

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of the)	
Application of)	
VCI Company)	WC Docket No. 08-251
To Discontinue Domestic)	
Telecommunications Services)	
Not Automatically Granted.)	

**Further Comments of the
Michigan Public Service Commission**

Introduction

The Michigan Public Service Commission (MPSC) submits these comments in response to the Federal Communications Commission (FCC) Public Notice released on January 21, 2009 requesting further comment on the Application of VCI¹ Company to Discontinue Domestic Telecommunications Services.² This application was not automatically granted and therefore the FCC has asked for comments. The FCC has requested further information due to concerns raised by the Wyoming PUC. Specifically, the FCC has asked for comment on the existence and status of VCI's customers impacted by VCI's proposed discontinuance as well as the status of VCI's customers in Wyoming and other affected states at the time of VCI's filing for authority to discontinue service and throughout this proceeding. Additionally, the FCC has asked for comment regarding any alternative discontinuance date that would be reasonable and in the public interest,

¹ In Michigan, VCI operates under the assumed name Vilaire Communications.

² http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-139A1.pdf

taking into consideration the concerns on the record and VCI's claim that it intends to exit the telecom industry because the recession has negatively affected its business.

Discussion

On November 12, 2008, the MPSC received an application entitled Vilaire Communications' Notice of Intention to Discontinue Basic Local Exchange Service Throughout its Licensed Michigan Service Areas and to Relinquish Eligible Telecommunications Carrier ("ETC") Designation.³ VCI has stated in the application that, "As of the date of filing this Notice, Vilaire has no customers in Michigan. Because Vilaire has no customers, Michigan consumers will not suffer loss of intrastate services, no customer migration issues arise, and no telecommunications providers are adversely affected as a result of the company's discontinuance of service."⁴ Due to VCI's assertion that it has no customers, the company goes on to request a waiver of the customer notice requirements for discontinuance of service established in Section 313(2) of the Michigan Telecommunications Act.⁵

Since the filing of the November 12 application, the MPSC has made several attempts to contact VCI to inquire as to how VCI disposed of its customers, to no avail.

Because VCI failed to respond to requests for information, the MPSC does not currently

³ Application can be found on the MPSC website at: <http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=14634&submit.x=0&submit.y=0>. This Application is currently pending before the MPSC.

⁴ MPSC application, pg. 2.

⁵ <http://www.dleg.state.mi.us/mpsc/comm/telecom/pa179.pdf>. Section 313(2) requires that a carrier proposing to discontinue a regulated service to an exchange file a notice of the discontinuance with the MPSC and publish the notice in a newspaper of general circulation within the exchange and provide other reasonable notice as required by the commission. Section 313(3) allows a person or other telecommunication provider affected by the discontinuance of service to apply to the commission within 30 days of the date of publication to determine if the discontinuance is authorized.

know how the VCI customers in Michigan were disposed of and if VCI's noticing obligations to its customers have been met. If a formal complaint is filed by any VCI customer, the MPSC will investigate any claims to the contrary. Information from the Universal Service Administrative Company (USAC) shows that as recently as November 2008, VCI was to receive low income disbursement for its Michigan customers for October 2008.⁶

To comment further, the MPSC believes any alternative discontinuance date that would be reasonable and in the public interest would occur after VCI has properly noticed any remaining customers that it may currently be providing service to, in accordance with the appropriate state and federal noticing provisions required for a carrier to discontinue its service. Additionally, while there are alternative providers in the territory that VCI intends to exit from in Michigan, including incumbent provider AT&T Michigan, and while the MPSC certainly recognizes the hardship that these tough economic times have brought to our state, it should not alleviate VCI's obligation to provide its customers proper notice that it will no longer provide them telecommunication service, including basic local exchange service.

Conclusion

The MPSC appreciates the opportunity to further comment on VCI's application. Although the MPSC does not believe that the FCC should deny VCI's request to discontinue service, it should take into consideration the concerns expressed by the MPSC regarding the uncertainty of proper notice by VCI to its customers of its

⁶ USAC search link: www.usac.org/li/tools/disbursements/results.aspx

discontinuance of service and assure that VCI has not unilaterally disconnected its customers without following proper state and federal noticing requirements.

Respectfully Submitted,

MICHIGAN PUBLIC SERVICE COMMISSION

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