

**House Bill 5988**

**Sponsor: Rep. David Gubow**

**Committee: Public Utilities**

**Complete to 8-26-98**

**A SUMMARY OF HOUSE BILL 5988 AS INTRODUCED 7-2-98**

House Bill 5988 would amend the Michigan Telecommunications Act to give the Public Service Commission the authority to implement applicable provisions of the federal Telecommunications Act of 1996.

Specifically, House Bill 5988 would require the commission to issue an order granting or denying a request for emergency relief within seven business days of a filing in which a complaining party alleged facts that warranted emergency relief. If an emergency relief order were granted, it would be required to include a finding and the basis for the finding; it could require a responding party to act or to refrain from action so as to protect competitive service offerings to customers; and, it could order the payment of reasonable attorney fees and costs to the prevailing party.

Under this provision, the bill also would allow the commission to grant a temporary emergency relief order without an evidentiary hearing upon a verified factual showing of all of the following: (a) that circumstances are urgent; (b) that the party seeking relief likely will succeed on the merits; (c) that absent emergency relief, the party will suffer irreparable harm in its ability to serve customers; and, (d) that the order is not adverse to the public interest. If a temporary emergency relief order is issued without an evidentiary hearing, the commission would be required to conduct the hearing within 10 days of the date the order was issued. However, this provision would not apply if a complaint filed involved an interconnection dispute between providers. In these instances, the commission would be required to direct the parties to use the alternative dispute process.

Finally, House Bill 5988 would prohibit a provider of basic local exchange service from violating the terms of any interconnection agreement, and failing to comply with an emergency relief order issued as provided for in this bill.

MCL 484.2201, 484.2203, and 484.2305

Analyst: J. Hunault

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