

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the complaint of the)	
CITY OF DETROIT for resolution of a dispute with)	
COMCAST OF DETROIT under the Uniform Video)	Case No. U-15329
Services Local Franchise Act.)	
_____)	

At the July 1, 2009 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 June 19, 2007, the City of Detroit (City) filed a complaint for resolution of a dispute with Comcast of Detroit (Comcast) under the Uniform Video Services Local Franchise Act, 2006 PA 480 (the Act); MCL 484.3301 *et seq.* At that time, the Commission lacked a legislatively approved dispute resolution process, and, by letter dated June 27, 2007, the City rejected the Commission’s offer to conduct informal mediation.

On April 2, 2009, Governor Granholm signed 2009 PA 4, amending the Act. 2009 PA 4 amended Section 10 of the Act, MCL 484.3310, to provide a resolution process for disputes between a provider and a franchising entity.

MCL 484.3310(6)(a) now provides:

(6) If the dispute is between a provider and a franchising entity or between 2 or more providers, the dispute will be resolved in the following manner:

(a) An attempt to resolve the dispute shall first be made through an informal resolution process. If a provider or franchising entity believes that a violation of this act or the franchising agreement has occurred, the provider or franchising entity may begin an informal complaint process with the commission. The provider or the franchising entity shall file with the commission a written notice of dispute identifying the nature of the dispute, request an informal dispute resolution, and serve the notice of dispute on the other party. Commission staff will conduct an informal mediation in an attempt to resolve the dispute. If a satisfactory resolution to the dispute is not achieved, any named party in the complaint may file a formal complaint under subdivision (b).

The initial informal resolution process is mandatory under the Act.

By letter dated April 6, 2009, the Commission informed the City that it would commence this process based upon the City's June 19, 2007 complaint, by having the Commission Staff (Staff) schedule a meeting between the City, Comcast, and the Staff. On April 13 and 16, 2009, the Staff attempted to schedule the informal meeting. On April 20, 2009, the City filed a letter indicating that the City declines to schedule a meeting. By letter dated April 23, 2009, the Staff informed the City that unless an informal mediation was scheduled by May 23, 2009, or other action was taken by the City demonstrating an intent to prosecute this matter, the Staff would be recommending to the Commission that the proceeding be dismissed without prejudice.

The City has failed to take any action subsequent to the Staff's letter. The Commission finds that the City's complaint should be dismissed without prejudice. If the City determines to refile its dispute, it should follow the procedures now set forth in MCL 484.3310(6).

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 by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, under MCL 484.2203(12).

MICHIGAN PUBLIC SERVICE COMMISSION

Orjiakor N. Isiogu, Chairman

Monica Martinez, Commissioner

Steven A. Transeth, Commissioner

By its action of July 1, 2009.

Its Executive Secretary