

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

PUBLIC SERVICE COMMISSION

BASIC LOCAL EXCHANGE SERVICE CUSTOMER MIGRATION

Filed with the Secretary of State on

These rules become effective June 17, 2019.

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

R 484.81, R 484.82, R 484.83, R 484.84, R 484.85, R 484.86, R 484.87, R 484.88, R 484.89, and R 484.90 of the Michigan Administrative Code are amended as follows:

PART 1. GENERAL PROVISIONS

R 484.81 Applicability.

Rule 1. These rules apply to the timely and complete transfer of an end user from 1 provider of basic local exchange service to another provider.

R 484.82 Exclusions.

Rule 2. Nothing in these rules prohibits providers from adopting more stringent standards in an interconnection agreement or other stand alone agreement.

R 484.83 Definitions.

Rule 3. (1) As used in these rules:

(a) "Act" means 1991 PA 179, MCL 484.2101 to 484.2602.

(b) "Basic local exchange service" or "local exchange service" or "service" means the provision of an access line and usage within a local calling area for the transmission of high-quality 2-way interactive switched voice or data communication.

(c) "Business day" means a day on which a provider's office is scheduled to be open for business.

(d) "Business hours" means the times that a provider's office is scheduled to be open for business. As scheduled business days and hours may vary, the schedule to be followed by each provider is the one posted on its website.

(e) "Commission" means the Michigan public service commission.

(f) "Customer service record" or "customer service information" means account information including, but not limited to, the customer's address, features, services, equipment, directory listings, and network information, as appropriate.

(g) "Directory service provider" means the entity that receives or implements the local service provider's directory service requirements for the end user, including white page listings, and may also include providing end user directory assistance.

(h) "End user" means the retail subscriber of a telecommunication service.

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(i) "End user's authorization" means the data or record indicating that the end user has authorized a new local service provider to change the end user's service provider or view the end user's customer service record.

(j) "Federal act" means the telecommunications act of 1996, 101 Stat 101 (1996).

(k) "Interconnection agreement" means an agreement between 2 or more providers entered into under sections 251 and 252 of the federal act.

(l) "Line level" means features or activities associated with a specific line.

(m) "Local service provider" means the provider that administers and bills local exchange and related services for the end user, and includes both of the following:

(i) "New local service provider" means the planned or actual provider of record following the completion of the migration process.

(ii) "Old local service provider" means the provider of record prior to the migration process or the current local service provider prior to service migration.

(n) "Local service request" means an industry standard document used among providers to request installation, changes, or disconnections of local services.

(o) "Loop" or "Unbundled loop" means the transmission facility between the network interface on a subscriber's premises and the main distribution frame in the servicing central office.

(p) "Loss notification" means provider notification initiated by the underlying network service provider at the completion of a service migration to notify the old local service provider of the loss of end user facilities.

(q) "Number portability" means the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from 1 telecommunications provider to another.

(r) "Plain old telephone service" means the provision of a standard telephone line and telephone number, as subscribed to by a residential or small business end user.

(s) "Primary interexchange carrier" or "primary interexchange carriers" means the provider or providers designated by a wire line end user to carry intraLATA and/or interLATA long distance traffic.

(t) "Provider" means a person, firm, partnership, corporation, or other entity that provides basic local exchange service as defined by section 102(b) of the act.

(u) "Service configuration" means identification of the type of serving arrangement used by the local service provider to provide service to the end user, including resale, facility-based service, and other arrangements.

(v) "Service provider" means each provider involved in supplying service to an end user, including local service providers and/or underlying network service providers.

(w) "Underlying network service provider" means a provider that provides some or all of the facilities and equipment components used to make up an end user's local telecommunications service, including both of the following:

(i) "New underlying network service provider" means a provider that provides some or all of the facilities and equipment components used to make up an end user's local telecommunications service following the completion of the migration process or the potential network service provider prior to service migration.

(ii) "Old underlying network service provider" means a provider that provides some or all of the facilities and equipment components used to make up an end user's local telecommunications service prior to the migration process or the current network service provider prior to service migration.

(2) A term defined in the act has the same meaning when used in these rules.

R 484.84 Expiration.

Rule 4. These rules expire 3 years from the effective date of the rules. The commission may promulgate new rules at any time.

## PART 2. TRANSFER OF END USER BY PROVIDERS

R 484.85 Migration responsibilities of local service providers.

Rule 5. (1) Each service provider shall maintain a publicly accessible website with all of the following information:

(a) All applicable processes and procedures for end user migration.

(b) Company contact escalation list, which shall include a company contact for operational issues and a contact for escalation of those issues.

(2) The old local service provider shall release any assigned telephone numbers associated with the end user's service that are properly requested in accordance with industry standards and federal law.

(3) Except for migrations described in 47 CFR 64.1120(e), the new local service provider shall communicate directly with the end user, receive the end user's authorization to switch service providers, and provide all pertinent information to the end user associated with the end user migration.

(4) The new local service provider is responsible for the coordination required to migrate the end user. The underlying network service providers shall promptly provide necessary support and assistance to migrate the end user. Neither the old local service provider nor underlying network service provider shall interfere in the transfer or otherwise use this opportunity to win back the customer.

(5) Before requesting a customer service record, the new local service provider or authorized agent shall have obtained an end user's authorization.

(6) All providers shall follow industry standard procedures and federal law for porting an end user's telephone number and processing to actual completion the migration of the end user upon receipt of an accurate request from the new local service provider. For requests received outside of business hours, the date and time of receipt shall be considered to be the beginning of the next business day.

(7) When local exchange service to be migrated is currently provided using resale or local wholesale arrangements, the old underlying network service provider shall provide a loss notification to the old local service provider upon completion of a request.

(8) Upon completion of the service order, the old underlying network service provider shall unlock the end user's E911 records that are being migrated, within industry standard or federally mandated timeframes, whichever is earlier. The new underlying network service provider shall assure the new E911 database record is accurately entered into the E911 database and that the database is locked.

(9) Directory listing information shall be submitted by the new local service provider to the directory service provider using a local service request or other mutually agreeable format. If the old local service provider is a facilities-based provider and directory listing migration capabilities are not available from the directory service provider, then the old local service provider shall remove its listings upon completion of a local service request to migrate local service. The new local service provider shall ensure that the directory listing information is accurate.

(10) The new local service provider may reuse an unbundled loop upon request if reuse is technically feasible. Any of the following exclusions shall apply:

(a) The new local service provider has made all reasonable efforts to obtain the circuit identification for reuse, and the circuit identification information was not provided by the old local service provider.

(b) Upgrade or downgrade of existing facilities is required.

(11) The old local service provider shall release the circuit identification and facilities for reuse when the existing circuit or facilities are no longer needed by the old local service provider to provide service to the migrating end user or any other end user that is currently using those facilities.

(12) The old local service provider shall not retain a requested facility for possible future use.

(13) An unbundled loop shall be considered released for reuse when the old local service provider provides the circuit identification for release.

(14) Subject to subrule (10) of this rule, when requested, and reuse of the unbundled loop facility is available, the old local service provider shall provide the circuit identification number with the associated telephone number for the requested unbundled loop facility to the new local service provider as part of the customer service record or firm order confirmation response. To order the reuse of an unbundled loop facility, the new local service provider shall furnish the circuit identification number on the local service request issued to the new underlying network service provider.

(15) If the new local service provider requests reuse of the unbundled loop facility, and it is not available, then the old local service provider shall use best efforts to indicate as part of the customer service record or firm order confirmation response the reason why the unbundled loop is not reusable.

(16) The local service providers and underlying network service providers involved in the transfer shall maintain accurate unbundled loop circuit identification information and customer service record content, as applicable, to the end user service to facilitate migration activity as described in these rules.

(17) The underlying network service provider shall notify the local service providers involved in the transfer of changes affecting information contained in this rule within 5 business days of completion of the transfer.

#### R 484.86 Exchanging customer service information.

Rule 6. (1) Unless otherwise agreed to by the providers involved, all of the following shall be the responsibility of the local service providers in any migration of an end user's local service.

(a) The new local service provider may request and receive the customer service record information, which may include a request for circuit identification with associated telephone number from the old local service provider as part of the customer service record or firm order confirmation.

(b) To the extent resale and local wholesale arrangement information is available via current pre-order functionality in the underlying network service provider's operational support systems and is made available under current local business practice, it shall be made available to all new local service providers upon request and acknowledgement of end user permission. Underlying network service provider customer service record information might not reflect all end user services subscribed and received from the old local service provider.

(c) Customer service record requests shall only be submitted after proper authorization from the end user to review the end user's account and only with the intent to obtain information to facilitate the migration of local service.

(d) A customer service request or local service request shall not be used by a local service provider to trigger retention activity. The new local service provider shall not be required to share a copy of the end user's authorization with the old local service provider prior to receipt of the records, but shall retain records for a reasonable period of time to resolve issues about proper use of operational support systems or to assist in the resolution of a claim of unauthorized transfer, should one arise.

(e) All responses to customer service record requests shall be provided promptly, without unreasonable delay, and consistent with federal law.

(f) The deadline for submitting service requests shall be posted on a provider's website.

(g) Upon receiving a local service request, the receiving provider shall issue either a confirmation or rejection of an electronic request within the time required by federal law.

(h) A provider may require a customer service record request to include some or all of the following:

(i) Billed assigned telephone number.

(ii) Acknowledgement of end user consent to review the customer service record or customer service information.

(iii) End user name.

(iv) Contact information detailing to whom, how, and where to respond with the customer service record or customer service information.

(v) A telephone number and person to contact for questions about the customer service record or customer service information request.

(vi) The name of the company requesting the customer service record or customer service information.

(vii) The date and time the request was sent.

(viii) Indication whether circuit identification with associated telephone number is requested for loop reuse.

(ix) Indication whether directory information is requested.

(i) The old local service provider shall provide to the new local service provider all of the following information in addition to the fields required by federal law when applicable:

(i) Account level information including the following:

(A) Billing telephone number.

(B) Complete customer billing name and address.

(C) Directory listing information, including address and listing type, to the extent that it is maintained by the old local service provider.

(D) Complete service address including floor, suite, unit, or similar designation.

(E) Type of service.

(ii) Line level information shall include all services and features associated with the service provider, including the following:

(A) Assigned telephone number, which identifies all telephone numbers that are billed on the account.

(B) Current primary interexchange carrier selections including freeze status.

(C) Local freeze status, if offered.

(D) All vertical features such as custom calling features identified in a manner so that the new local service provider can understand to which products and services the end user currently subscribes.

(E) Other service options, such as lifeline, 900 blocking, toll blocking, remote call forwarding, and off premises extensions, if applicable.

(F) Service configuration information.

(G) Identification of the local service or underlying network service provider when different from the provider providing the response.

(H) Identification of any data services on the migrating end user's line or any other services such as alarm services that utilize the unbundled loop.

(I) Circuit identification with associated telephone number, provided with the customer service record, when requested and the unbundled loop is not being used for other services.

(J) Indication as to whether any circuit identifications are not reusable and therefore not provided.

(K) Type of service.

(j) If requested, the old local service provider shall provide the network information, including loop circuit identification (when the unbundled loop is available for reuse) and associated telephone number, with the customer service record or firm order confirmation. When service components such as loop and directory services are currently being provided to the end user by an entity other than the local service provider or the underlying network service provider the customer service record shall also include identification of those components and the associated service provider.

(k) The transmission of customer service records and customer service information requests and information shall be through electronic facsimile, electronic mail, electronic data interchange, graphical user interface, or any other means negotiated between the 2 providers. The transmission of customer service records and customer service information requests shall not be by voice telephone call. All providers shall, at a minimum, allow transmission of customer service record requests by facsimile.

#### Rule 484.87 Order process requirements.

Rule 7. All migration and ordering processes between providers shall follow the applicable industry standards and comply with federal law.

#### Rule 484.88 Service quality standards.

Rule 8. (1) Upon receipt of an accurate request from the new local service provider, the old local service provider shall port the telephone number and, if requested, transfer the unbundled loop to the new local service provider within the specified time period listed in subdivisions (a) and (b) of this subrule, unless a later due date is requested. If the old local service provider reschedules the original due date without the consent of the new local service provider, or the old local service provider fails to complete the migration by the original due date, the original due date shall be the one measured against. The following apply to due dates:

(a) Due dates for migrations involving number portability with or without a loop. For a migration request involving 1 to 18 lines, the due date is a monthly average of 4 business days after a request is made. Any migration request involving 19 or more lines involving number portability with or without a loop is a project for which a due date shall be negotiated.

(b) Due dates for migrations involving a simple port request only, for example, not for orders that require other facilities, such as loops. For a migration involving a simple port, the due date is the date required by 47 CFR 52.35. For migration involving simple ports for 2 to 30 lines, the old local service provider shall send a firm order confirmation within 24 hours and complete the porting of the telephone number to the new local service provider within 3 business days of the firm order confirmation. Any migration request that involves simple ports for 31 or more lines is a project for which a due date shall be negotiated.

(2) The provider shall keep records on provisioning due dates that are not met. This measurement shall be reported by the provider at an order level for resale plain old telephone service, and at a feature or circuit level for resale specials and local wholesale arrangements. The records shall be available for review upon the request of commission staff.

(3) Data used to measure performance concerning due dates shall not include misses caused by either of the following:

- (a) Action or inaction of the new local service provider or the end user.
- (b) The number portability administration center.

### PART 3. REMEDIES, WAIVER, AND GENERAL EXEMPTIONS

#### R 484.89 Remedies.

Rule 9. (1) If, after 3 consecutive months, a provider fails to meet 1 or more of the standards as set forth by these rules for each of the 3 months, then the provider shall notify commission staff within 10 days of such failure and the commission shall require the provider to take corrective action. This corrective action shall include, but is not limited to, the 2-part report described as follows:

(a) Part 1 of the report shall be a “root-cause” analysis of the reported level of performance, explaining why the reported performance failed to meet applicable service quality standard(s).

(b) Part 2 of the report shall be a “corrective action plan.” The plan shall be based on the causes for substandard performance identified in part 1, and it shall define actions proposed to bring performance up to a level at or above the applicable standard. This plan shall have a 90-day timeline within which the provider commits to bring its performance up to a level at or above the applicable standard.

(2) A provider shall deliver its 2-part report to the commission staff within 30 days after it files the report showing a failure to meet the prescribed standards. Unless otherwise requested by the commission staff, the provider shall provide a status report for each month thereafter until the provider meets the applicable service quality standard.

(3) This rule does not prohibit a provider from seeking commission action against another provider, nor does it prohibit the commission from investigating a provider’s compliance under its own motion under the Michigan telecommunications act, 1991 PA 179, MCL 484.2101 to MCL 484.2602.

(4) Violation of these rules may result in penalties issued under section 601 of the act, MCL 484.2601.

#### Rule 484.90 Waiver and general exemptions.

Rule 10. (1) A provider may petition for a permanent or temporary waiver or exception from these rules when qualifying circumstances beyond the control of the provider render compliance

impossible or when compliance would be unduly economically burdensome or technologically infeasible.

(2) Qualifying circumstances include any of the following:

(a) The problem is or was attributable to an "act of God." The term "act of God" includes events such as any of the following:

(i) Flood.

(ii) Lightning.

(iii) Tornado.

(iv) Earthquake.

(v) Fire.

(vi) Blizzard.

(vii) Ice storm.

(viii) Widespread electrical power outage.

(ix) Other unusual natural or man-made disasters.

(b) There is a work stoppage or other work action, beyond the control of the provider, that causes or caused a significant reduction in hours worked.

(c) The problem occurs or occurred during a major failure. A major failure is a single event or occurrence that is not the direct result of action taken by the provider and that generates out-of-service reports affecting 100 or more access lines.

(d) The problem is or was caused by either the end user or by malicious damage to facilities by a third party outside the control of the provider.

(3) A provider may request a temporary waiver in order to have sufficient time to implement procedures and systems to comply with these rules.

(4) The provider shall notify the commission, in writing, within 20 business days of such an event that it intends to invoke the occurrence of an event described in subrule (2) of this rule.

The notification to the commission shall include all of the following information:

(a) Specific description of the event and general impact.

(b) Date or dates of the event.

(c) Location affected, such as exchanges or wire centers.

(d) Estimated number of customers affected.

(5) The commission staff shall have 10 business days following the notification to advise the provider, in writing, of a dispute concerning the validity of the company's invocation of an event described in subrule (2) of this rule and the reasons for such dispute. If the dispute cannot be resolved within 10 business days of the commission staff's advice, then the provider shall file an application with the commission within 10 business days thereafter for resolution of the dispute.