

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the complaints filed by SEAWAY)	
PAINTING, L.L.C., MARGARET D. DARNELL,)	Case No. U-13024
and PAMELA NICHOLSON against MCI)	Case No. U-13445
WORLDCOM COMMUNICATIONS, INC.)	Case No. U-13639
_____)	

At the June 3, 2004 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 GRANTING MOTIONS TO DISMISS WITHOUT PREJUDICE

On July 3, 2001, Seaway Painting, L.L.C., filed a complaint against MCI WorldCom Communications, Inc. (MCI), which alleged violations of the Michigan Telecommunications Act (MTA), MCL 484.2101 et seq.

On June 12, 2002, Margaret D. Darnell filed a complaint against MCI alleging violations of the MTA.

On November 21, 2002, Pamela Nicholson filed a complaint against MCI alleging that there was a delay in completing the switch for local toll service to MCI.

On July 21, 2002 and November 8, 2002, MCI and several of its subsidiaries filed for bankruptcy. Under Sections 524 and 1141 of the Bankruptcy Code, 11 USC 524, 1141, Paragraphs 16 and 17 of the confirmation order, and Sections 10.02 and 10.03 of the bankruptcy plan, all claims against MCI that arose prior to the effective date of the plan are discharged.

Under Section 524(a)(2) of the Bankruptcy Code, Paragraph 18 of the confirmation order, and Section 10.04 of the bankruptcy plan, any person with a claim against MCI is not allowed to commence or continue an action against it with respect to such claim. The bankruptcy court retains jurisdiction to resolve any disputed claims. The above-mentioned claims/complaints arose prior to the effective date of the plan.

Because the claims have been discharged and any request for relief can only be addressed in the bankruptcy court, MCI filed a notice of discharge and motion for dismissal without prejudice in the above-mentioned cases. None of the parties to the complaints filed a response or objection to the motions.

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. MCI WorldCom Communications, Inc.'s motions to dismiss claims without prejudice should be granted.

THEREFORE, IT IS ORDERED that MCI WorldCom Communications, Inc.'s motions to dismiss claims without prejudice are granted.

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 June 3, 2004.

/s/ Mary Jo Kunkle
Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

Chair

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Commissioner

By its action of June 3, 2004.

Its Executive Secretary