

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

\* \* \* \* \*

In the matter of the complaint of	)	
<b>PATRICK LACROSS</b> against <b>AMERICA'S</b>	)	Case No. U-13457
<b>DIGITAL SATELLITE TELEPHONE, INC.</b>	)	
_____	)	

At the September 11, 2003 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. J. Peter Lark, Chair  
          Hon. Robert B. Nelson, Commissioner  
          Hon. Laura Chappelle, Commissioner

**ORDER DISMISSING MOTION FOR STAY**

On December 6, 2002, America's Digital Satellite Telephone, Inc., (ADST), filed a motion for a stay of the Commission's November 7, 2002 order. ADST requested the stay because it was filing an appeal.

ADST lost its appeal with the Michigan Court of Appeals. Next, ADST filed an application to appeal with the Michigan Supreme Court, which was also denied. Because ADST has exhausted all of its appeals, its motion for stay pending an appeal is moot. The Commission's delay in dismissing the motion does not signify acceptance of the notion that the mere filing of a motion for stay authorizes a party to delay immediate compliance with the Commission's orders.

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, 1999 AC, R 460.17101 et seq.

b. ADST's motion for a stay is moot, and should be dismissed.

THEREFORE, IT IS ORDERED that the stay of the Commission's November 7, 2002, order is denied.

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

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ J. Peter Lark

Chair

( S E A L )

/s/ Robert B. Nelson

Commissioner

/s/ Laura Chappelle

Commissioner

By its action of September 11, 2003.

/s/ Robert W. Kehres

Its Acting Executive Secretary

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, 1999 AC, R 460.17101 et seq.

b. ADST's motion for a stay is moot, and should be dismissed.

THEREFORE, IT IS ORDERED that the stay of the Commission's November 7, 2002, order is denied.

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

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

---

Chair

---

Commissioner

---

Commissioner

By its action of September 11, 2003.

---

Its Acting Executive Secretary

In the matter of the complaint of )  
**PATRICK LACROSS** against **AMERICA'S** )  
**DIGITAL SATELLITE TELEPHONE, INC.** )  
\_\_\_\_\_ )

Case No. U-13457

Suggested Minute:

“Adopt and issue an order dated September 11, 2003 dismissing as moot the request of America’s Digital Satellite Telephone, Inc., for stay of the Commission’s November 7, 2002 order, as set forth in the order.”