



HOUSE BILL No. 5487

April 21 1994 Introduced by Reps Gustafson Jondahl Vorva Crissman Rhead
Kukuk Bullard Dolan and Whyman and referred to the Committee on Public Utilities /

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 102 of Act No 179 of the Public Acts of
2 1991, being section 484 2102 of the Michigan Compiled Laws, is
3 amended and section 317 is added to read as follows

4 Sec 102 As used in this act

5 (a) 'Access' means the provision of access to a local
6 exchange network for the purpose of enabling a provider to origi-
7 nate or terminate telecommunications service within the
8 exchange

1 (B) ALTERNATIVE OPERATOR SERVICE OR AOS MEANS AN
 2 OPERATOR SERVICE THAT IS SEPARATE FROM THE OPERATOR SERVICE
 3 PROVIDED BY A REGULATED LOCAL EXCHANGE OR TOLL CARRIER

4 (C) ~~(b)~~ 'Basic local exchange service' means the provision
 5 of an access line and usage within a local calling area for the
 6 transmission of high-quality 2-way interactive switched voice or
 7 data communication

8 (D) ~~(c)~~ Commission means the Michigan public service
 9 commission

10 (E) ~~(d)~~ 'Contested case' or 'case' means a proceeding as
 11 defined in section 3 of the administrative procedures act of
 12 1969, Act No 306 of the Public Acts of 1969, being section
 13 24 203 of the Michigan Compiled Laws

14 (F) ~~(e)~~ 'Educational institution' means a public educa-
 15 tional institution or a private non-profit educational institu-
 16 tion approved by the department of education in this state autho-
 17 rized to provide a program of primary, secondary, or higher edu-
 18 cation or a nonprofit association or consortium whose primary
 19 purpose is education A nonprofit association or consortium
 20 under this subdivision shall consist of 2 or more of the
 21 following

22 (i) Public educational institutions

23 (ii) Nonprofit educational institutions approved by the
 24 department of education

25 (iii) The state board of education

26 (iv) Telecommunication providers

1 (v) A nonprofit association of educational institutions or
2 consortium of educational institutions

3 (G) ~~(f)~~ 'Exchange' means 1 or more contiguous central
4 offices and all associated facilities within a geographical area
5 in which local exchange telecommunications services are offered
6 by a provider

7 (H) ~~(g)~~ "Handicapper" means a person who has 1 or more of
8 the following physical characteristics

9 (i) Blindness

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

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

13 (iv) Inability to ambulate without the prolonged use of a
14 wheelchair, walker, crutches, braces, or other device required to
15 aid mobility

16 (v) A lung disease from which the person's expiratory volume
17 for 1 second, when measured by spirometry, is less than 1 liter,
18 or from which the person's arterial oxygen tension is less than
19 60 mm/hg of room air at rest

20 (vi) A cardiovascular disease from which the person measures
21 between 3 and 4 on the New York heart classification scale or
22 from which a marked limitation of physical activity causes
23 fatigue, palpitation, dyspnea, or anginal pain

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

1 (I) ~~(h)~~ Information services or enhanced services
2 means the offering of a capability for generating, acquiring
3 storing, transforming, processing, retrieving, utilizing, or
4 making available information that is conveyed by
5 telecommunications Information or enhanced services does not
6 include the use of such capability for the management control
7 or operation of a telecommunications system or the management of
8 a telecommunications service

9 (J) ~~(i)~~ LATA' means the local access and transport area
10 as defined in United States v American Telephone and Telegraph
11 Co , 569 F Supp 990 (D D C 1983)

12 (K) ~~(j)~~ License means a license issued pursuant to this
13 act or a certificate of convenience and necessity issued, or
14 other authority granted to a provider before January 1 1992

15 (L) ~~(k)~~ Line or access line means the medium over
16 which a telecommunication user connects into the local exchange

17 (M) ~~(l)~~ Local calling area means a geographic area
18 encompassing 1 or more local communities as described in maps
19 tariffs or rate schedules filed with and approved by the
20 commission

21 (N) ~~(m)~~ Local directory assistance means the provision
22 by telephone of a listed telephone number within the caller s
23 area code

24 (O) ~~(n)~~ Local exchange rate' means the monthly rate
25 including all necessary and attendant charges, imposed for basic
26 local exchange service to customers

1 (P) OPERATOR SERVICE MEANS A TELECOMMUNICATION SERVICE
2 THAT INCLUDES ANY AUTOMATIC OR LIVE ASSISTANCE TO A CONSUMER TO
3 ARRANGE FOR BILLING OR COMPLETION OF A TELEPHONE CALL BETWEEN
4 POINTS WITHIN THIS STATE THAT ARE SPECIFIED BY THE USER THROUGH A
5 METHOD OTHER THAN 1 OF THE FOLLOWING

6 (i) AUTOMATIC COMPLETION WITH BILLING TO THE TELEPHONE FROM
7 WHICH THE CALL ORIGINATED •

8 (ii) COMPLETION THROUGH AN ACCESS CODE OR A PROPRIETARY
9 ACCOUNT NUMBER USED BY THE CONSUMER WITH BILLING TO AN ACCOUNT
10 PREVIOUSLY ESTABLISHED WITH THE CARRIER BY THE CONSUMER

11 (iii) COMPLETION IN ASSOCIATION WITH DIRECTORY ASSISTANCE
12 SERVICES

13 (Q) ~~(o)~~ 'Person' means an individual, corporation, part-
14 nership, association, governmental entity or any other legal
15 entity

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

19 (S) ~~(q)~~ 'Residential customer' means a person to whom
20 telecommunication services are furnished predominantly for per-
21 sonal or domestic purposes at the person's dwelling

22 (T) ~~(r)~~ Special access means the provision of access,
23 other than switched access, to a local exchange network for the
24 purpose of enabling a provider to originate or terminate telecom-
25 munication service within the exchange, including the use of
26 local private lines

1 (U) ~~(s)~~ Telecommunication provider or provider means a
 2 person who for compensation provides telecommunication services,
 3 or 1 or more of the unregulated services described in section
 4 401

5 (V) ~~(t)~~ 'Telecommunication services' includes regulated
 6 and unregulated services offered to customers for the transmis-
 7 sion of 2-way interactive communication and associated usage

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

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

16 G ALTERNATIVE OPERATOR SERVICES

17 SEC 317 (1) THE COMMISSION SHALL ADOPT AND ENFORCE OPER-
 18 ATING REQUIREMENTS FOR THE PROVISION OF ALTERNATIVE OPERATOR
 19 SERVICES THESE REQUIREMENTS SHALL INCLUDE BUT ARE NOT LIMITED
 20 TO, THE FOLLOWING

21 (A) FURNISH EACH ENTITY WITH WHICH THE AOS CONTRACTS TO PRO-
 22 VIDE OPERATOR SERVICE A STICKER, CARD, OR OTHER FORM OF INFORMA-
 23 TION FOR EACH TELEPHONE THAT HAS ACCESS TO THE OPERATOR SERVICE
 24 AND IS INTENDED TO BE USED BY THE PUBLIC THE INFORMATION SHALL
 25 INCLUDE THE NAME OF THE ALTERNATIVE OPERATOR SERVICE PROVIDER A
 26 TOLL-FREE CUSTOMER SERVICE TELEPHONE NUMBER, AND A STATEMENT THAT
 27 CHARGES IMPOSED BY THE ALTERNATIVE OPERATOR SERVICE AND

1 ADDITIONAL INFORMATION MAY BE OBTAINED BY CALLING THE TOLL-FREE
2 TELEPHONE NUMBER THE ALTERNATIVE OPERATOR SERVICE PROVIDER
3 SHALL REQUIRE BY CONTRACT THAT THE ENTITY RECEIVING THE INFORMA-
4 TION DISPLAY IT ON OR NEAR EACH OF THE TELEPHONES THAT HAS ACCESS
5 TO THE SERVICE AND IS INTENDED FOR USE BY THE PUBLIC THIS
6 INFORMATION SHALL BE DISPLAYED PRIOR TO IMPLEMENTING THE
7 CONTRACT IF THE OPERATOR SERVICE PROVIDER OWNS TELEPHONES
8 THROUGH WHICH IT PROVIDES OPERATOR SERVICES, THE INFORMATION
9 SHALL ALSO BE DISPLAYED ON OR NEAR THOSE TELEPHONES

10 (B) PRIOR TO THE CONNECTION OF EACH ALTERNATIVE OPERATOR
11 SERVICE CALL, DO ALL OF THE FOLLOWING

12 (1) ANNOUNCE THE ALTERNATIVE OPERATOR SERVICE PROVIDER'S
13 NAME

14 (2) QUOTE, AT THE CALLER'S REQUEST AND WITHOUT CHARGE THE
15 RATE AND ANY OTHER FEES OR SURCHARGES APPLICABLE TO THE CALL
16 CHARGED BY THE ALTERNATIVE OPERATOR SERVICE

17 (C) ALLOW A CALLER TO THE ALTERNATIVE OPERATOR SERVICE TO
18 CHOOSE THE CARRIER OF HIS OR HER CHOICE BY DOING EITHER OF THE
19 FOLLOWING

20 (1) AFTER INFORMING THE CALLER THAT THE RATES FOR THE CALL
21 MAY NOT REFLECT THE RATES FOR A CALL FROM THE LOCATION OF THE
22 CALLER AND RECEIVING THE CALLER'S CONSENT, TRANSFER THE CALLER TO
23 THE CARRIER OF HIS OR HER CHOICE WITHOUT CHARGE

24 (2) INSTRUCT THE CALLER HOW TO REACH HIS OR HER CARRIER OF
25 CHOICE BY DIALING THE CARRIER'S 950, 1-800, OR 10-XXX ACCESS
26 METHOD

1 (D) ALLOW CALLERS TO THE ALTERNATIVE OPERATOR SERVICE TO
2 REACH EMERGENCY SERVICES WITHOUT CHARGE

3 (2) A PERSON SHALL NOT PROVIDE ALTERNATIVE OPERATOR SERVICES
4 IN THIS STATE WITHOUT FIRST REGISTERING WITH THE COMMISSION THE
5 REGISTRATION SHALL INCLUDE THE FOLLOWING INFORMATION

6 (A) THE NAME OF THE PROVIDER

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

8 (C) IF THE PROVIDER IS NOT LOCATED IN THIS STATE, THE
9 ADDRESS OF THE REGISTERED OFFICE AND THE NAME OF THE REGISTERED
10 AGENT AUTHORIZED TO RECEIVE SERVICE OF PROCESS IN THIS STATE

11 (D) ANY OTHER INFORMATION THAT THE COMMISSION MAY REQUIRE

12 (3) THE REGISTRATION SHALL BE ACCOMPANIED WITH A REGISTRA-
13 TION FEE OF \$100 00

14 (4) THE REGISTRATION IS EFFECTIVE IMMEDIATELY UPON FILING
15 WITH THE COMMISSION AND THE PAYMENT OF THE REGISTRATION FEE AND
16 SHALL REMAIN IN EFFECT FOR 1 YEAR FROM ITS EFFECTIVE DATE

17 (5) A REGISTRATION MAY BE RENEWED FOR 1 YEAR BY FILING WITH
18 THE COMMISSION A RENEWAL REGISTRATION ON A FORM PROVIDED BY THE
19 COMMISSION AND THE PAYMENT OF A RENEWAL FEE OF \$100 00

20 (6) EXCEPT AS OTHERWISE AUTHORIZED BY THE COMMISSION, A PRO-
21 VIDER SHALL NOT CHARGE A RATE FOR ALTERNATIVE OPERATOR SERVICES
22 THAT IS GREATER THAN 2 TIMES THE STATE AVERAGE RATE FOR SIMILAR
23 OPERATOR SERVICES

24 (7) ALL ORDERS ISSUED BY THE COMMISSION UNDER THIS SECTION
25 SHALL BE NONDISCRIMINATORY AND DESIGNED TO PROMOTE COMPETITION
26 WHICH FACILITATES CONSUMER CHOICE

1 (8) IN ADDITION TO ANY OTHER PENALTY PROVIDED FOR IN THIS
2 ACT, A PERSON WHO IS CHARGED FOR THE USE OF AN ALTERNATIVE
3 OPERATOR SERVICE OR IS DENIED ACCESS TO EMERGENCY SERVICES IN
4 VIOLATION OF THIS SECTION MAY BRING AN ACTION IN A COURT OF COM-
5 PETENT JURISDICTION TO RECOVER ACTUAL DAMAGES OR \$250 00, WHICH-
6 EVER IS GREATER, ALONG WITH REASONABLE ATTORNEY FEES