

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion, to )  
determine procedures to ensure that an end user of a )  
telecommunications provider is not switched to another )  
provider without the authorization of the end user. )  
\_\_\_\_\_ )

Case No. U-11757

At the August 20, 1998 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

PRESENT: Hon. John G. Strand, Chairman  
Hon. John C. Shea, Commissioner  
Hon. David A. Svanda, Commissioner

**ORDER AND NOTICE OF OPPORTUNITY TO  
SUBMIT PROPOSALS AND FILE COMMENTS**

On July 16, 1998, Governor John Engler signed into law Public Acts 259 and 260 of 1998 amending the Michigan Telecommunications Act, 1991 PA 179 (Act 179), MCL 484.2101 et. seq.; MSA 22.1469(101) et seq. The amendments prohibit a telecommunications provider from switching an end user to another provider without the authorization of the end user. In addition, the amendments permit the Commission to order remedies and penalties to protect and make whole end users and other persons who have suffered damages as a result of violations of these laws.

Specifically, Section 505(2) of Act 260 requires the following:

The commission shall issue orders to ensure that an end user of a telecommunications provider is not switched to another provider without the end user's oral authorization, written confirmation, confirmation through an independent third

party, or other verification procedures subject to commission approval, confirming the end user's intent to make a switch and that the end user has approved the specific details of the switch. The order issued under this section shall require that all providers comply with the regulations established by the federal communications commission on verification procedures for the switching of an end user's telecommunications provider.

MCL 484.2505(2); MSA 22.1469(505)(2).

Accordingly, interested parties are invited to file proposals with the Commission no later than September 2, 1998. Any comments on those proposals are due no later than September 14, 1998. It is the Commission's intent to issue orders establishing the required procedures prior to the October 1, 1998 effective date of the amendatory acts.

In their filings, parties should include recommendations relative to the implementation of Acts 259 and 260 and specifically the procedures that should be utilized pursuant to Section 505(2) to ensure that unauthorized switches, commonly referred to as "slamming," do not occur.

Copies of filed comments will be available from the Commission's Office of the Executive Secretary.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1991 PA 179, as amended by 1995 PA 216, MCL 484.2101 et seq.; MSA 22.1469(101) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACS, R 460.17101 et seq.
- b. A notice of opportunity to comment will be published.

THEREFORE, IT IS ORDERED that:

A. A notice of opportunity to comment shall be published in The Detroit News, the Detroit Free Press, the Grand Rapids Press, and the Marquette Mining Journal.

B. Proposals from interested parties shall be due no later than September 2, 1998.

C. Comments on the proposals shall be due no later than September 14, 1998.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ John G. Strand  
Chairman

( S E A L )

/s/ John C. Shea  
Commissioner

/s/ David A. Svanda  
Commissioner

By its action of August 20, 1998.

/s/ Dorothy Wideman  
Its Executive Secretary

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Chairman

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Commissioner

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Suggested Minute:

“Adopt and issue order dated August 20, 1998 providing an opportunity for interested parties to file proposals and comments on implementing Public Acts 259 and 260 of 1998 with respect to slamming, as set forth in the order.”