

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own)	
motion, to re-promulgate rules required by)	Case No. U-21368
MCL 484.2202(1)(c)(iv).)	
_____)	

At the September 28, 2023 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Katherine L. Peretick, Commissioner
Hon. Alessandra R. Carreon, Commissioner

ORDER

On May 2, 2023, the Commission sought permission from the Michigan Office of Administrative Hearings and Rules (MOAHR) to re-promulgate rules governing the obligations of providers of basic local exchange service (BLES) that cease to provide the service, pursuant to the mandates of MCL 484.2202(1)(c)(iv) and MCL 484.2213. These rules already exist as Mich Admin Code, R 484.1101-484.1009, but pursuant to MCL 484.2202(2), they will automatically cease to have effect on March 21, 2024. The Commission seeks to re-promulgate the same rules with minor changes and to add rules pertaining to the information that providers of BLES shall provide in notices of discontinuance of service filed with the Commission. MOAHR approved the request for rulemaking on May 5, 2023, MOAHR# 2023-28 LR. The Commission submitted the draft rules to MOAHR and the Legislative Service Bureau (LSB) for informal approvals, which were granted on June 5 and June 15, 2023, respectively. The regulatory impact statement was

approved by MOAHR on June 6, 2023, and the notice of public hearing was approved on June 21, 2023. The proposed rules were published in the Michigan Register on July 15, 2023.

To provide the public with an opportunity to comment on the proposed rule re-promulgation, the Commission scheduled a public hearing, which was held at 9:00 a.m. (Eastern time (ET)) on August 1, 2023, at 7109 W. Saginaw Hwy., Lansing, Michigan. The Commission also opened a public comment period for written comments to be received no later than 5:00 p.m. (ET) on August 14, 2023. No comments were received at the public hearing held on August 1, 2023, but the Commission received three written comments that were filed in the instant docket. This order addresses those comments.

Comments

The Commission received written comments from the Michigan Chamber of Commerce (the Chamber),¹ Mr. Ronald Fenwick, and Brightspeed of Central Michigan, Inc., Brightspeed of Michigan, Inc., Brightspeed of Northern Michigan, Inc., and Brightspeed of Upper Michigan, Inc. (together, as Brightspeed).

After consulting with its members in the telecommunications industry, the Chamber comments that the proposed rules introduce new requirements for Michigan telecommunications providers beyond those in Section 313 of Public Act 179 of 1991, the Michigan Telecommunications Act (MTA), MCL 484.2313. The Chamber comments that Section 313 contains straightforward notice obligations and does not authorize the Commission to adopt rules to amplify the existing notice requirements. However, should the Commission proceed, the Chamber suggests two specific revisions to the proposed rules that would make the rules

¹ On August 15, 2023, the Chamber filed an amended comment to include an attachment that was inadvertently excluded from its initial comments filed on August 14, 2023.

consistent with the existing federal rules pertaining to notices promulgated by the Federal Communications Commission (FCC). First, the Chamber recommends that the following provision be added to proposed rules 12 and 14:

A provider is deemed to be in compliance with the requirements of subsections (1) – (3) by complying with subsection (2)(a) of the Rule, which requires filing with the MPSC a copy of its application filing with the Federal Communications Commission under section 214 of the federal telecommunications act of 1996, 47 U.S.C. 214.

The Chamber's comments, p. 2. The Chamber's reasons that the FCC notice requirements are sufficient in that they require inclusion of: (1) the name and address of carrier; (2) the date of planned service discontinuance, reduction or impairment; (3) the points of geographic areas of service affected; (4) a brief description of type of service affected; and (5) a brief description of the dates and methods of notice to all affected customers. *Id.* (citing 47 CFR 63.71(c)).

Second, the Chamber suggests that subsections (e) in proposed Rules 13 and 15 be removed and replaced with the following provision:

The provider may comply with the requirements of this section by (i) providing a combined federal/state notice to customers via first class mail or within customer bills that satisfies the notice requirements under 47 C.F.R §63.71(a)(1)-(4); (ii) publishing a notice of the discontinuance of service in a newspaper of general circulation within the exchange that provides information that satisfies the notice requirements under 47 C.F.R §63.71(a)(1)-(4); and (iii) providing notice to any interconnecting telecommunications providers by first-class mail or other notice permitted under the terms of the interconnection agreement between the providers.

The Chamber's comments, p. 2. The Chamber explains that this revision would allow providers to comply with the proposed notification rules by showing compliance with the existing FCC requirements, which the Chamber touts as a common-sense solution. For newspaper notices, for which there are no FCC requirements, the Chamber suggests that the proposed rules require the newspaper notification to satisfy the federal notice requirements, i.e., 47 CFR 63.71(a)(1)-(4). The

Chamber's comments, p. 3. As to notices to interconnecting carriers, the Chamber recommends that the Commission revise the proposed rule to mimic Section 313 exactly. *Id.*

Mr. Fenwick's comments concern the ability of cellphone (wireless) service to provide accurate location information for 9-1-1 calls as opposed to plain old telephone service (POTS) that can immediately provide the exact address and physical location of a caller to a 9-1-1 dispatcher. Mr. Fenwick states that unless a customer using cellphone services is able to accurately communicate their location, it can take an inordinate amount of time to provide the location to emergency services. Given the potentially deadly consequences associated with the nature of 9-1-1 calls, Mr. Fenwick calls for a prohibition against discontinuing POTS until the 9-1-1 location accuracy reporting of wireless services is corrected. Mr. Fenwick goes on to allege that some providers have failed to inform customers of the shortcomings of wireless and Voice Over Internet Protocol (VoIP) service regarding 9-1-1 location reporting ability and that, if customers had such information, they may reconsider terminating POTS in favor of wireless or VoIP. Mr. Fenwick asks that the Commission include in the rules language that requires providers to address registering customer physical addresses to ensure location accuracy and to address loss-of-power circumstances for VoIP services. Further, after referencing a mailing from AT&T regarding local 9-1-1 service available under VoIP services, attached to his comments, Mr. Fenwick asks the Commission to take action against AT&T for deceptive marketing practices.

In its comments, Brightspeed states that it does not object to Parts 1 and 2 of the proposed rules, but that it objects to the new requirements of Part 3, notably the requirement for newspaper publication. Brightspeed contends that the newspaper publication requirement is burdensome, expensive, and ineffective at informing customers in a digital age. Brightspeed argues that in 2023, there are other more efficient means of notification, including postings on providers'

websites. Should the Commission move forward with a newspaper publication requirement, Brightspeed asks that the requirement align with the existing federal rules under 47 CFR 63.71(a)(1)-(4), explaining that compliance with the federal notice rules should be sufficient. Further, Brightspeed observes that Part 3 of the proposed rules “seems to require the same discontinuance notice even if the Provider is only eliminating a product or service.” Brightspeed’s comments, p. 2.² Brightspeed avers that such application would be overly burdensome when, for example, the provider may be substituting VoIP service at a lower cost with better service, reliability, or additional features, and not discontinuing a service. *Id.*

Discussion

Part 3- Proposed Rules 484.1011 through 484.1018

In its comments, the Chamber generally objects to the promulgation of Part 3 of the proposed rules contending that the Legislature adopted a straightforward discontinuance process in Section 313 of the MTA and that the Commission is not authorized to promulgate rules amplifying the legislative requirements of Section 313. The Chamber argues that new rules have not been necessary in the eight years since the amendment of Section 313 in 2014, and that none are necessary now.

The Commission declines to adopt the Chamber recommendation to repromulgate the rules without the addition of the new notice requirements in Part 3. The Commission is authorized under Section 202(1)(c)(iv) of the MTA to promulgate rules for BLES providers that cease to provide service to any segment of end users or geographic area, go out of business, or withdraw from the state, including the transfer of customers to other providers and the reclaiming of unused

² While Brightspeed’s comments are not paginated, the Commission references page numbers in natural order beginning with the first page of the comments.

telephone numbers. Section 213 of the MTA also authorizes the Commission to promulgate rules pursuant to the Administrative Procedures Act of 1969, MCL 24.201 *et seq.* See, MCL 484.2213. The Commission has promulgated rules pursuant to these grants of authority twice in the past in Case Nos. U-18360 and U-20732. The Commission disagrees with the Chamber that it has surpassed the authority granted to it by the Legislature to promulgate the requirements set out in Part 3 of the proposed rules. These rules carry out the notice requirements of Section 313 and address the ambiguity left by the statute as to the contents of the required notices by listing the information that BLES providers must include in a notice to the Commission to discontinue service pursuant to Section 313.

While the Chamber describes the discontinuance process set out in Section 313 as straightforward, the Commission disagrees and finds that the statutory requirements omit direction for the contents of the notices to be provided to the Commission. This ambiguity proved to be problematic in that it became necessary for the Commission Staff (Staff) to respond to providers' inquiries as to what information should be included in the discontinuance notices filed with the Commission pursuant to Sections 313(5)(a) and (b) and to address other questions about the Section 313 process that are unclear. The Staff also communicated this information directly in a Question & Answer document available on the Commission's website.³

In response to the Chamber's comment that the proposed rules have not been necessary in the intervening years, the Commission is not persuaded to revise the proposed rules on this basis. The 2014 revisions to Section 313 that were adopted by the Legislature had an effective date of

³ The Question & Answer document is accessed via a link titled Discontinuance Information for Service Providers and is available at <https://www.michigan.gov/mpsc/regulatory/telecommunications/providers> (last accessed September 27, 2023).

January 1, 2017, and the first filing pursuant to the revised Section 313 was received by the Commission in August 2019. Due to this timing, the Commission did not immediately see a need for the revised rules addressing the notices following the Legislature’s adoption in 2014. Since 2019, there has been an increase in discontinuance notices pursuant to Section 313 and therefore, the Commission recognized the need to simplify and streamline the notice process for both providers and customers.

In its comments, Brightspeed objected to Part 3 of the rules because of the requirements that a notice of discontinuance must be published in a newspaper of general circulation and described the requirement as burdensome, expensive, and ineffective. The Commission declines to remove the newspaper publication requirement in Part 3 as the requirement stems directly from Section 313, which states that if a BLES provider may discontinues service, it must “[p]ublish a notice of the proposed discontinuance of service in a newspaper of general circulation within the exchange.” MCL 484.2313(5)(a)(ii).⁴

In its comments, Brightspeed also states that Part 3 seems to impose the same discontinuance notice requirements even if the BLES provider is substituting VoIP service at a lower cost with better, more reliable services with other features. The Commission declines to revise Part 3 based on these comments. Section 313 permits a BLES provider to discontinue service if comparable voice service with reliable access to 9-1-1 and emergency services is available. The statute defines comparable voice service as “any 2-way voice service offered through any form of technology, including [VoIP] services and wireless services, that is capable of placing calls to and receiving calls from a provider of basic local exchange service.” MCL 484.2313(6)(a). In a discontinuance

⁴ A similarly worded newspaper publication requirement is provided in MCL 484.2313(5)(b)(ii).

filing with the Commission or during an investigation, the BLES provider can identify any comparable service that it offers if it intends to substitute that service for BLES.

Further, the MTA and the proposed rules do not require a provider to file a Section 313 discontinuance if the provider is discontinuing an ancillary feature or product that it offers; the MTA and the proposed rules are clear in their application to BLES. The proposed rules are intended to address discontinuances of BLES in an area in which the provider will no longer offer that service so that the Commission can ensure that comparable alternatives are available in those areas in compliance with Section 313. Lastly, proposed Rule 16 encourages a provider to contact the Commission with any questions regarding Section 313 application or to determine an appropriate means of notifications for situations that they may find to be unclear.

Rules 12 and 14

In its comments, the Chamber suggested that, should the Commission move forward with the proposed rules, the following provision should be added to proposed Rules 12 and 14:

A provider is deemed to be in compliance with the requirements of subsections (1) – (3) by complying with subsection (2)(a) of the Rule, which requires filing with the [Commission] a copy of its application filing with the Federal Communications Commission under section 214 of the federal telecommunications act of 1996, 47 U.S.C. 214.

The Chamber's comments, p. 2. The Commission declines to adopt this recommendation. The Commission finds that, while Section 214 of the federal Telecommunications Act of 1996, 47 USC 214, and its implementing regulations in 47 CFR 63.71, require certain information to be provided in an application to the FCC, the Michigan Legislature has opted to require, pursuant to Section 313, additional information from BLES providers. That additional information includes the newspaper notification requirement as well as a second customer notice requirement and provision that requires BLES providers to wait at least 90 days after the FCC has approved its

discontinuance before the provider can discontinue service. *See*, MCL 484.2313(5)(a)(ii) and 484.2313(5)(b), respectively.

Also included in Section 313 is a provision that allows customers or interconnecting providers to request from the Commission an investigation into the availability of comparable voice service with reliable access to 9-1-1 and emergency services and that sets out the steps and timeline for such an investigation. *See*, Section 313(6). Requiring the BLES provider seeking the discontinuance to include in its discontinuance notice filing a list of alternative providers in an area for which it is seeking to discontinue service allows the BLES provider to demonstrate that its discontinuance is compliant with all applicable state laws. Pursuant to Section 313, proposed Rule 12(g), which requires the BLES provider to state its intent for the disposition of its license and any tariffs on file with the Commission, acts as an administrative assurance that there are no additional requirements of the MTA that the provider will need to comply with after the discontinuance is effectuated.

The proposed rules allow the Commission to effectuate the legislative intent of Section 313 by ensuring that customers and interconnecting providers are properly notified of a proposed discontinuance of service in a particular service area, that alternative providers offering comparable service are available, and that BLES providers seeking discontinuances are complying with all provisions of Section 313. The revision to Rules 12 and 14 proposed by the Chamber would require that a provider only submit its FCC application to the Commission, which would omit the newspaper notice required by Section 313, would not include a demonstration that the FCC had granted the discontinuance pursuant to Section 214 of the federal Telecommunications Act of 1996, and would not include proof of providing the second notice to customers or interconnecting providers or publication notice in a newspaper of general circulation. The

Commission finds that adopting the Chamber's proposed revision would undermine Section 313 and therefore, the Commission declines to adopt this recommendation.

Rules 13 and 15

In its comments, the Chamber recommends that the Commission remove subsection (e) of Rule 13 that reads as follows:

The MPSC docket number assigned to the notice for the discontinuance of service and a statement that affected customers may file comments requesting that the commission investigate the availability of comparable voice service with reliable access to 9-1-1 and emergency service. The notice must also provide information on how to file comments with the commission. If a provider is unable to furnish the MPSC docket number and investigation statement information in its notices under section 313(5)(a) of the act, MCL 484.2313, the provider shall include the MPSC docket number in its notice under section 313(5)(b) of the act, MCL 484.2313.

The Chamber also recommends that the Commission remove subsection (e) of Rule 15 that reads as follows:

The MPSC docket number assigned to the notice for the discontinuance of service and a statement that affected customers may file comments requesting that the commission investigate the availability of comparable voice service with reliable access to 9-1-1 and emergency service. The notice must also provide direction on how to file comments with the commission.

The Chamber suggests that the above provisions be replaced with the following:

The provider may comply with the requirements of this section by (i) providing a combined federal/state notice to customers via first class mail or within customer bills that satisfies the notice requirements under 47 C.F.R §63.71(a)(1)-(4); (ii) publishing a notice of the discontinuance of service in a newspaper of general circulation within the exchange that provides information that satisfies the notice requirements under 47 C.F.R §63.71(a)(1)-(4); and (iii) providing notice to any interconnecting telecommunications providers by first-class mail or other notice permitted under the terms of the interconnection agreement between the providers.

The Chamber's comments, p. 2.

The Commission finds that the Chamber's proposed revision to Rules 13 and 15 would circumvent the statutory allowance set out in Section 313(6) for customers and interconnecting providers to request from the Commission an investigation into availability of comparable voice

service with reliable access to 9-1-1. The proposed rules align with the directives in Section 313 to provide adequate notice to customers and interconnecting providers of a BLES provider's proposed discontinuance and ensure a consistent, efficient notice process. Therefore, the Commission declines to adopt the Chamber's recommendations.

Mr. Ronald Fenwick's Comments

In his comments, Mr. Fenwick cites concerns with the 9-1-1 location accuracy of wireless and VoIP services as well as deceptive marketing practices regarding the replacement of POTS with VoIP services. Mr. Fenwick asks that the Commission include in the rules language that would require a BLES provider to address the need for address registration to ensure 9-1-1 location accuracy and to address loss of power scenarios for its service. The Commission declines to make revisions to the rules based on these comments. Section 313 allows a BLES provider to discontinue service by following the notice requirements set out in that section, and the proposed rules implement those requirements by specifying the information to be included in a discontinuance notice to the Commission. Further, the proposed rules are applicable to BLES providers that seek to discontinue service under Section 313; the rules are not applicable to providers of VoIP and cellular service.⁵ The Commission also notes that 9-1-1 location and customer backup power requirements fall under federal FCC jurisdiction. *See*, federal Telecommunications Act of 1996, 47 USC 151 *et seq.*; *see also*, 47 CFR 9.11 and 9.20 (providing regulations pertaining to 9-1-1 location features and backup power, respectively).

With respect to Mr. Fenwick's request that the Commission immediately take action against AT&T for deceptive marketing tactics, the comment does not appear to communicate a proposed

⁵ Section 401 of the MTA states that the Commission does not have authority over cellular and VoIP services, among others. MCL 484.2401(1).

change to the rules, but rather a more general concern about a specific provider. Customers who believe a provider has violated the MTA may file a complaint using the Commission's complaint process pursuant to Mich Admin Code, R 792.10439 *et seq.*

THEREFORE IT IS ORDERED, that:

A. The rules governing Responsibilities of Providers of Basic Local Exchange Service That Cease to Provide the Service, attached as Exhibit A, are approved and shall be submitted to the Legislative Service Bureau and the Michigan Office of Administrative Hearings and Rules for their formal approvals.

B. Upon formal approval of the attached Responsibilities of Providers of Basic Local Exchange Service That Cease to Provide the Service rules by the Legislative Service Bureau and the Michigan Office of Administrative Hearings and Rules, they shall be transmitted to the Joint Committee on Administrative Rules.

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

MICHIGAN PUBLIC SERVICE COMMISSION

Daniel C. Scripps, Chair

Katherine L. Peretick, Commissioner

Alessandra R. Carreon, Commissioner

By its action of September 28, 2023.

Lisa Felice, Executive Secretary

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

PUBLIC SERVICE COMMISSION

RESPONSIBILITIES OF PROVIDERS OF BASIC LOCAL EXCHANGE
SERVICE THAT CEASE TO PROVIDE THE SERVICE

Filed with the secretary of state on

These rules become effective on March 21, 2024.

(By authority conferred on the public service commission by sections 202 and 213 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2202 and 484.2213)

R 484.1001, R 484.1002, R 484.1003, R 484.1005, and R 484.1006 of the Michigan Administrative Code are amended, R 484.1010, R 484.1011, R 484.1012, R 484.1013, R 484.1014, R 484.1015, R 484.1016, R 484.1017, R 484.1018, and R 484.1019 are added, and R 484.1007, R 484.1008, and R 484.1009 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 484.1001 Applicability.

Rule 1. These rules apply to providers of basic local exchange service that cease to provide service to any segment of end users or geographic area, go out of business, or withdraw from this state, including the transfer of customers to other providers and the reclaiming of unused telephone numbers.

R 484.1002 Definitions.

Rule 2. (1) As used in these rules:

(a) “Act” means the Michigan telecommunications act, 1991 PA 179, MCL 484.2101 to 484.2603.

(b) “Commission” or “MPSC” means the Michigan public service commission.

(c) “Customer” means the person that is the end subscriber of the retail telecommunications service.

(d) “License” means a license to provide basic local exchange service issued pursuant to the act.

(e) “Provider” means a person, firm, partnership, corporation, or other entity that provides retail basic local exchange service.

(f) “Reclamation” means the process of removing active and non-active telephone numbers from the inventory of a provider that ceases to provide basic local exchange service.

(g) “Segment” means the type of customer, such as business, residential, or interconnecting providers.

(h) “Wholesale provider” means a person, firm, partnership, corporation, or other entity that provides a resale or local wholesale basic local exchange service product to a provider.

(2) A term defined in the act that is not defined in this rule has the same meaning when used in these rules.

R 484.1003 Expiration.

Rule 3. These rules expire 3 years after the effective date of the rules. The commission may, before the expiration of the rules, promulgate new rules.

PART 2. RESPONSIBILITIES OF PROVIDERS AND WHOLESALE
PROVIDERS INVOLVED IN A DISCONNECTION DISPUTE

R 484.1004 Attempt at resolution.

Rule 4. In the case of a billing dispute between a provider and a wholesale provider, the parties shall make a good faith effort to work with each other to determine what portion, if any, of the bill for resale or the purchase of a local wholesale product provided by the wholesale provider to the provider is disputed and which portion is undisputed. The wholesale provider and the provider shall work together to resolve the billing dispute and arrange for payment of the undisputed charges, pursuant to the agreement between the wholesale provider and the provider.

R 484.1005 Notification of discontinuance.

Rule 5. (1) When the wholesale provider plans to disconnect a service that will make the provider unable to furnish basic local exchange service to its customers due to a dispute concerning resale or the purchase of a local wholesale product, the wholesale provider shall notify the commission and the provider of this disconnection in writing not less than 45 days after the date of the impending disconnect.

(2) Notice required under subrule (1) of this rule must include, to the extent known by the wholesale provider, but is not limited to, all of the following:

- (a) The name, address, and account number or numbers of the provider.
- (b) The number and segment or segments of customers to be disconnected.
- (c) An indication of whether the wholesale provider is furnishing resale service or a local wholesale product.
- (d) The reason for the disconnection.
- (e) A statement or citation describing where the right to disconnect or deny service is found, such as in an interconnection agreement or other contract.
- (f) If the dispute is related to billing and charges, an estimate of the charges owed and amounts of those charges that are disputed and undisputed and the amount required to be repaid to avoid disruption of services.
- (g) The date and time, or range of dates and times, when the wholesale provider intends to discontinue the service.

(3) The wholesale provider shall notify the commission as soon as reasonably practicable but no less than 1 business day before the date of the notice required by the provider under subrule (4) of this rule, if the notice to discontinue service to the provider has been modified or withdrawn.

(4) Within 10 business days after receiving notice from the wholesale provider, the provider shall notify all of its affected customers, the governor of this state, and the commission of the discontinuance of service under 47 CFR 63.71 and any other federal rules applicable to discontinuance of basic local exchange service. Notice to the commission must include both of the following:

- (a) A statement of the company's prospective intent for the disposition of its license and any tariffs on file with the commission.

(b) A list of customers being served by the provider that may be affected by the discontinuance of service, including billing name, billing address, and service telephone number. For non-published numbers, only the NPA-NXX must be provided. The list must also identify end users of the provider that are public utilities, governmental agencies, schools, or medical facilities.

(5) If the provider fails to provide the notice under subrule (4) of this rule by the eleventh business day, the commission may post a notice of the discontinuance on its website.

(6) These rules do not relieve a provider from any obligations it has under section 313 of the act, MCL 484.2313.

(7) The provider shall contact the commission to provide periodic updates of the status of the disconnection and transition of its customers as requested by commission staff.

(8) The provider shall return all deposits to customers and apply all appropriate credits to customer accounts associated with the discontinued service within 30 days after the discontinuance of service.

R 484.1006 Notification of transfer of customer base.

Rule 6. (1) A provider that is acquiring all or part of a customer base from another provider shall comply with the transfer of customer base notice requirements as set forth in 47 CFR 64.1120(e) and any other state and federal rules applicable to the transfer of all or part of a customer base. The provider shall submit a copy of this notice to the commission at the same time as it files its application with the Federal Communications Commission.

(2) Notice to the commission must include both of the following:

(a) A statement of the prospective intent for the disposition of the license and any tariff of the company that is transferring its customer base.

(b) The number and segment or segments of customers affected by the transfer.

(3) If the commission considers it necessary to protect the public interest, it may institute a longer period of time for the transition of a customer base to another provider, but not to exceed 60 days in length. The providers shall work together to ensure the transition of the customer base from 1 provider to another.

R 484.1007 Rescinded.

R 484.1008 Rescinded.

R 484.1009 Rescinded.

R 484.1010 Resolution of disputes between providers.

Rule 10. If a provider disputes disconnection by another provider, the providers shall follow the appropriate procedures for resolution as set forth in their interconnection agreement and may apply to the commission for resolution as allowable under the act.

PART 3. CESSATION OF SERVICE TO ANY SEGMENT OF END USERS OR GEOGRAPHIC AREA, WITHDRAWAL OF SERVICE FROM THE STATE, TRANSFER OF CUSTOMERS TO OTHER PROVIDERS

R 484.1011 Notice of discontinuance of service to any segment of end users or geographic area.

Rule 11. A provider of basic local exchange service or toll service that proposes to

discontinue service shall follow the requirements under section 313 of the act, MCL 484.2313. The provider shall electronically file a notice to discontinue service under this section in the commission's electronic docket filing system.

R 484.1012 Notice of discontinuance to the commission under section 313(5)(a) of the act, MCL 484.2313.

Rule 12. (1) Notice to the commission under section 313(5)(a) of the act, MCL 484.2313, must include, but is not limited to, all of the following:

- (a) The proposed date of the discontinuance.
- (b) The geographic area, exchange, or exchanges where the discontinuance will occur.
- (c) A list of alternative providers in the service area that offer comparable voice service with reliable access to 9-1-1 and emergency services through any technology or medium.
- (d) The number and segment or segments of customers that will be affected by the discontinuance.
- (e) The method by which customers or interconnecting providers were notified of the discontinuance, such as by first-class mail, within customer bills, or under the terms of the interconnection agreement.
- (f) The reason for the discontinuance.
- (g) A statement of the provider's prospective intent for the disposition of its license and any tariffs on file with the commission.

(2) An exhibit attached to the notice in subrule (1) of this rule must include, but is not limited to, all of the following:

- (a) A copy of the section 214 of the federal telecommunications act of 1996, 47 USC 214, application filing with the Federal Communications Commission.
- (b) A copy of the newspaper publication notice. The affidavit of publication from the newspaper or newspapers must be filed separately in the docket once publication is complete.
- (c) A copy of the notice provided to customers.
- (d) A copy of the notice provided to interconnecting providers, if applicable, as provided for in section 313 of the act, MCL 484.2313. If not applicable, the provider shall note accordingly in the notice to the commission.

(3) An incumbent local exchange carrier that proposes to discontinue service to a geographic area, exchange, or exchanges, in addition to providing the materials listed in subrule (2)(a) to (d) of this rule, shall provide to the commission a clear and detailed description, including a map of the geographic boundary area to which the discontinuance of service would take place and the segment or segments of customers the proposed discontinuance applies.

(4) A provider that determines certain information in its notice is confidential may file that information with the commission as provided under section 210 of the act, MCL 484.2210.

R 484.1013 Requirements for newspaper, customer and interconnecting provider notices under section 313(5)(a) of the act, MCL 484.2313.

Rule 13. The newspaper, customer, and interconnecting provider notices required under section 313(5)(a) of the act, MCL 484.2313, must include, but are not limited to, all of the following:

- (a) Information for customers to contact the provider.
- (b) The proposed date of the discontinuance.

(c) The geographic area, exchange, or exchanges where the discontinuance will occur.

(d) A list of alternative providers in the service area that offer comparable voice service with reliable access to 9-1-1 and emergency services through any technology or medium.

(e) The MPSC docket number assigned to the notice for the discontinuance of service and a statement that affected customers may file comments requesting that the commission investigate the availability of comparable voice service with reliable access to 9-1-1 and emergency service. The notice must also provide information on how to file comments with the commission. If a provider is unable to furnish the MPSC docket number and investigation statement information in its notices under section 313(5)(a) of the act, MCL 484.2313, the provider shall include the MPSC docket number in its notice under section 313(5)(b) of the act, MCL 484.2313.

R 484.1014 Notice of discontinuance to the commission under section 313(5)(b), MCL 484.2313.

Rule 14. (1) On approval of the application filed with the Federal Communications Commission and not less than 90 days before discontinuing service, the provider proposing to discontinue service shall follow the notice steps in section 313(5)(b) of the act, MCL 484.2313. The notice to the commission filed under section 313(5)(b) of the act, MCL 484.2313, must include, but is not limited to, all of the following:

(a) The proposed date of discontinuance.

(b) The geographic area, exchange, or exchanges where the discontinuance will occur.

(c) A list of alternative providers in the service area that offer comparable voice service with reliable access to 9-1-1 and emergency services through any technology or medium.

(d) The number and segment or segments of remaining customers subject to the discontinuance.

(e) The method by which customers or interconnecting providers were provided the second notice of the discontinuance, such as by first-class mail, within customer bills, or under terms of the interconnection agreement.

(f) Any other relevant information pertaining to the discontinuance, such as additional attempts made at customer outreach outside of the requirements outlined in section 313 of the act, MCL 484.2313.

(2) An exhibit attached to the notice in subrule (1) of this rule must include, but is not limited to, all of the following:

(a) A copy of the Federal Communications Commission public notice showing the grant of approval of the discontinuance.

(b) A copy of the newspaper publication notice. The affidavit of publication from the newspaper or newspapers must be filed separately in the docket once publication is completed.

(c) A copy of the second notice to customers.

(d) A copy of the notice provided to interconnecting providers, if applicable, as provided for in section 313 of the act, MCL 484.2313. If not applicable, the provider shall note accordingly in the notice to the commission.

R 484.1015 Requirements for newspaper, customer and interconnecting provider notices under section 313(5)(b), MCL 484.2313.

Rule 15. The newspaper, customer, and interconnecting provider notices required under section 313(5)(b) of the act, MCL 424.2313, must include, but are not limited to, all of the following:

- (a) Information for customers to contact the provider.
- (b) The proposed date of the discontinuance.
- (c) The geographic area, exchange, or exchanges where the discontinuance will occur.
- (d) A list of alternative providers in the service area that offer comparable voice service with reliable access to 9-1-1 and emergency services through any technology or medium.
- (e) The MPSC docket number assigned to the notice for the discontinuance of service and a statement that affected customers may file comments requesting that the commission investigate the availability of comparable voice service with reliable access to 9-1-1 and emergency service. The notice must also provide direction on how to file comments with the commission.

R 484.1016 Other notice of discontinuance.

Rule 16. For a discontinuance of basic local exchange service that is subject to federal filing and notice requirements, but not subject to the requirements of section 313 of the act, MCL 484.2313, the provider is encouraged to consult with the commission to determine the most appropriate means of notification to customers and the commission.

R 484.1017 Completion of discontinuance.

Rule 17. (1) The provider shall provide periodic updates of the status of the discontinuance and transition of its impacted customers as requested by the commission.

(2) The provider shall return all deposits to customers and apply all appropriate credits to customer accounts associated with the discontinued service within 30 days after the discontinuance.

(3) On completion of the discontinuance of service, the provider shall file a notice in the docket informing the commission of the completion.

R 484.1018 Reclamation of telephone numbers.

Rule 18. (1) Inactive telephone numbers of a provider that ceases to provide service are considered abandoned.

(2) The provider ceasing to provide service shall contact the North American Numbering Plan Administrator, the National Number Pool Administrator, and the National Portability Administration Center regarding the NPA-NXX-Xs affected by the discontinuation of service.

(3) The commission staff shall work with the North American Numbering Plan Administrator, the National Number Pool Administrator, and the National Portability Administration Center to assist in the reclamation of numbering resources.

PART 4. REMEDIES

R 484.1019 Remedies.

Rule 19. Violation of these rules may result in penalties issued under section 601 of the act, MCL 484.2601, including, but not limited to, revocation of a license to provide basic local exchange service.

PROOF OF SERVICE

STATE OF MICHIGAN)

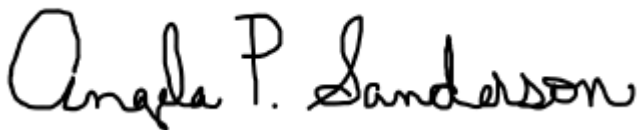
Case No. U-21368

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on September 28, 2023 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 28th day of September 2023.



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

Service List for Case: U-21368

Name	On Behalf of	Email Address
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Sharon Feldman	ALJs - MPSC	feldmans@michigan.gov

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Ace Telephone Company of Michigan, Inc.

ACN Communication Services, LLC

Advanced Integrated Technologies, Inc.

Air Advantage, LLC

Airespring, Inc.

AirNorth Communications, Inc.

Airus, Inc. fka IntelePeer

Allband Communications Cooperative

Alpha Connect, LLC

American Broadband and Telecommunications Company, LLC

Aspire Networks 1 LLC d/b/a Highline Internet

AT&T Corp.

AT&T Michigan

ATI Networks, Inc.

Avalar

Bandwidth.com CLEC, LLC

Baraga Telephone Company

Barry County Telephone Company

BCM One, Inc. f/k/a McGraw Communications, Inc.

BCN Telecom, Inc.

Bell South Long Distance, Inc., d/b/a AT&T

Big River Telephone Company, LLC

Bingham McCutchen LLP

Blanchard Telephone Co.

Bloomingdale Telephone Company, Inc.

Borderland Communications, LLC

Bright House Networks Information Services (Michigan), LLC

Brightspeed Broadband, LLC, dba CenturyLink Broadband

Brightspeed of Central Michigan, Inc., dba CenturyLink

Brightspeed of Michigan, Inc., dba CenturyLink

Brightspeed of Northern Michigan, Inc., dba CenturyLink

Brightspeed of Upper Michigan, Inc., dba CenturyLink

Broadview Networks, Inc.

Broadvox-CLEC, LLC

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BT Communications Sales, LLC

Buckeye Telesystem, Inc.

BullsEye Telecom, Inc.

Call One, Inc.

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Metropolitan Communications

MEI Telecom, Inc.

Mercury Wireless Indiana LLC

Metro FiberNet, LLC

MetroNet-Telecom, Inc.

Metropolitan Telecommunications of Michigan, Inc., dba

MetTel

Michigan Access, Inc.

Michigan Central Broadband Company, LLC

Midway Telephone Company

Midwest Energy Cooperative d/b/a Midwest Energy &

Communications

MiTel NetSolutions

Mobilitie Management, LLC

Neo Network Development Inc.

Neutral Tandem-Michigan, LLC

New Horizons Communications Corp.

NextGen Communications, Inc.

NextGen Communications, Inc.

Nextlink Wireless, Inc.

Nexus Communications

NOS Communications, Inc.

Ogden Telephone Company

Ontonagon County Telephone Company

Onvoy, Inc.

Onvoy, LLC

Osirus Communications, Inc.

PaeTec Communications, LLC

Pearce, Chrissie

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PNG Telecommunications Inc. dba PowerNet Global Communications

Point Broadband Fiber Holding, LLC

PRGi International Carrier Services, Inc.

Quality Telephone, Inc.

QuantumShift Communications, Inc.

Range Corporation

RCLEC, Inc.

Reliant Communications, Inc.

Rockford Telephone Company, Inc.

Sand Creek Telephone Company

Sigecom, LLC, dba WOW! Internet, Cable and Phone

Silas, Gloria

Southwest Michigan Communications, Inc.

Spectrotel, Inc., dba Touch Base Communications, One

Touch Communications

Springport Telephone Company

Sprint Communications Company, L.P.

T2 Communications

Talk America Services, LLC

Talk America, LLC

TC3 Telecom, Inc.

TDS Metrocom, LLC

TDS Telecom/Chatham Telephone Co.

TDS Telecom/Communications Corp. of MI (CCM)

TDS Telecom/Island Telephone Company (MI)

TDS Telecom/Shiawassee Telephone Co.

TDS Telecom/Wolverine Telephone Co.

Technologies Management

TelCove Operations, LLC

Telecom Management, Inc., dba Pioneer Long Distance

Telecom One, Inc. f/k/a TCO Network, Inc.

Teleport Communications America, LLC

Teliax, Inc.

Telnet Worldwide, Inc.

The Deerfield Farmers Telephone Company

TNCI Operating Company, LLC

TNCII.com

Time Warner Cable Information Services (Michigan), LLC,

dba Time Warner Cable II

TouchTone Communications Inc.

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Trans National Comm

Tri-County Electric Cooperative

Trinsic Communications, Inc.

TruComm Corporation

U.S. Metrotel, LLC, dba S7 Digital Communications

U.S. Signal Company, LLC

Uniti Fiber LLC

Upper Peninsula Telephone Company

US Signal Company, L.L.C.

US Xchange of Michigan, L.L.C., d/b/a Earthlink Business I

Utility Network Authority MI, LLC

Velocity, A Managed Services Company, Inc.

Verizon North Inc.

Vero Fiber Networks, LLC

VoxBeam Telecommunications Inc.

Voyant Communications, LLC f/k/a Zayo Enterprise

Networks, LLC

Waldron Telephone Company

Westphalia Broadband, Inc.

Westphalia Telephone Company

Wholesale Carrier Services, Inc.

Wide Voice, LLC

WiMacTel, Inc.

Windstream KDL, LLC

Windstream New Edge, LLC f.k.a. EarthLink Business, LLC

Windstream Norlight LLC

Windstream NTI, LLC

Winn Telephone Company dba Winn Telecom

Xclutel, LLC

XO Communications Services, LLC

Ygnition Networks, Inc.

YMax Communications Corp.

Zayo Group, LLC