

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the complaint of)	
GENRE BROGUE against GLOBAL)	Case No. U-15612
CONNECTION INC. OF AMERICA.)	
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At the November 13, 2008 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. Orjiakor N. Isiogu, Chairman
Hon. Monica Martinez, Commissioner
Hon. Steven A. Transeth, Commissioner

ORDER

On July 7, 2008, Genre Brogue filed a complaint against Global Connection Inc. of America (Global Connection) alleging violations of the Michigan Telecommunications Act, MCL 484.2101 *et seq.* (MTA). On July 28, 2008, the Executive Secretary informed the parties that an evidentiary hearing would be held before Administrative Law Judge Mark E. Cummins (ALJ) at 9:00 a.m. on August 26, 2008. Pursuant to a request filed by Ms. Brogue, on August 7, 2008, the ALJ issued a notice that the hearing was rescheduled to 1:00 p.m. on the same day.

On August 26, 2008, the ALJ was informed by Ms. Brogue that she would not be attending the hearing. Upon informing the respondent, the ALJ learned that, due to a misunderstanding, Global Connection had not arranged for anyone to attend the hearing. On August 26, 2008, the ALJ issued a letter informing the parties that the hearing was rescheduled to September 30, 2008,

at 9:00 a.m. The ALJ's letter stated that failure to appear could result in either dismissal of the complaint or entry of a default judgment against the respondent.

Ms. Brogue did not attend the September 30 hearing. Global Communication moved for dismissal of the complaint with prejudice. The Staff did not object. After noting that both the Commission's July 28 notice and his own August 26 letter stated that failure to attend could result in dismissal of the complaint, the ALJ issued an oral Proposal for Decision (PFD) dismissing the complaint without prejudice. 1 Tr 7-8. A written PFD, with the relevant pages of the hearing transcript attached, was served on the parties on October 10, 2008.

Also on October 10, 2008, the complainant filed a "Motion for Settlement Disposition." The filing states that Ms. Brogue left messages with counsel for the Staff and the respondent on September 29, 2008, requesting that "the proceedings scheduled for 9/30/08 do not be postponed if I was not present. I suggested the hearing to be held and in view of the facts presented beforehand with nothing new to be added by me. . . . I authorized PSC to enter the settlement into their terminals and sell to the highest bidder." Docket item no. 20, pp. 2-3.

No exceptions or replies to exceptions were filed.

The Commission finds that the complaint should be dismissed without prejudice. However, in the absence of good cause, the complainant is prohibited from re-filing the complaint for 90 days. 1999 AC, R 460.17405. Moreover, the complainant is advised that, should she choose to re-file the complaint, neither the evidentiary hearing nor any settlement discussion may proceed in her absence.

THEREFORE, IT IS ORDERED that the complaint is dismissed without prejudice.

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, under MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

Orjiakor N. Isiogu, Chairman

Monica Martinez, Commissioner

Steven A. Transeth, Commissioner

By its action of November 13, 2008.

Mary Jo Kunkle, Executive Secretary