

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



MIKE COX
ATTORNEY GENERAL

P.O. Box 30212
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July 13, 2006

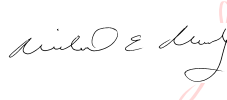
Ms. Mary Jo Kunkle
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way
Lansing, MI 48911

Dear Ms. Kunkle:

Re: MPSC Case No. U-14731

Enclosed for filing in the above-captioned case please find an original and 4 copies of the **Attorney General's Response to Commission Order**, together with Proofs of Service. A copy of this filing is also being submitted electronically.

Sincerely,

 Michael Moody
2006.07.13
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MEM:jas

Enc.

c: All parties

PROOF OF SERVICE - U-14731

The undersigned certifies that a copy of the **Attorney General's Response to Commission Order**, was served upon the parties listed below by mailing the same to them at their respective addresses with first class postage fully prepaid thereon on the 13th day of July, 2006.

Janet Schafer

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Janet A. Schafer

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PROOF OF SERVICE - U-14731

The undersigned certifies that a copy of the **Attorney General's Response to Commission Order**, was served upon the attached list by emailing the same to them on the 13th day of July, 2006.

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Comm South Companies, Inc.
Metro Teleconnect Companies
Metro Teleconnect Companies
Metro Teleconnect Companies
Allendale Telephone Company
Baraga Telephone Company
Barry County Telephone Company
Carr Telephone Company
Chapin Telephone Company
Chippewa County Telephone Company
Cinergy Communications Company
Climax Telephone Company
Climax Telephone Company
Cypress Communications Operating
Company, Inc.
Drenthe Telephone Company
Drenthe Telephone Company
Hiawatha Telephone Company
Kaleva Telephone Company
Kaleva Telephone Company
Lennon Telephone Company
Ogden Telephone Company
Ogden Telephone Company
Peninsula Telephone Company
Pigeon Telephone Company
Sand Creek Telephone Company
Springport Telephone Company
Springport Telephone Company
Sprint Communications Company, L.P.
U.S. Signal Company, LLC
Upper Peninsula Telephone Company
Waldron Telephone Company
Winn Telephone Company
Comtech21, LLC
Comtech21, LLC
Allband Communications Cooperative
Cordia Communications Corp.
FairPoint Communications Solutions
JATO Operating Two Corp.
New Rochelle Telephone Corp.
Qwest Communications Corp.
Verizon Avenue Corp.
Vertex Broadband Corp.
Mpower Communications Corporation
Range Corporation
Range Corporation
Tru Comm Corporation
Corvus, Inc.

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Global Crossing
Net Express d/b/a Advent Telecom
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Deerfield Farmers' Telephone Co.
Lisa Felice
Call Giant, Inc.
Grid4 Communications Inc.
Grid4 Communications, Inc.
Campus Communications Group, Inc.
Campus Communications Group
ICG Telecom Group, Inc.
Omniplex Communications Group, LLC
IG2, Inc.
Global Teledata II, LLC
BCN Telecom Inc.
Bilan Communications Inc.
Bulls Eye Telecom Inc.
Bulls Eye Telecom Inc.
CIMCO Communications Inc.
CoreComm Michigan Inc.
Intrado Communications Inc.
KMC Telecom II Inc.
Primus Telecommunications Inc.
Talk America Inc.
Talk America Inc.
Talk America Inc.
Universl Access Inc.
Verizon North Inc.
Verizon North Inc.
Westphalia Broadband Inc.
Computer Intelligence 2 Inc. (CI2)
CAT Communications International, Inc.
Trans National Communications
International, In
Kathleen Kerr-Lawrence
Birch Telecom of the Great Lakes
Level 3 Communications, LLC / Wiltel
Local Netw
Kentucky Data Link, Inc.
Century Tel Solutions LLC
DSLnet Communications LLC
KMC Data LLC
New Access Communications LLC
Bingham McCutchen LLP
Comtel Telecom Assets LP
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Comcast Telecommunications of MI
Frontier Comm. of MI, Inc.

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Metropolitan Telecomm of MI
Metropolitan Telecomm of MI
Ace Telephone Company of Michigan, Inc.
Allegiance Telecom of Michigan
Century Tel of Michigan, Inc.
Charter Fiberlink- Michigan, LLC
Charter Fiberlink- Michigan, LLC
Fibernet of Michigan
Frontier Communications of Michigan,
Local Exchange Carriers of Michigan, Inc.
NationsLine Michigan, Inc.
SBC Ameritech Michigan
US Xchange of Michigan, L.L.C. d/b/a
Choice One
XO Michigan, Inc.
MichTel, Inc.
April Arman - MPSC
Mary Jo Kunkle - MPSC
Catherine Murray
Eagle Net, Inc.
American Fiber Network, Inc.
American Fiber Network, Inc.
WilTel Local Network, LLC
A.R.C. Networks, Inc.
Broadview Networks
GVC Networks, LLC
GVC Networks, LLC
JAS Networks, Inc.
Verizon North
Verizon North
Access One, Inc.
Call One
Call One
Pathnet Operating, Inc.
TelCove Operations, Inc
Budget Phone, Inc.
EZ Phone
Easton Telecom Services, L.L.C.
Easton Telecom Services, Inc.
MCI Metro Access Services, Inc.
McLeodUSA Telecommunications Services
OnFiber Carrier Services
OnFiber Carrier Services
Pacific Centrex Services, Inc.
Perferred Carriers Services
Teligent Services, Inc.
Verizon Select Services, Inc.
XO Communications Services, Inc.
France Telecom Corp. Solutions, LLC
Suretel, Inc.
T2 Communications, LLC
Neutral Tandem-Michigan, LLC
TC3 Telecom Inc.

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*
* Total number of users subscribed to the list: 243
* Total number of local host users on the list: 0
*

ACD Telecom, Inc.
Affinity Telecom
Airdis Telecom
Arialink Telecom, LLC
BullsEye Telecom, Inc.
CMC Telecom, Inc.
Dominion Telecom, Inc.
Elantic Telecom, Inc.
Matrix Telecom, Inc. d/b/a Matrix
Business Tech
Sage Telecom, Inc.
Sage Telecom, Inc.
TDS Telecom, Inc.
United Telecom, Inc.
Universal Telecom, Inc.
ClearTel Telecommunications
ClearTel Telecommunications
Cleartel Telecommunications, Inc.
Midwestern Telecommunications, Inc.
Midwestern Telecommunications, Inc.
Navigator Telecommunications
NorLight Telecommunications, Inc.
Waypoint Telecommunications, LLC
dPi Teleconnect, LLC
Chippewa County Telephone
New Rochelle Telephone
Quality Telephone, Inc.
Sand Creek Telephone
Buckeye Telesystem, Inc.
Accu Tel of Texas, Inc.
Accutel of Texas, L.P.; Phone Co, L.P.
UCN, Inc.
McLeod USA
Coldwater Telecomm Utility
KMC Telecom V & KMC Data
Telnet Worldwide, Inc.

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Commission's own motion
to implement the provisions of Section 304 of
2005 PA 235.

Case No. U-14731

ATTORNEY GENERAL'S RESPONSE TO COMMISSION ORDER

1. On November 21, 2005, 2005 PA 235 was signed into law amending the Michigan Telecommunications Act, MCL 484.2101 *et. seq.* ("MTA").
2. Section 301a of the MTA states that "[a] provider licensed under this act shall offer primary basic local exchange service to each residential customer within the provider's service area where the provider is offering residential basic local exchange service."
3. Section 102(y) of the MTA states "'[p]rimary basic local exchange service' means the provision of 1 primary access line to a residential customer for voice communication and shall include all of the following: (i) [n]ot fewer than 100 outgoing calls per month, (ii) [n]ot less than 12,000 outgoing minutes per month, (iii) [u]nlimited incoming calls."
4. Section 304(1) of the MTA states, in part, as follows: "[t]he rates for primary basic local exchange service shall be just and reasonable. Each provider shall set the initial rates for primary basic local exchange service to be effective no later than April 1, 2006. Except as provided under section 310a or a higher rate approved by the commission under subsection (2)(d), the initial rates may not exceed the rates for the lowest cost calling plan that includes a limited number of outgoing calls of the provider in place before the rates are set under this subsection."

5. On December 20, 2005, the Michigan Public Service Commission ("Commission") ordered each provider of primary basic local exchange service in Michigan to file its tariff for primary basic local exchange ("PBLES") service that will be in effect on April 1, 2006. The Commission order stated that the filings should "be conspicuously identified as being in response to this order (including the date and case number)."

6. Several providers filed tariffs in the docket but were subsequently withdrawn.

7. On March 17, 2006, the Attorney General filed an Appearance and an Intervention and expressed the concern that some telecommunication providers had proposed PBLES tariffs for their "lowest cost" calling plan that were in excess of their lowest cost calling plan in effect prior to the rates being set under Section 304(1).

8. On March 23, 2006, the Commission acknowledged the Attorney General's March 17, 2006 filing and asked for comments by interested parties.

9. On March 29, 2006, AARP of Michigan, representing 1.5 million members throughout the state, filed comments in this docket supporting the Attorney General's position.

10. On March 31, 2006, the Michigan Consumer Federation representing over 10,000 members throughout the state, filed comments in this docket supporting the Attorney General's position.

11. On May 25, 2006, the Commission commenced its own investigation into PBLES offerings in Case No. U-14899. In Case No. U-14899, the Commission explained that "it has come to the Commission's attention that some providers have failed to adequately prepare their systems and personnel to offer primary basic local exchange service, even to customers that specifically inquire about it." The Commission then ordered each provider of basic local exchange service in the state to provide "evidence of all steps taken to offer primary basic local

exchange service, detailed evidence of the number of requests for primary basic local exchange service since the passage of Act 235, and documentation concerning the number of customers that were receiving primary basic local exchange service as of May 1, 2006."

12. On June 15, 2006, the Commission issued its fourth order in this docket. In the June 15, 2006 Order, the Commission stated that it was persuaded by the filings of AARP Michigan and the Michigan Consumer Federation that the public interest requires an investigation into the legality of PBLES rates.

13. The Commission observed that on June 14, 2006, the Attorney General filed a complaint against a provider in Case No. U-14917 that alleges that a specific provider's initial PBLES rate was unlawful and had defective customer notice.

14. The Commission's June 15, 2006 Order encouraged the Attorney General to identify other telecommunications providers of basic local exchange service against whom he desires to pursue similar actions by July 13, 2006 in order to provide the Commission an opportunity to simultaneously decide Case No. U-14917 and all similar dockets at the same time.

15. The Attorney General supports administrative efficiency and states that the reason he filed the March 17, 2006 comments in this proceeding was to alert the Commission to possible violations of the MTA with regards to the initial PBLES rates set by providers.

16. The Attorney General states that Section 203 of the MTA permits the Commission to conduct an investigation on its own motion into any MTA violations.

17. Indeed, the Commission launched such an investigation of PBLES service when it opened the docket on May 25, 2006 in Case No. U-14899. No party filed a complaint. Instead, the Commission took action based upon its own motion with concern for the public interest.

18. The Attorney General is currently investigating other violations of Section 304(1), however, much of the relevant information that was filed in Case Nos. U-14731 and U-14899 is not publicly available.

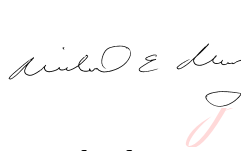
19. The Attorney General is willing to participant in any PBLES rate case or proceeding the Commission determines is in the public interest. The Attorney General believes his participation would add to any Commission deliberations on this issue. The Commission can be assured the Attorney General will prosecute violations of the MTA when it believes it can meet the burden of proving a case as required by Section 203(8) regardless of whether such action falls before or after July 13, 2006. Despite the mutual desire for the efficient administration and monitoring of the newly enacted MTA, the Attorney General believes such an artificial deadline would hamper his ability to fully investigate this issue and is unnecessary in light of the two year statute of limitations provided in the MTA.

20. Therefore the Attorney General respectfully declines the invitation of the Commission to file any and all complaints against telecommunications providers of basic local exchange service regarding violations of the MTA prior to July 13, 2006.

21. The Attorney General will continue to aggressively prosecute violations of the MTA as permitted by statute.

Respectfully submitted,

MIKE COX
Attorney General

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July 13, 2006
U-14731 AG Response to Order