

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion,	)	
to establish an updated procedure and format for	)	
filing tariffs with the Commission under the	)	Case No. U-14973
Michigan Telecommunications Act.	)	
_____	)	

At the July 25, 2006 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

PRESENT: Hon. J. Peter Lark, Chairman  
Hon. Laura Chappelle, Commissioner  
Hon. Monica Martinez, Commissioner

**ORDER**

Section 202(b) of the Michigan Telecommunications Act (MTA), MCL 484.2202(b), provides  
that the Commission shall:

Require by order that a provider of a regulated service, including access service,  
make available for public inspection and file with the commission a schedule of  
the provider's rates, services, and conditions of service, including access service  
provided by contract.

MCL 484.2202(b).

On December 22, 1992, the Commission issued an order in Case No. U-10064 that, among  
other things, established the procedure and format for filing tariffs under Section 202 of the MTA.  
Over the ensuing years, revisions were made to the MTA, most recently through Public Act 235 of  
2005. In addition, new technologies have created new ways of filing tariffs. To build on the  
foundation of Case No. U-10064 and to address the most recent legislative and technological

developments, the Commission is now persuaded that it should adopt the changes set forth in Attachment A to this order, which provide a standard for carriers to use in filing tariffs in accordance with Sections 202, 304(1) and 402 of the MTA.

All documents filed in this case shall be submitted electronically through the MPSC Electronic Case Filings Web site at: <https://efile.mpsc.cis.state.mi.us/cgi-bin/efile/login.pl>. Requirements and instructions for filing electronic documents can be found in the Electronic Case Filings Users Manual at: <http://efile.mpsc.cis.state.mi.us/efile/pdfs/usersmanual.pdf>. An application for account and letter of assurance, required of all first-time users, are located at: <http://efile.mpsc.cis.state.mi.us/efile/pdfs/assurance.pdf>. If you require assistance prior to e-filing, contact Commission staff at 517-241-6170 or by e-mail at: [mpscfilecases@michigan.gov](mailto:mpscfilecases@michigan.gov).

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 *et seq.*; 1969 PA 306, as amended, MCL 24.201 *et seq.*; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 *et seq.*
- b. New telecommunication tariff filing procedures should be adopted.

THEREFORE, IT IS ORDERED that within six months of the date of this order, all carriers required to file tariffs with the Commission shall display those tariffs online and adhere to the new electronic filing procedures set forth in Attachment A. Revisions and changes to online tariffs shall be completed by a carrier within two business days of notification of the Commission Staff.

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 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ J. Peter Lark  
Chairman

( S E A L )

/s/ Laura Chappelle  
Commissioner

/s/ Monica Martinez  
Commissioner

By its action of July 25, 2006.

/s/ Mary Jo Kunkle  
Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

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Chairman

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Commissioner

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Commissioner

By its action of July 25, 2006.

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Its Executive Secretary

**Attachment A**  
**Telecommunication Tariff Filing Procedures**  
Michigan Public Service Commission

1. **Scope:** This document describes the tariff filing procedure and format to be followed by providers of telecommunications services under the jurisdiction of the Commission.
  
2. **Definitions:**
  - a. “Commission” – Michigan Public Service Commission
  - b. “FCC” – Federal Communications Commission
  - c. “MTA” – Michigan Telecommunications Act, Act 179 of 1991, as amended.
  - d. “Rate” or “charge” indicates the dollar amount to be paid by a person for a service or other specified item. “Rate” generally refers to the amount for a period of time and “charge” generally refers to the amount for a service or other specified item, which is not repeated on a periodic basis, i.e., a non-recurring charge. The terms are sometimes used synonymously.
  - e. “Tariff” indicates a specific rate, rule, or regulation.
  - f. “Tariff number” indicates a collection of tariff sheets by general common categories as assigned by the Commission. For example, regulated basic local exchange services are shown on a tariff sheet as “Tariff M.P.S.C. No. 1R.”
  - g. “Tariff sheet” indicates a page which includes a rate, rule, or regulation.
  - h. “Advice Letter” refers to the informational correspondence to the Commission, from a telecommunications provider, that a new or updated tariff for regulated services exists. Advice letters must include the website address of the pending tariff.
  - i. “Transmittal Letter” – pursuant to Sec. 202 and 402 of the MTA, providers may file informational copies of unregulated service tariffs with the Commission accompanied by a transmittal letter in the same format as the Advice Letter
  
3. **Tariff Sheets: Filing Instructions**
  - a. Advice Letters and tariff sheets shall be submitted to the Commission in compliance with a Commission order or a pertinent statute. Each tariff sheet must clearly state the effective date of the tariff, with an issuance date at least one day prior to the effective date.
  - b. All Advice Letters and accompanying tariff website addresses are to be filed with the Commission electronically, via e-mail, as a file attachment. The Commission e-mail address is [CommTariff@michigan.gov](mailto:CommTariff@michigan.gov) and will be posted on the Commission’s website or available from staff.
  - c. Upon review and approval of a regulated service tariff submission, an electronically pdf stamped “Filed” electronic copy of the Advice Letter and tariff sheets will be returned to the provider via email.
  - d. Unregulated services Transmittal Letters and tariff sheets will be pdf stamped “Received” and returned to the provider via email.
  - e. Carriers have two options for filing toll access tariffs with the MPSC:
    - 1) A carrier may file an intrastate toll access tariff that mirrors its FCC filing, filing the interstate access tariff and consequently, any revisions, additions,

exceptions, or supplements to that tariff. The Advice Letter must be filed to ensure that the effective date of the new intrastate rate is within 10 days of the interstate effective date. This tariff must be updated any time changes impacting Michigan are made to the federal toll access tariff.

2) A carrier may submit a filing indicating the company is mirroring the FCC filing and then list all exceptions to the federal tariff. An explanation for any exception to the interstate access tariff should be included in this filing. An Advice Letter informing the MPSC of any changes or updates to the federal toll access tariff is required one day in advance of the federal effective date. Such changes will be considered to be effective the same day as the FCC filing.

4. **Advice Letter: Content** (See Figure 1: Example Advice Letter)

- a. A separate Advice Letter shall accompany each filing.
- b. All of the following items shall appear on each Advice Letter in the manner shown in Figure 1:
  - Name and address of provider,
  - Date of Advice Letter,
  - The authority (docket number and date of Commission order or the relevant statute, if no order was issued) for each tariff filing,
  - Tariff Number, Tariff Part, Tariff Section, and Tariff Sheet(s) that are changing or being cancelled,
  - Each change or cancellation should be accompanied by a brief explanation,
  - Internet site address where tariff is located, (Note: any URL changes resulting in a broken link must be reported to the MPSC contact person within 24 hours of such change.)
  - Issue date and effective date of change or cancellation,
  - Issuing officer.

**Figure 1** (*Advice Letter Example*)

Company Name  
Company Address

Current Date

**Via Email:** [commtariff@michigan.gov](mailto:commtariff@michigan.gov)

Division Director  
Telecommunications Division  
Michigan Public Service Commission  
P.O. Box 30221  
Lansing MI 48909

Re: Change in Tariff

Tariff M.P.S.C. No. \_\_\_\_\_ Part, Section, and Sheets Changing \_\_\_\_\_

Brief Explanation for Changes

Website Address

Issuing Agent  
Title of Issuing Agent  
Mailing Address of Issuing Agent

5. **Tariff Sheet: Content (See Figures 2 & 3: Example Tariff Sheets below)**

- a. Tariff sheets shall be available for Commission review in a pending file on a website held either by individual providers, or by an authorized agent, until the stamped Advice Letter is returned to the provider or their agent.
- b. All of the following items shall appear on each tariff sheet in the manner shown in Figure 2:
  1. Provider name.
  2. Tariff number with either an “R” or “U” to indicate that the tariff is either regulated (R) or unregulated (U).
  3. Sheet number, in addition to the original or revision number.
  4. Canceled sheet number(s).
  5. Service category.
  6. Service type.
  7. Authority: shall be shown on all tariff sheets which contain rules, regulations, rates, terms, or conditions of service. Authority does not generally appear on other sheets such as the preface or subject index pages. The citation will refer to either a case number and order or the relevant statute.
  8. Effective date.
  9. Issuance date.
  10. Name, title, legal address (location), email and telephone number of issuing provider officer.
  11. Type of revision. To indicate the nature and extent of a revision, the following are preferred symbols:
    - (C) Changed regulation or change in text,
    - (D) Discontinued rate, treatment or regulation,
    - (I) Increased rate or new treatment resulting in an increased rate,
    - (M) Moved
    - (N) New rate, treatment or regulation,
    - (R) Reduced rate or new treatment resulting in a reduced rate.
- Within 24 hours after the effective date of a tariff filing, the revised tariff must be available on the provider’s active tariff web page, as reflected in the Advice Letter.

Pending tariff filings must be maintained in a separate pending/filed area on the provider’s website and available for review by Commission staff via a website link until the stamped Advice Letter is returned to the provider.



**Figure 2** (Example of Regulated Tariff Sheet: Primary Basic Local Exchange Service, “PBLES”)

**XYZ Telecom, LLC**  
 Tariff M. P.S.C. No. 1R

Section 3 – 1<sup>st</sup> Revised Page 9  
 Replacing Original Page 9

### **3.7 Basic Local Exchange Service**

#### **3.7.1 Business Essential Package**

Business Essential Package provides a customer with all the features of basic local exchange service set forth above, provided over a single, voice-grade telephonic communications channel which can be used to place or receive one call at a time. Business Essential Package includes unlimited local calling. See Section 4.1 for rates.

#### **3.7.2 Primary Basic Local Exchange Service (N)**

Pursuant to MCL 484.2304, as amended, and the Michigan Public Service Commission’s December 20, 2005 order in Case No. U-14731, the Company’s Primary Basic Local Exchange Service is available to residential customers only for voice telecommunications services for the maximum of 12,000 outgoing minutes per month. The Primary Basic Local Exchange Service includes the following services and features:

- Access to local dial tone
- Access to E911, operator and directory services
- 100 outgoing local calls per month up to 12,000 minutes per month
- Unlimited incoming local calls

A person with disabilities or who is voluntarily providing a service for an organization classified by the internal revenue service as a section 501(c) (3) or (19) organization, or a person who provides service for a congressionally chartered veterans organization or their duly authorized foundations, is exempt from the 100 calls per month limitation.

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Issued Under Authority of PA 235 of 2005 and Commission’s December 20, 2005 Order in Case No. U-14731  
 (Note: *PBLES sheet authority lines MUST refer to this case – all other sheets refer back to carrier’s licensing case.*)  
 ISSUED: March 17, 2006 EFFECTIVE: April 1, 2006

ISSUED BY: Joseph Smith, CEO  
 100 First Street  
 Smithville, MI 44444  
 (800) 555-1234

**Figure 3** (*Example Unregulated Tariff Sheet*)

**XYZ Telecom, LLC**  
Tariff M. P.S.C. No. 1U

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Replacing 2<sup>nd</sup> Revised Page 22

## **SECTION 4 – RATES AND CHARGES SECTION**

### **4.1 Service Charges**

#### **4.1.1 Service Ordering Charge - Multi Element Charges**

(A) Primary - For connecting new or additional Access lines.

##### Nonrecurring Charge

Residence, per service order	\$ 42.00
Business, per service order	\$ 42.00

(B) Secondary - For moving or changing existing service or adding new or additional service other than Access lines.

Residence, per service order	\$ 30.50
Business, per service order	\$ 30.50

(C) Record - For record type orders affecting directory listings.

Residence, per service order	\$ 5.00
Business, per service order	\$ 5.00

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Issued Under Authority of MPSC Order dated March 13, 2002 in Case No. U-(Carrier's Licensing Case)  
ISSUED: February 14, 2006 EFFECTIVE: February 15, 2006

ISSUED BY: Joseph Smith, CEO  
100 First Street  
Smithville, MI 44444  
(800) 555-1234

6. **Tariffs** shall include all of the following:

- a. Preface
- b. Index of cities, incorporated villages, and townships listed by exchange and county. (Required for providers of basic local exchange service only.)
- c. For each tariff number required, there shall be all of the following:
  - Title sheet
  - Table of contents checklist
  - Subject index
  - General rules and regulations applicable to the tariff number
  - Specific rates, terms, services and conditions, and availability, as appropriate
- d. Local Calling Area List (required for basic local exchange service)
- e. Maps and legal descriptions as described in 8 h.

7. **Tariffs Changes:**

- a. **Company Ownership:** When a change in company ownership or structure takes place that does not require Commission approval, i.e. no licensing changes, a company may “adopt” the tariff of the prior entity. This may be done through a letter to the Telecommunications Division explaining the circumstances and stating a desire to assume the existing tariff. Within 90 days, the acquiring company shall post an updated tariff reflecting the name change, on its web site.
- b. **Discontinuance of Service:** Per Section 313 of the MTA, a “...provider that provides either basic local exchange or toll service, or both, may not discontinue either service or an exchange unless 1 or more alternative telecommunication providers are furnishing the same telecommunication service to the customers in the exchange.”

A provider proposing to discontinue service shall file a notice with the MPSC, publish a notice in a newspaper with general circulation within that exchange and provide reasonable notice as determined by the MPSC.

- c. **“Grandfathering” Customer Base:** When a provider sells assets, including its customer base to another provider, a letter must be filed with the Commission outlining the transfer process. To avoid the perception of “slamming”, the new carrier must inform current customers of the change in ownership and the customers’ right to change carriers.

## 8. Individual Tariff Sheets: Description and Requirements

- a. The title sheet of the preface shall be Sheet No. 1 and shall adequately identify the tariff numbers and titles as the tariffs filed by the provider with the Commission for the provision of telecommunication services.
- b. The title sheet in each tariff number shall be Sheet No. 1, including the title of the tariff number.
- c. Preface Sheets: shall contain a general subject index for all tariff items.
- d. Table of Contents: each sheet of the tariff shall be listed by sheet number, including the revision number and the effective date, in a table of contents checklist. The table of contents checklist shall be revised when revisions are made in the tariff sheets. The checklist shall be supplemented by a topical or subject index to facilitate the use of the tariff.
- e. Regulations: include all rules, regulations, services, classifications, exceptions, and conditions made or observed relative to the service furnished that are general and apply to all, or many, of the tariff schedules or exchange areas served.

Regulations shall be lettered, or numbered, and titled so that the regulations can be conveniently referred to. If a general regulation does not apply to a particular tariff, that fact should be clearly stated.

- f. Technical terms and abbreviations: full and concise information shall be given as to the meaning of all technical and special terms and abbreviations and all reference marks used in the rules and regulations or rate schedules.
- g. Rates: all rates shall be placed in, and made a part of, the tariff. (Note: Primary Basic Local Exchange Service is the only service that is rate-regulated by the Commission.)
- h. Local service rates and exchange areas shall be in compliance with the following provisions:
  - Applications of and exceptions to general rules, regulations, and rates should be clearly stated.
  - Local service rates for all exchange areas, or their equivalent, shall be clearly stated.
  - Maps and legal descriptions may mirror those of the incumbent local exchange carrier (ILEC) in order to define service territory. Providers mirroring must identify the company they are mirroring and list each exchange for which it will offer service (example: Akron Exchange of AT&T.)
  - Any future changes to ILEC maps and legal descriptions mirrored by the

provider will be automatically deemed to be changes to the service territory of the provider unless new detailed maps and legal description tariffs reflecting the different boundaries are filed and approved by the Commission. Basic local exchange services, terms, and conditions cannot be mirrored unless specifically allowed by state or federal law.

- An initial tariff filing from either a newly licensed ILEC or CLEC which provides basic local telephone exchange service must be on file with the MPSC. The initial tariff may contain only the geographic territories it serves, rather than the entire area within which it is licensed to provide service. However, when the ILEC or CLEC expands, the tariff must be updated to reflect any geographic changes.
  - Miscellaneous local rates and services, if not shown in, or if they differ from, the general rates and services which are otherwise applicable.
- i. Per Section 310(5) of the MTA, tariffs pertaining to intrastate contractual arrangements for access services should, at a minimum, replicate the contractual information required by the FCC and must include the services, rates, terms, conditions, and duration of the contract. Contracts must be available for review at the request of the Commission.
  - j. The use of footnotes should be kept to a minimum. Footnotes are to be informational in nature only and should not be considered to govern the terms of tariff administration or application.
  - k. Effective as of the date of this Order, all carriers shall be required to post on their web site, within 48 hours, historical information related to tariff changes.