

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

PUBLIC SERVICE COMMISSION

RESPONSIBILITIES OF PROVIDERS OF BASIC LOCAL EXCHANGE
SERVICE THAT CEASE TO PROVIDE THE SERVICE

Filed with the secretary of state on March 15, 2024

These rules become effective on March 21, 2024.

(By authority conferred on the public service commission by sections 202 and 213 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2202 and 484.2213)

R 484.1001, R 484.1002, R 484.1003, R 484.1004, R 484.1005, and R 484.1006 of the Michigan Administrative Code are amended, R 484.1010, R 484.1011, R 484.1012, R 484.1013, R 484.1014, R 484.1015, R 484.1016, R 484.1017, R 484.1018, and R 484.1019 are added, and R 484.1007, R 484.1008, and R 484.1009 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 484.1001 Applicability.

Rule 1. These rules apply to providers of basic local exchange service that cease to provide service to any segment of end users or geographic area, go out of business, or withdraw from this state, including the transfer of customers to other providers and the reclaiming of unused telephone numbers.

R 484.1002 Definitions.

Rule 2. (1) As used in these rules:

(a) "Act" means the Michigan telecommunications act, 1991 PA 179, MCL 484.2101 to 484.2603.

(b) "Commission" or "MPSC" means the Michigan public service commission.

(c) "Customer" means the person that is the end subscriber of the retail telecommunications service.

(d) "License" means a license to provide basic local exchange service issued pursuant to the act.

(e) "Provider" means a person, firm, partnership, corporation, or other entity that provides retail basic local exchange service.

(f) "Reclamation" means the process of removing active and non-active telephone numbers from the inventory of a provider that ceases to provide basic local exchange service.

(g) "Segment" means the type of customer, such as business, residential, or interconnecting providers.

(h) "Wholesale provider" means a person, firm, partnership, corporation, or other entity that provides a resale or local wholesale basic local exchange service product to a provider.

(2) A term defined in the act that is not defined in this rule has the same meaning when used in these rules.

June 15, 2023

R 484.1003 Expiration.

Rule 3. These rules expire 3 years after the effective date of the rules. The commission may, before the expiration of the rules, promulgate new rules.

PART 2. RESPONSIBILITIES OF PROVIDERS AND WHOLESALE PROVIDERS INVOLVED IN A DISCONNECTION DISPUTE

R 484.1004 Attempt at resolution.

Rule 4. In the case of a billing dispute between a provider and a wholesale provider, the parties shall make a good faith effort to work with each other to determine what portion, if any, of the bill for resale or the purchase of a local wholesale product provided by the wholesale provider to the provider is disputed and which portion is undisputed. The wholesale provider and the provider shall work together to resolve the billing dispute and arrange for payment of the undisputed charges, pursuant to the agreement between the wholesale provider and the provider.

R 484.1005 Notification of discontinuance.

Rule 5. (1) When the wholesale provider plans to disconnect a service that will make the provider unable to furnish basic local exchange service to its customers due to a dispute concerning resale or the purchase of a local wholesale product, the wholesale provider shall notify the commission and the provider of this disconnection in writing not less than 45 days after the date of the impending disconnect.

(2) Notice required under subrule (1) of this rule must include, to the extent known by the wholesale provider, but is not limited to, all of the following:

- (a) The name, address, and account number or numbers of the provider.
- (b) The number and segment or segments of customers to be disconnected.
- (c) An indication of whether the wholesale provider is furnishing resale service or a local wholesale product.
- (d) The reason for the disconnection.
- (e) A statement or citation describing where the right to disconnect or deny service is found, such as in an interconnection agreement or other contract.
- (f) If the dispute is related to billing and charges, an estimate of the charges owed and amounts of those charges that are disputed and undisputed and the amount required to be repaid to avoid disruption of services.
- (g) The date and time, or range of dates and times, when the wholesale provider intends to discontinue the service.

(3) The wholesale provider shall notify the commission as soon as reasonably practicable but no less than 1 business day before the date of the notice required by the provider under subrule (4) of this rule, if the notice to discontinue service to the provider has been modified or withdrawn.

(4) Within 10 business days after receiving notice from the wholesale provider, the provider shall notify all of its affected customers, the governor of this state, and the commission of the discontinuance of service under 47 CFR 63.71 and any other federal rules applicable to discontinuance of basic local exchange service. Notice to the commission must include both of the following:

- (a) A statement of the company's prospective intent for the disposition of its license and any tariffs on file with the commission.

(b) A list of customers being served by the provider that may be affected by the discontinuance of service, including billing name, billing address, and service telephone number. For non-published numbers, only the NPA-NXX must be provided. The list must also identify end users of the provider that are public utilities, governmental agencies, schools, or medical facilities.

(5) If the provider fails to provide the notice under subrule (4) of this rule by the eleventh business day, the commission may post a notice of the discontinuance on its website.

(6) These rules do not relieve a provider from any obligations it has under section 313 of the act, MCL 484.2313.

(7) The provider shall contact the commission to provide periodic updates of the status of the disconnection and transition of its customers as requested by commission staff.

(8) The provider shall return all deposits to customers and apply all appropriate credits to customer accounts associated with the discontinued service within 30 days after the discontinuance of service.

R 484.1006 Notification of transfer of customer base.

Rule 6. (1) A provider that is acquiring all or part of a customer base from another provider shall comply with the transfer of customer base notice requirements as set forth in 47 CFR 64.1120(e) and any other state and federal rules applicable to the transfer of all or part of a customer base. The provider shall submit a copy of this notice to the commission at the same time as it files its application with the Federal Communications Commission.

(2) Notice to the commission must include both of the following:

(a) A statement of the prospective intent for the disposition of the license and any tariff of the company that is transferring its customer base.

(b) The number and segment or segments of customers affected by the transfer.

(3) If the commission considers it necessary to protect the public interest, it may institute a longer period of time for the transition of a customer base to another provider, but not to exceed 60 days in length. The providers shall work together to ensure the transition of the customer base from 1 provider to another.

R 484.1007 Rescinded.

R 484.1008 Rescinded.

R 484.1009 Rescinded.

R 484.1010 Resolution of disputes between providers.

Rule 10. If a provider disputes disconnection by another provider, the providers shall follow the appropriate procedures for resolution as set forth in their interconnection agreement and may apply to the commission for resolution as allowable under the act.

PART 3. CESSATION OF SERVICE TO ANY SEGMENT OF END USERS OR GEOGRAPHIC AREA, WITHDRAWAL OF SERVICE FROM THE STATE, TRANSFER OF CUSTOMERS TO OTHER PROVIDERS

R 484.1011 Notice of discontinuance of service to any segment of end users or geographic area.

Rule 11. A provider of basic local exchange service or toll service that proposes to

discontinue service shall follow the requirements under section 313 of the act, MCL 484.2313. The provider shall electronically file a notice to discontinue service under this section in the commission's electronic docket filing system.

R 484.1012 Notice of discontinuance to the commission under section 313(5)(a) of the act, MCL 484.2313.

Rule 12. (1) Notice to the commission under section 313(5)(a) of the act, MCL 484.2313, must include, but is not limited to, all of the following:

- (a) The proposed date of the discontinuance.
- (b) The geographic area, exchange, or exchanges where the discontinuance will occur.
- (c) A list of alternative providers in the service area that offer comparable voice service with reliable access to 9-1-1 and emergency services through any technology or medium.
- (d) The number and segment or segments of customers that will be affected by the discontinuance.
- (e) The method by which customers or interconnecting providers were notified of the discontinuance, such as by first-class mail, within customer bills, or under the terms of the interconnection agreement.
- (f) The reason for the discontinuance.
- (g) A statement of the provider's prospective intent for the disposition of its license and any tariffs on file with the commission.

(2) An exhibit attached to the notice in subrule (1) of this rule must include, but is not limited to, all of the following:

- (a) A copy of the section 214 of the federal telecommunications act of 1996, 47 USC 214, application filing with the Federal Communications Commission.
- (b) A copy of the newspaper publication notice. The affidavit of publication from the newspaper or newspapers must be filed separately in the docket once publication is complete.
- (c) A copy of the notice provided to customers.
- (d) A copy of the notice provided to interconnecting providers, if applicable, as provided for in section 313 of the act, MCL 484.2313. If not applicable, the provider shall note accordingly in the notice to the commission.

(3) An incumbent local exchange carrier that proposes to discontinue service to a geographic area, exchange, or exchanges, in addition to providing the materials listed in subrule (2)(a) to (d) of this rule, shall provide to the commission a clear and detailed description, including a map of the geographic boundary area to which the discontinuance of service would take place and the segment or segments of customers the proposed discontinuance applies.

(4) A provider that determines certain information in its notice is confidential may file that information with the commission as provided under section 210 of the act, MCL 484.2210.

R 484.1013 Requirements for newspaper, customer and interconnecting provider notices under section 313(5)(a) of the act, MCL 484.2313.

Rule 13. The newspaper, customer, and interconnecting provider notices required under section 313(5)(a) of the act, MCL 484.2313, must include, but are not limited to, all of the following:

- (a) Information for customers to contact the provider.
- (b) The proposed date of the discontinuance.

- (c) The geographic area, exchange, or exchanges where the discontinuance will occur.
- (d) A list of alternative providers in the service area that offer comparable voice service with reliable access to 9-1-1 and emergency services through any technology or medium.
- (e) The MPSC docket number assigned to the notice for the discontinuance of service and a statement that affected customers may file comments requesting that the commission investigate the availability of comparable voice service with reliable access to 9-1-1 and emergency service. The notice must also provide information on how to file comments with the commission. If a provider is unable to furnish the MPSC docket number and investigation statement information in its notices under section 313(5)(a) of the act, MCL 484.2313, the provider shall include the MPSC docket number in its notice under section 313(5)(b) of the act, MCL 484.2313.

R 484.1014 Notice of discontinuance to the commission under section 313(5)(b), MCL 484.2313.

Rule 14. (1) On approval of the application filed with the Federal Communications Commission and not less than 90 days before discontinuing service, the provider proposing to discontinue service shall follow the notice steps in section 313(5)(b) of the act, MCL 484.2313. The notice to the commission filed under section 313(5)(b) of the act, MCL 484.2313, must include, but is not limited to, all of the following:

- (a) The proposed date of discontinuance.
- (b) The geographic area, exchange, or exchanges where the discontinuance will occur.
- (c) A list of alternative providers in the service area that offer comparable voice service with reliable access to 9-1-1 and emergency services through any technology or medium.
- (d) The number and segment or segments of remaining customers subject to the discontinuance.
- (e) The method by which customers or interconnecting providers were provided the second notice of the discontinuance, such as by first-class mail, within customer bills, or under terms of the interconnection agreement.
- (f) Any other relevant information pertaining to the discontinuance, such as additional attempts made at customer outreach outside of the requirements outlined in section 313 of the act, MCL 484.2313.

(2) An exhibit attached to the notice in subrule (1) of this rule must include, but is not limited to, all of the following:

- (a) A copy of the Federal Communications Commission public notice showing the grant of approval of the discontinuance.
- (b) A copy of the newspaper publication notice. The affidavit of publication from the newspaper or newspapers must be filed separately in the docket once publication is completed.
- (c) A copy of the second notice to customers.
- (d) A copy of the notice provided to interconnecting providers, if applicable, as provided for in section 313 of the act, MCL 484.2313. If not applicable, the provider shall note accordingly in the notice to the commission.

R 484.1015 Requirements for newspaper, customer and interconnecting provider notices under section 313(5)(b), MCL 484.2313.

Rule 15. The newspaper, customer, and interconnecting provider notices required under section 313(5)(b) of the act, MCL 424.2313, must include, but are not limited to, all of the following:

- (a) Information for customers to contact the provider.
- (b) The proposed date of the discontinuance.
- (c) The geographic area, exchange, or exchanges where the discontinuance will occur.
- (d) A list of alternative providers in the service area that offer comparable voice service with reliable access to 9-1-1 and emergency services through any technology or medium.
- (e) The MPSC docket number assigned to the notice for the discontinuance of service and a statement that affected customers may file comments requesting that the commission investigate the availability of comparable voice service with reliable access to 9-1-1 and emergency service. The notice must also provide direction on how to file comments with the commission.

R 484.1016 Other notice of discontinuance.

Rule 16. For a discontinuance of basic local exchange service that is subject to federal filing and notice requirements, but not subject to the requirements of section 313 of the act, MCL 484.2313, the provider is encouraged to consult with the commission to determine the most appropriate means of notification to customers and the commission.

R 484.1017 Completion of discontinuance.

Rule 17. (1) The provider shall provide periodic updates of the status of the discontinuance and transition of its impacted customers as requested by the commission.

(2) The provider shall return all deposits to customers and apply all appropriate credits to customer accounts associated with the discontinued service within 30 days after the discontinuance.

(3) On completion of the discontinuance of service, the provider shall file a notice in the docket informing the commission of the completion.

R 484.1018 Reclamation of telephone numbers.

Rule 18. (1) Inactive telephone numbers of a provider that ceases to provide service are considered abandoned.

(2) The provider ceasing to provide service shall contact the North American Numbering Plan Administrator, the National Number Pool Administrator, and the National Portability Administration Center regarding the NPA-NXX-Xs affected by the discontinuation of service.

(3) The commission staff shall work with the North American Numbering Plan Administrator, the National Number Pool Administrator, and the National Portability Administration Center to assist in the reclamation of numbering resources.

PART 4. REMEDIES

R 484.1019 Remedies.

Rule 19. Violation of these rules may result in penalties issued under section 601 of the act, MCL 484.2601, including, but not limited to, revocation of a license to provide basic local exchange service.