



State of Michigan
John Engler, Governor

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Public Service Commission

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

6545 Mercantile Way
P.O. Box 30221
Lansing, MI 48909-7721

Commissioners

John G. Strand
David A. Svanda
Robert B. Nelson

September 25, 2000

Magalie Roman Salas
FCC Secretary
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W., TW-A325
Washington, D.C. 20554

RE: CC Docket No. 94-129

Dear Ms. Salas:

Pursuant to the procedures established in the FCC's First Order On Reconsideration in CC Docket No. 94-129, released on May 3, 2000 (the May 3 order), the Michigan Public Service Commission (MPSC) is electing to take primary responsibility for resolving Michigan customers' slamming complaints as of the effective date of the FCC's modified unauthorized carrier change rules. The information required to be included in the state notification by 47 C.F.R. § 64.1110(a) and ¶ 29 of the May 3 order is provided below:

Complaint Process

Method of Filing: Consumers may contact the MPSC regarding their slamming complaints by letter, fax, online electronic complaint form, or telephone call to the MPSC.

Location of Filing:

Mailing address: Michigan Public Service Commission
6545 Mercantile Way
P.O. Box 30221
Lansing, MI 48909

Toll-free consumer complaints phone number: 1-800-292-9555

Fax phone number: 1-517-241-6217

Online complaint form: <http://www.cis.state.mi.us/mpsc/comm/comcomplaint.htm>

Filing Fees: None.

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List A B C D E

Documentation Consumer Must Provide: MPSC Staff will request a copy of the page of the telephone bill that contains the alleged unauthorized carrier's charges. An investigator will contact the alleged unauthorized carrier and request proof that, prior to initiating the switch of that customer, the carrier obtained a valid authorization from the customer. The investigator will also request any information in the possession of the carrier that actually implemented the disputed change order (if that carrier is different than the alleged unauthorized carrier) relating to the customer's change in service.

Procedure:

Informal Complaint Resolution -- The alleged unauthorized carrier is required to respond to the complaint investigator within 10 business days. The MPSC will enforce the FCC's rules that require a carrier to remove all unpaid charges from a subscriber's bill pending a determination of whether an unauthorized change has occurred, if the carrier has not already done so. Upon receipt of the carrier's proof of authorization, typically either in the form of a tape-recorded third-party verification or a letter of agency (LOA), the investigator listens to the tape or reads the LOA in order to determine if the verification complies with state law and the MPSC's anti-slamming procedures. (Note: the verification requirements set forth in the MPSC's anti-slamming procedures meet or exceed the requirements of the FCC's rules.) Any evidence supplied by the consumer or by the carrier that implemented the change is also taken into account. If the investigator determines that the verification provided by the alleged unauthorized carrier complies with the MPSC's procedures and state law, the customer is notified that the MPSC Staff found no slam to have occurred. If the investigator determines that the verification was inadequate, then the alleged unauthorized carrier and the customer are informed that a slam did occur and, in accordance with 47 U.S.C. § 258(b), both the federal and state remedies would apply. If the alleged unauthorized carrier fails to provide proof of authorization or does not respond to the complaint at all, the investigator will determine that a slam did occur and notify both the carrier and the customer of that determination.

Formal Complaint Resolution -- If the customer is not satisfied with the results of the informal process, a formal written complaint may be filed. (A "formal complaint packet"--which includes a fill-in-the-blank complaint form, among other things--can be obtained from the MPSC free of charge.) If the total of all damages requested in the complaint is \$1,000 or less, the parties will have 20 days to reach a voluntary resolution before the dispute is set for mediation. Should all attempts at voluntary resolution and mediation fail, or should the damages sought by the customer exceed \$1,000, a contested case proceeding will take place pursuant to the MPSC's rules of practice and procedure (a copy of which is also included in the "formal complaint package"). All such contested case proceedings should be completed and the MPSC's final order issued within 180 days of the complaint's filing. However, emergency relief may be available prior to that order's issuance. Appeals from the MPSC's orders must be made directly to the Michigan Court of Appeals.

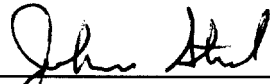
FCC-State Coordination

Reporting: The MPSC's service quality staff enters each slamming complaint that it investigates (whether formal or informal) into its electronic complaints database. In order to facilitate joint FCC/MPSC enforcement activities, and in accordance with ¶ 34 of the May 3 order, the MPSC agrees to regularly file information with the FCC that details all slamming activity in Michigan.

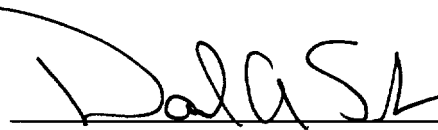
Coordination: The primary contact for use by the FCC to coordinate FCC complaint referrals and State-action reporting is Tom Lonergan, Director of the MPSC's Communications Division. Mr. Lonergan can be reached at: 1-517-241-6208 (phone), 1-517-241-6217 (fax), or by e-mail at thomas.r.lonergan@cis.state.mi.us.

The MPSC appreciates the FCC's decision to allow it to take primary responsibility for resolving customers' slamming complaints. We look forward to working with the FCC to eradicate slamming altogether.

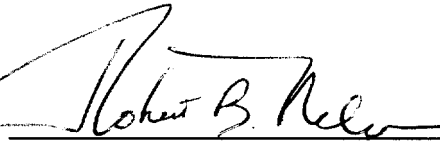
Sincerely,



John G. Strand, Chairman



David A. Svanda, Commissioner



Robert B. Nelson, Commissioner

Enclosures

cc: FCC Consumer Information Bureau Chief