

SENATE BILL No. 1

January 8, 2003, Introduced by Senators VAN WOERKOM, SIKKEMA, CASSIS, CROPSEY, ALLEN, BROWN, GOSCHKA, BIRKHOLZ, JELINEK, GARCIA, GILBERT, STAMAS, KUIPERS, HAMMERSTROM, HARDIMAN and SANBORN and referred to the Committee on Technology and Energy.

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
2 commission shall not review or set the rates for toll access
3 services.

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

1 government as of May 1, 2000. Providers may agree to a rate that
2 is less than the rate allowed by the federal government. If the
3 providers cannot agree on a rate, a provider may apply to the
4 commission under section 204.

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

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

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

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

25 (7) ~~—A~~ **Except upon a filing and commission approval under**
26 **section 304,** a provider of basic local exchange service shall not
27 assess or impose on end-users an intrastate subscriber line

1 charge or end-user line charge. In reviewing a filing allowed
2 under this subsection, the commission shall include in its
3 consideration whether the proposed line charge provides a
4 reasonable rate of return for the services provided.

5 (8) If a provider is assessing or imposing an interstate
6 subscriber line charge or end-user line charge on the effective
7 date of the amendatory act that added this subsection, the
8 provider may continue to assess or impose the line charge if the
9 provider complies with all of the following:

10 (a) Within 90 days of the effective date of the amendatory
11 act that added this subsection, the provider makes a filing under
12 subsection (7).

13 (b) The line charge is not greater than the amount of the
14 line charge assessed or imposed as of the effective date of the
15 amendatory act that added this subsection.

16 (c) The provider makes any necessary adjustments to the line
17 charge after the commission issues its decision on a filing made
18 under subsection (7) relating to that line charge.

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