

# HOUSE BILL No. 5460

November 28, 2001, Introduced by Reps. Shulman and Bradstreet and referred to the Committee on Energy and Technology.

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 310 (MCL 484.2310), as amended by 2000 PA 295.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 310. (1) Except as provided by this act, the commis-  
2 sion shall not review or set the rates for toll access services.

3       (2) Except as otherwise provided under subsection (7), a  
4 provider of toll access services shall set the rates for toll  
5 access services. Access service rates and charges set by a pro-  
6 vider that exceed the rates allowed for the same interstate serv-  
7 ices by the federal government are not just and reasonable. In  
8 no event may end-user or subscriber line charges exceed the rates  
9 allowed for the same interstate services by the federal  
10 government as of May 1, 2000. Providers may agree to a rate that

1 is less than the rate allowed by the federal government. If the  
2 providers cannot agree on a rate, a provider may apply to the  
3 commission under section 204.

4 (3) Two or more providers that each have less than 250,000  
5 access lines may agree to joint toll access service rates and  
6 pooling of intrastate toll access service revenues.

7 (4) A provider of toll access services shall make available  
8 for intrastate access services any technical interconnection  
9 arrangements, including colocation required by the federal gov-  
10 ernment for the identical interstate access services.

11 (5) A provider of toll access service, whether under tariff  
12 or contract, shall offer the services under the same rates, terms  
13 and conditions, without unreasonable discrimination, to all  
14 providers. All pricing of special toll access services and  
15 switched access services, including volume discounts, shall be  
16 offered to all providers under the same rates, terms, and  
17 conditions. Until allowed by the federal communications commis-  
18 sion, volume discounts on switched access are prohibited under  
19 this subsection.

20 (6) If a toll access service rate is reduced, then the pro-  
21 vider receiving the reduced rate shall reduce its rate to its  
22 customers by an equal amount. The commission shall investigate  
23 and ensure that the provider has complied with this subsection.

24 (7) ~~A~~ EXCEPT UPON A FILING AND COMMISSION APPROVAL UNDER  
25 SECTION 304, A provider of basic local exchange service shall not  
26 assess or impose on end-users an intrastate subscriber line  
27 charge or end-user line charge. IN REVIEWING A FILING ALLOWED

1 UNDER THIS SUBSECTION, THE COMMISSION SHALL INCLUDE IN ITS  
2 CONSIDERATION WHETHER THE PROPOSED LINE CHARGE PROVIDES A REASON-  
3 ABLE RATE OF RETURN FOR THE SERVICES PROVIDED.

4 (8) IF A PROVIDER IS ASSESSING OR IMPOSING AN INTERSTATE  
5 SUBSCRIBER LINE CHARGE OR END-USER LINE CHARGE ON THE EFFECTIVE  
6 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE PRO-  
7 VIDER MAY CONTINUE TO ASSESS OR IMPOSE THE LINE CHARGE IF THE  
8 PROVIDER COMPLIES WITH ALL OF THE FOLLOWING:

9 (A) WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THE AMENDATORY  
10 ACT THAT ADDED THIS SUBSECTION, THE PROVIDER MAKES A FILING UNDER  
11 SUBSECTION (7).

12 (B) THE LINE CHARGE IS NOT GREATER THAN THE AMOUNT OF THE  
13 LINE CHARGE ASSESSED OR IMPOSED AS OF THE EFFECTIVE DATE OF THE  
14 AMENDATORY ACT THAT ADDED THIS SUBSECTION.

15 (C) THE PROVIDER MAKES ANY NECESSARY ADJUSTMENTS TO THE LINE  
16 CHARGE AFTER THE COMMISSION ISSUES ITS DECISION ON A FILING MADE  
17 UNDER SUBSECTION (7) RELATING TO THAT LINE CHARGE.

18 (9) ~~-(8)-~~ This section shall not apply to basic local  
19 exchange providers that have 250,000 or fewer customers in this  
20 state.