

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Public Service Commission

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Basic Local Exchange Service Customer Migration

5. Rule numbers or rule set range of numbers:

R 484.81-484.90

6. Estimated time frame:

6 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

These rules are designed to streamline the processes and provide guidelines for providers of basic local exchange service when transferring an end user (telephone landline customer) from one provider to another. Having reasonable standards protects both end users and providers during the migration process by ensuring all needed information is provided to each provider involved in the transfer on a timely basis. Frequency of conduct will vary from provider to provider based on its number of end users and the number of competitors in the exchange. These rules are necessary because there are natural incentives to prevent or delay such transfers on the part of the currently serving provider. The Telecommunications Division Staff (staff) has had discussions with providers that have experienced delays during the transfer process. The staff recommends no changes to the existing rules.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

By authority conferred on the Commission by Sections 202 and 213 of the Michigan Telecommunications Act (1991 PA 179), MCL 484.2202 and MCL 484.2213. While the Michigan Telecommunications Act was substantially amended by Public Act 58 of 2011 and several other rules sets were repealed under Act 58, the Legislature chose to retain the rules created under 484.2202(1)(c)(iii) and preserve the Commission's authority to promulgate such rules and further revised MCL 484.2202(2) to ensure that the Commission would have the statutory authority to re-promulgate this rule set should there be a lapse or delay during the rulemaking process that could allow the rules to expire.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 484.2202 and MCL 484.2213

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

By authority conferred on the Commission by Sections 202 and 213 of the Michigan Telecommunications Act (1991 PA 179), MCL 484.2202 and MCL 484.2213. While the Michigan Telecommunications Act was substantially amended by Public Act 58 of 2011 and several other rules sets were repealed under Act 58, the Legislature chose to retain the rules created under 484.2202(1)(c)(iii) and preserve the Commission's authority to promulgate such rules and further revised MCL 484.2202(2) to ensure that the Commission would have the statutory authority to re-promulgate this rule set should there be a lapse or delay during the rulemaking process that could allow the rules to expire.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

There are portions of the rules that are duplicative of federal standards or reference federal standards. See Rules 5(2), 5(3), 5(6), 5(8), 6(1)(e), 6(1)(g), Rule 7, and Rule 8(1)(b). The Federal Communications Commission (FCC) has accepted comments on the North American Numbering Council (NANC) Best Practices 67 and 70 that address some of the same guidelines that are in rules 6 and 8 of the migration rules. As the FCC has not taken final action, and further revisions may be forthcoming on those Best Practices, the Staff did not deviate from the current rules in this respect. The rules also specify that federal standards should be adhered to in parallel with these rules.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

Some of the same subject matter is covered in Best Practices 67 and 70 of the NANC Number Portability Industry Forum guidelines. As discussed in question 9 though, the staff feels that it may be premature to align our rules with those Best Practices as these Best Practices are still subject to review by the FCC.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

This ruleset was not listed in the 2020-2021 annual regulatory plan (ARP), but is listed in the 2021-2022 ARP.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The standards set forth in these rules do not exceed national compliance requirements, but do vary from some voluntary industry standards.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

In anticipation of the repromulgation of these rules prior to their June 17, 2022 expiration, the staff commenced an informal comment process in March 2021, with representatives of affected incumbent local exchange carriers (ILECs) and competitive local exchange carriers (CLECs), regarding the re-adoption of these rules. The staff received informal comments supporting the re-adoption of the rules, without amendments as well as comments that had already been addressed in prior repromulgation of the rules. Therefore, the rule set has no changes.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The Commission is not proposing to amend the existing rule set. Rather, the Commission is seeking repromulgation as a result of the three-year sunset provision under MCL 484.2202(2). The technology, economic conditions, and other factors have not significantly changed since the last evaluation and, therefore, the Commission proposes to re-promulgate these rules with no changes.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

There have been no significant changes or developments that demonstrate there is no continued need for the rules, or any portion thereof, and the Commission proposes to re-promulgate these rules with no changes.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No