		szimmer@airadv.net
Airus, Inc. fka IntelePeer	John	McCluskey	General Manager	jmcccluskey@airustel.com
Alpha Connect, LLC	David	McCartney	President	david@pfllc.net
American Broadband and Telecommunications Company	Jeffrey	Ansted	President	jsa@ambt.net
American Cell, LLC	Jonathan	Garn	Chief Financial Officer	jongarn@americancellllc.com
Aspen Wired, LLC	Jim	Selby	President	jim@aspenwireless.net
AT&T Corp.	Yvette	Collins	Director, External Affairs	Yc5453@att.com
ATC Outdoor DAS, LLC	Lauren	Ramirez	Attorney	lauren.ramirez@americantower.com
BCN Telecom, Inc.	Kathleen	Gorey	Regulatory Contact	kgorey@bcntele.com
Bright House Networks Information Services (Michigan), LLC	Marva	Brown Johnson	Director Carrier Svcs. & Vendor Mgmt.	Marva.Johnson@mybrighthouse.com
Broadwing Communications, LLC	Al	Lubeck	Director Public Policy II	al.lubeck@centurylink.com
CenturyLink Communications, LLC	Al	Lubeck	Director Public Policy II	al.lubeck@centurylink.com

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Charter Fiberlink - Michigan, LLC	Betty	Sanders	Director of Regulatory Affairs	betty.sanders@chartercom.com
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CMC Telecom, Inc.	Craig	Champagne	President	cchamp@cmctelecom.net
ComTech21, LLC	Laura	Matosian	VP	lmatosian@comtech21.com
Crown Castle Fiber LLC	Fernanda	Biehl	Manager Regulatory Affairs	puc.correspondence@crowncastle.com
DayStarr, LLC, d/b/a DayStarr Communications	Collin	Rose	President	collin.rose@daystarrfiber.net
dishNET Wireline L.L.C.	Jeff	Blum	Deputy General Counsel	jeffrey.blum@dish.com
Electric Lightwave, LLC d/b/a Integra Telecom	Donna	Heaston	Manager, Regulatory Affairs	donna.heaston@integratelecom.com
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Everstream GLC Holding Company LLC	Brett	Lindsey	President & CEO	blindsey@everstream.net
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ExteNet Systems, Inc.	Terry	Ray	Vice President	tray@extenetsystems.com
Flamingo Solutions, LLC	Donald	Welch		flamingo@flamingosolutions.com
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Global Crossing Local Services, Inc.	Al	Lubeck	Director Public Policy	al.lubeck@centurylink.com

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Intrado Communications, LLC f.k.a. West Telecom Services, LLC	Robert	McCausland	Senior VP - Regulatory & Gov't Affairs	rwmccausland@west.com
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Level 3 Communications, LLC	Al	Lubeck	Director Public Policy II	al.lubeck@centurylink.com
Level 3 Telecom Data Services, LLC fka tw telecom data services llc	Al	Lubeck		al.lubeck@centurylink.com
Lingo Telecom of the Great Lakes, LLC f/k/a Birch Telecom of the Great Lakes, LLC d/b/a Birch Communications	Sharyl	Fowler	Manager, Regulatory Administration	Sharyl.Fowler@Lingo.com
Magna5 LLC	Joseph	O'Hara	CFO	regulatory@magna5global.com
ManagedWay Company	Reese	Serra	Esq General Counsel	rserra@managedway.com
Matrix Telecom, LLC., dba Trinsic Communications	Alex	Valencia	Vice President	avalencia@impacttelecom.com
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MCImetro Access Transmission Services Corp. dba Verizon Access Transmission Services	Missie	Burris	Regulatory Analyst	missie.burris@verizon.com

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Midwest Communications Services, Inc.	Larry	Powell	President	larrymcs@voyager.net
MiSignal, Inc.	Josh	Rowe	President	josh.rowe@misignal.com
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Neo Network Development Inc.	Anita	Taff-Rice	Attorney	anita@icommlaw.com
Neutral Tandem-Michigan, LLC	Richard	Monto	General Counsel & Sr. VP	richard.monto@inteliquent.com
New Horizons Communications Corp.	Stephen	Gibbs	President	sgibbs@nhcgrp.com
NewPath Networks, LLC	Michelle	Salisbury	RP - Senior Paralegal	michelle.salisbury@crowncastle.com
O1 Communications Central, LLC	Michael	Nelson	Vice President Regulatory	mnelson@o1.com
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Peninsula Fiber Network, LLC	David	McCartney	General Manager	gm@pfnlc.net
Quick Communications, Inc., dba Planet Access	Bruce	Yuille	President	byuille@800goquick.com
Rocket Fiber LLC	Marc	Hudson	President	marchudson@rocketfiber.com
Sigecom, LLC, dba WOW! Internet, Cable and Phone	Craig	Martin	Secretary & Gen. Counsel	craig.martin@wowinc.com

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Southwest Michigan Communications, Inc.	Mark	Bahnson	General Manager	markb@bloominglecom.net
Spartan Net Co.	Richard	Laing		rlaing@spartan-net.net
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TC3 Telecom, Inc.	Victoria	Stevens		victoria.stevens@d-pcomm.com
Telecom One, Inc. f/k/a TCO Network, Inc.	William	Linsmeier	President	blinsmeier@telecom-one.net
Teleport Communications America, LLC	Yvette	Collins		Yc5453@att.com
Telnet Worldwide, Inc.	Mark	Iannuzzi	President	mark.iannuzzi@telnetww.com
The Chillicothe Telephone Company	Kae	Diehl	Director, Business Operations	kae.diehl@horizontel.com
Time Warner Cable Business LLC	David	LaFrance	Sr Manager Regulatory Compliance	david.lafrance@twcable.com
Time Warner Cable Information Services (Michigan), LLC, dba Time Warner Cable II	Betty	Sanders	Senior Director-Regulatory	betty.sanders@charter.com
TWD Communications	Glenn	Wilson	President	glenn@customsoft.net
Washtenaw Fiber Properties LLC	Jared	Mauch		jared@washftth.com
Westphalia Broadband, Inc.	Mike	Fitzpatrick	General Manager	mike.fitzpatrick@4wbi.net
Wide Voice, LLC	Andrew	Nickerson	CEO	anickerson@widevoice.com
WilTel Communications, LLC	Al	Lubeck	Director Public Policy II	al.lubeck@centurylink.com

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Windstream Norlight LLC	Nicole	Winters	Counsel	nicole.winters@windstream.com
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XO Communications Services, LLC	Kelly	Faul	Senior Manager Government Relations	kelly.faul@verizon.com
YMax Communications Corp.	Tina	Tecce		tina.tecce@magicjack.com

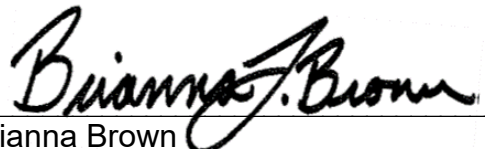
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STATE OF MICHIGAN)

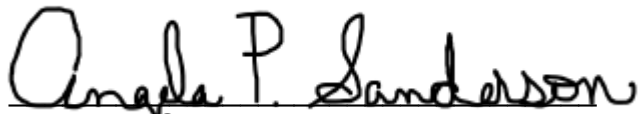
Case No. U-20623

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on June 10, 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 10th day of June 2020.



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

Company Name	TITLE	FIRST NAME	LAST NAME	ADDress	CITY	STATE	ZIP
Campus Communications Group, Inc.	Ms.	Pamela	Swisher	P.O. Box 25	Champaign	IL	61824