



HOUSE BILL No. 5484

April 20 1994 Introduced by Rep Jacobetti and referred to the Committee on Public Utilities

A bill to amend sections 102 and 207a of Act No 179 of the Public Acts of 1991, entitled
Michigan telecommunications act,
being sections 484 2102 and 484 2207a of the Michigan Compiled Laws and to add sections 317 and 318

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 102 and 207a of Act No 179 of the
2 Public Acts of 1991, being sections 484 2102 and 484 2207a of the
3 Michigan Compiled Laws are amended and sections 317 and 318 are
4 added to read as follows

5 Sec 102 As used in this act

6 (a) Access means the provision of access to a local
7 exchange network for the purpose of enabling a provider to
8 originate or terminate telecommunications service within the
9 exchange

1 (b) Basic local exchange service means the provision of an
2 access line and usage within a local calling area for the trans-
3 mission of high-quality 2-way interactive switched voice or data
4 communication

5 (c) 'Commission' means the Michigan public service
6 commission

7 (d) 'Contested case or case means a proceeding as defined
8 in section 3 of the administrative procedures act of 1969, Act
9 No 306 of the Public Acts of 1969, being section 24 203 of the
10 Michigan Compiled Laws

11 (e) Educational institution means a public educational
12 institution or a private non-profit educational institution
13 approved by the department of education in this state authorized
14 to provide a program of primary secondary or higher education
15 or a nonprofit association or consortium whose primary purpose is
16 education A nonprofit association or consortium under this sub-
17 division shall consist of 2 or more of the following

18 (i) Public educational institutions

19 (ii) Nonprofit educational institutions approved by the
20 department of education

21 (iii) The state board of education

22 (iv) Telecommunication providers

23 (v) A nonprofit association of educational institutions or
24 consortium of educational institutions

25 (f) Exchange' means 1 or more contiguous central offices
26 and all associated facilities within a geographical area in which

1 local exchange telecommunications services are offered by a
2 provider

3 (g) Handicapper means a person who has 1 or more of the
4 following physical characteristics

5 (i) Blindness

6 (ii) Inability to ambulate more than 200 feet without having
7 to stop and rest during any time of the year

8 (iii) Loss of use of 1 or both legs or feet

9 (iv) Inability to ambulate without the prolonged use of a
10 wheelchair, walker, crutches braces, or other device required to
11 aid mobility

12 (v) A lung disease from which the person's expiratory volume
13 for 1 second when measured by spirometry, is less than 1 liter
14 or from which the person's arterial oxygen tension is less than
15 60 mm/hg of room air at rest

16 (vi) A cardiovascular disease from which the person measures
17 between 3 and 4 on the New York heart classification scale or
18 from which a marked limitation of physical activity causes
19 fatigue palpitation dyspnea or anginal pain

20 (vii) Other diagnosed disease or disorder including, but not
21 limited to, severe arthritis or a neurological or orthopedic
22 impairment that creates a severe mobility limitation

23 (h) 'Information services or enhanced services means the
24 offering of a capability for generating acquiring, storing,
25 transforming, processing, retrieving, utilizing, or making avail-
26 able information that is conveyed by telecommunications
27 Information or enhanced services does not include the use of such

1 capability for the management control, or operation of a
2 telecommunications system or the management of a telecommunica-
3 tions service

4 (i) 'LATA' means the local access and transport area as
5 defined in United States v American Telephone and Telegraph Co
6 569 F Supp 990 (D D C 1983)

7 (j) License means a license issued pursuant to this act or
8 a certificate of convenience and necessity issued or other
9 authority granted, to a provider before January 1, 1992

10 (k) 'Line or access line" means the medium over which a
11 telecommunication user connects into the local exchange

12 (l) Local calling area means a geographic area encompass-
13 ing 1 or more local communities as described in maps tariffs or
14 rate schedules filed with and approved by the commission

15 (m) Local directory assistance means the provision by
16 telephone of a listed telephone number within the caller's area
17 code

18 (n) 'Local exchange rate means the monthly rate including
19 all necessary and attendant charges imposed for basic local
20 exchange service to customers

21 (O) OPERATOR SERVICES MEANS A TELECOMMUNICATION SERVICE
22 THAT INCLUDES ANY AUTOMATIC OR LIVE ASSISTANCE TO A CONSUMER TO
23 ARRANGE FOR BILLING OR COMPLETION OF A TELEPHONE CALL BETWEEN
24 POINTS WITHIN THIS STATE THAT ARE SPECIFIED BY THE USER THROUGH A
25 METHOD OTHER THAN 1 OF THE FOLLOWING

26 (1) AUTOMATIC COMPLETION WITH BILLING TO THE TELEPHONE FROM
27 WHICH THE CALL ORIGINATED

1 (ii) COMPLETION THROUGH AN ACCESS CODE OR A PROPRIETARY
2 ACCOUNT NUMBER USED BY THE CONSUMER WITH BILLING TO AN ACCOUNT
3 PREVIOUSLY ESTABLISHED WITH THE CARRIER BY THE CONSUMER

4 (iii) COMPLETION IN ASSOCIATION WITH DIRECTORY ASSISTANCE
5 SERVICES

6 (P) PAY TELEPHONE SERVICE MEANS A PUBLIC SEMIPUBLIC OR
7 CUSTOMER OWNED TELEPHONE AVAILABLE TO THE PUBLIC AND IS ACCESSED
8 BY COIN, CASH, CREDIT CARD, OR ANY OTHER METHOD OF PAYMENT THAT
9 IS ARRANGED AT THE TIME THE CALL IS MADE

10 (Q) ~~(o)~~ 'Person means an individual corporation, part-
11 nership, association, governmental entity, or any other legal
12 entity

13 (R) ~~(p)~~ Reasonable rate or just and reasonable rate
14 means a rate that is not inadequate, excessive or discriminatory
15 as determined by the commission

16 (S) ~~(q)~~ "Residential customer means a person to whom
17 telecommunication services are furnished predominantly for per-
18 sonal or domestic purposes at the person s dwelling

19 (T) ~~(r)~~ "Special access' means the provision of access,
20 other than switched access to a local exchange network for the
21 purpose of enabling a provider to originate or terminate telecom-
22 munication service within the exchange including the use of
23 local private lines

24 (U) ~~(s)~~ Telecommunication provider' or provider' means a
25 person who for compensation provides telecommunication services
26 or 1 or more of the unregulated services described in section
27 401

1 (V) ~~(t)~~ Telecommunication services includes regulated
2 and unregulated services offered to customers for the transmis-
3 sion of 2-way interactive communication and associated usage

4 (W) ~~(u)~~ "Toll service" means the transmission of 2-way
5 interactive switched communication between local calling areas
6 Toll service does not include individually negotiated contracts
7 for similar telecommunication services or wide area telecommuni-
8 cations service

9 (X) ~~(v)~~ Wide area telecommunications service or 'WATS
10 means the transmission of 2-way interactive switched communica-
11 tion over a dedicated access line

12 Sec 207a Within 90 days of the effective date of this act
13 and after receiving public comment, the commission shall deter-
14 mine whether ~~coin-operated~~ PAY telephones direct-inward dial-
15 ing, and touch-tone service are essential to the public health
16 safety or general welfare and should be regulated under this
17 act

18 G OPERATOR SERVICES

19 SEC 317 THE COMMISSION SHALL ADOPT AND ENFORCE OPERATING
20 REQUIREMENTS FOR THE PROVISION OF OPERATOR SERVICES THESE
21 REQUIREMENTS SHALL INCLUDE, BUT ARE NOT LIMITED TO THE
22 FOLLOWING

23 (A) ORAL AND WRITTEN NOTIFICATION OF THE IDENTITY OF THE
24 OPERATOR SERVICE PROVIDER AND THE AVAILABILITY OF INFORMATION
25 REGARDING OPERATOR SERVICE PROVIDER RATES, COLLECTION METHODS
26 AND COMPLAINT RESOLUTION METHODS

1 (B) RESTRICTIONS ON BILLING AND CHARGES FOR OPERATOR
2 SERVICES

3 (C) RESTRICTIONS ON CALL SPLASHING AS THAT TERM IS DEFINED
4 IN 47 C F R 64 708

5 (D) ACCESS TO OTHER TELECOMMUNICATIONS CARRIERS

6 (E) THE APPROPRIATE ROUTING AND HANDLING OF EMERGENCY CALLS
7 H PAY TELEPHONE SERVICE

8 SEC 318 (1) A PERSON SHALL NOT PROVIDE PAY TELEPHONE
9 SERVICE IN THIS STATE WITHOUT FIRST REGISTERING WITH THE
10 COMMISSION THE REGISTRATION SHALL INCLUDE THE FOLLOWING
11 INFORMATION

12 (A) THE NAME OF THE PROVIDER

13 (B) THE ADDRESS OF THE PROVIDER S PRINCIPAL OFFICE

14 (C) IF THE PROVIDER IS NOT LOCATED IN THIS STATE THE
15 ADDRESS OF THE REGISTERED OFFICE AND THE NAME OF THE REGISTERED
16 AGENT AUTHORIZED TO RECEIVE SERVICE OF PROCESS IN THIS STATE

17 (D) THE LOCATION OF ALL PAY TELEPHONES OF THE PROVIDER

18 (E) ANY OTHER INFORMATION THAT THE COMMISSION MAY REQUIRE

19 (2) THE REGISTRATION SHALL BE ACCOMPANIED WITH A REGISTRA-
20 TION FEE OF \$100 00

21 (3) THE REGISTRATION IS EFFECTIVE IMMEDIATELY UPON FILING
22 WITH THE COMMISSION AND THE PAYMENT OF THE REGISTRATION FEE AND
23 SHALL REMAIN IN EFFECT FOR 1 YEAR FROM ITS EFFECTIVE DATE

24 (4) A REGISTRATION MAY BE RENEWED FOR 1 YEAR BY FILING WITH
25 THE COMMISSION A RENEWAL REGISTRATION ON A FORM PROVIDED BY THE
26 COMMISSION AND THE PAYMENT OF A RENEWAL FEE OF \$100 00

1 (5) THE COMMISSION SHALL CREATE A 1-800 TOLL-FREE NUMBER
2 THAT CAN BE DIALED TO REPORT TO THE COMMISSION A PAY TELEPHONE
3 THAT IS INOPERATIVE THE 1-800 NUMBER SHALL BE CONSPICUOUSLY
4 POSTED ON OR NEAR EACH PAY TELEPHONE OF THE PROVIDER

5 (6) IF THE COMMISSION RECEIVES A REPORT PURSUANT TO
6 SUBSECTION (5), IT SHALL IMMEDIATELY NOTIFY THE REGISTERED PRO-
7 VIDER OF THE INOPERATIVE PAY TELEPHONE

8 (7) THE PROVIDER OF A PRIVATELY OWNED PAY TELEPHONE SHALL
9 POST IN A CONSPICUOUS LOCATION ON OR NEAR THE PAY TELEPHONE THE
10 RATES AND CHARGES ASSOCIATED WITH THE USE OF THE PAY TELEPHONE

11 (8) IN ADDITION TO ANY OTHER PENALTY PROVIDED FOR IN THIS
12 ACT A PERSON WHO SUFFERS DAMAGES DUE TO A VIOLATION OF THIS SEC-
13 TION MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION TO
14 RECOVER ACTUAL DAMAGES OR \$250 00, WHICHEVER IS GREATER, ALONG
15 WITH REASONABLE ATTORNEY FEES