



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

March 7, 2022

NOTICE OF FILING
ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #21-041-LR)
Legislative Service Bureau (Secretary of State Filing #22-03-12)
Department of Licensing and Regulatory Affairs

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2021-041-LR (Secretary of State Filing #22-03-12) on this date at 1:11 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Unbundled Network Element and Local Interconnection Services".

These rules become effective on April 19, 2022.

Sincerely,

Jocelyn Benson
Secretary of State

Sue Sayer /CK

Sue Sayer, Departmental Supervisor
Office of the Great Seal

Enclosure



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

GRETCHEN WHITMER
GOVERNOR

ORLENE HAWKS
DIRECTOR

March 7, 2022

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2022 MAR -9 PM 2:07
ELECTIONS/GREAT SEAL

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2021-41 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated August 6, 2021 for the Department of Licensing & Regulatory Affairs “**Unbundled Network Element and Local Interconnection Services**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely, 

Michigan Office of Administrative Hearings and Rules

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN PUBLIC SERVICE COMMISSION
CERTIFICATE OF ADOPTION

I hereby certify that, in accordance with sections 202 and 213 of 1991 PA 179, MCL 484.2202 and MCL 484.2213, the Michigan Public Service Commission approved and signed an order in Case No. U-21078 dated March 3, 2022, formally re-adopting R 484.71, 484.72, 484.73, 484.74, and 484.75 of the Michigan Administrative Code, entitled “Unbundled Network Element and Local Interconnection Services.”

MICHIGAN PUBLIC SERVICE COMMISSION

Lisa Felice,
Its Executive Secretary

Dated: March 3, 2022



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated August 6, 2021, in which the Department of Licensing & Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Unbundled Network Element and Local Interconnection Services**” by:


- ◆ Amending R 484.71, R 484.72, R 484.73, R 484.74, and R 484.75.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: December 8, 2021

Michigan Office of Administrative Hearings and Rules

By: 
Katie Wienczewski,
Attorney



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Licensing and Regulatory Affairs dated August 6, 2021, re-adopting R 484.71, R 484.72, R 484.73, R 484.74, and R 484.75 of the Department's rules entitled "Unbundled Network Element and Local Interconnection Services." I approve the rules as to form, classification, and arrangement.

Dated: December 8, 2021

LEGISLATIVE SERVICE BUREAU

By

Elizabeth R. Edberg,
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

PUBLIC SERVICE COMMISSION

UNBUNDLED NETWORK ELEMENT AND LOCAL INTERCONNECTION SERVICES

Filed with the secretary of state on March 7, 2022

These rules become effective on April 19, 2022.

(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 484.71, R 484.72, R 484.73, R 484.74, and R 484.75 of the Michigan Administrative Code are re-adopted, as follows:

PART 1. GENERAL PROVISIONS

R 484.71 Applicability.

Rule 1. These rules apply to the provision of unbundled network elements and local interconnection services by an incumbent local exchange carrier to other providers which are used in the provision of basic local exchange service. These rules do not alter the scope or terms of any preexisting performance remedy plan and performance measurements approved by the commission.

R 484.72 Definitions.

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

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

(b) "Federal act" means the Telecommunications Act of 1996, Public Law 104-104.

(c) "Incumbent local exchange carrier" or "ILEC" means that term as defined in 47 USC 251(h) and required to comply with the additional obligations in 47 USC 251(c).

(d) "Interconnection agreement" means an agreement between 2 or more providers entered into under sections 251 and 252 of the federal act, 47 USC 251 and 252.

(e) "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, MCL 484.2102.

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

R 484.73 Expiration.

Rule 3. These rules expire 3 years from the effective date of the rules. The commission may, prior to the expiration of the rules, promulgate new rules.

PART 2. PROVISION OF UNBUNDLED NETWORK ELEMENTS AND LOCAL
INTERCONNECTION

R 484.74 Quality standards.

Rule 4. (1) The quality standards for the provision of unbundled network elements and local interconnection by an ILEC must be either of the following:

(a) Those standards in a preexisting performance remedy plan for an ILEC and performance measurements approved by the commission in an industrywide proceeding in Michigan, regardless of whether all providers participate in the plan.

(b) If a plan specified in subdivision (a) of this subrule does not exist for the ILEC, then the performance remedy plan and performance measurements negotiated or arbitrated by the parties in an interconnection agreement approved by the commission.

(2) Nothing in this rule entitles a provider to participate in a plan if the plan is not incorporated into its commission-approved interconnection agreement.

R 484.75 Remedies.

Rule 5. Nothing in this rule adds to or detracts from the remedies available to a provider under the plans referenced in R 484.74, the act, or the federal act.

FILED WITH SECRETARY OF STATE

ON 3/7/22 AT 1:11 P.M.