

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter, on the Commission's own motion, for)
SERVISENSE.COM, INC., to show cause why its) Case No. U-13320
license should not be revoked.)
_____)

At the February 25, 2002 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Laura Chappelle, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

ORDER TO SHOW CAUSE

In the November 8, 2000 order in Case No. U-12522, the Commission granted ServiSense.com, Inc., (ServiSense) a license to provide basic local exchange service, subject to its compliance with the regulatory requirements of the Michigan Telecommunications Act (MTA), MCL 484.2101 et seq. As set forth in MCL 484.2202(b), the order obligated ServiSense to file a tariff before it commences basic local exchange service.

According to the Commission Staff (Staff), ServiSense has yet to file a tariff that complies with the Commission's requirements. When the Staff attempted to contact ServiSense regarding tariff issues, a law firm that ServiSense had retained to represent it indicated that it is no longer authorized to represent ServiSense and that ServiSense had declared bankruptcy. ServiSense's other representatives and employees, including the company president, did not respond to the Staff's inquiries. Thus, the Staff is unable to determine whether ServiSense intends to comply

with tariff requirements or other regulatory obligations imposed on licensed providers. However, the Staff has been advised that ServiSense is currently providing basic local exchange service in Michigan, and ServiSense's website indicates that it does offer local service. The Staff has not been able to communicate with ServiSense regarding these matters.

In light of the foregoing, the Commission has reason to believe that ServiSense is providing basic local exchange service without an effective tariff.¹ If proven, the allegations presented by the Staff could subject ServiSense to the penalties provided by the MTA, including a fine and revocation of its license. MCL 484.2205, 484.2601. The Commission directs ServiSense to show cause why it should not be found in violation of the MTA and the order in Case No. U-12522 within 21 days of the date that this order is served upon it. ServiSense's response shall be in writing and shall provide documentary evidence and sworn statements that are adequate to demonstrate whether it is in violation of the MTA and Commission orders and how it intends to correct any violation.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACCS, R 460.17101 et seq.

b. There is reason to believe that ServiSense is providing basic local exchange services in violation of the tariff requirements of the MTA and the November 8, 2000 order in Case No. U-12522.

¹ If ServiSense is not in fact providing basic local exchange service, the representations to the contrary on its website could be in violation of MCL 484.2502(a).

THEREFORE, IT IS ORDERED that within 21 days of the service of this order, ServiSense.com, Inc., shall show cause why it should not be found in violation of the Michigan Telecommunications Act and the November 8, 2000 order in Case No. U-12522 and not be made subject to statutory penalties, including revocation of its license.

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

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ Laura Chappelle
Chairman

(S E A L)

/s/ David A. Svanda
Commissioner

/s/ Robert B. Nelson
Commissioner

By its action of February 25, 2002.

/s/ Dorothy Wideman
Its Executive Secretary

THEREFORE, IT IS ORDERED that within 21 days of the service of this order, ServiSense.com, Inc., shall show cause why it should not be found in violation of the Michigan Telecommunications Act and the November 8, 2000 order in Case No. U-12522 and not be made subject to statutory penalties, including revocation of its license.

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

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

By its action of February 25, 2002.

Its Executive Secretary

In the matter, on the Commission's own motion, for)
SERVISENSE.COM, INC., to show cause why its)
license should not be revoked.)
_____)

Case No. U-13320

Suggested Minute:

“Adopt and issue order dated February 25, 2002 requiring ServiSense.com, Inc., to show cause why it is not in violation of the Michigan Telecommunications Act and the Commission's orders, as set forth in the order.”