

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the complaint of	)	
XO MICHIGAN, INC., against	)	
THE DETROIT EDISON COMPANY	)	Case No. U-13054
and request for declaratory relief.	)	
_____	)	

At the October 3, 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**

On August 8, 2001, XO Michigan, Inc., filed a complaint against The Detroit Edison Company alleging a refusal to provide access to its poles. On September 9, 2002, the complainant filed a request to withdraw the complaint with prejudice.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACS, R 460.17101 et seq.
- b. The complaint should be dismissed with prejudice.

THEREFORE, IT IS ORDERED that the complaint of XO Michigan, Inc., against The Detroit Edison Company is dismissed with 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, pursuant to MCL 462.26.

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 October 3, 2002.

/s/ Dorothy Wideman  
Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

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Chairman

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Commissioner

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Commissioner

By its action of October 3, 2002.

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Its Executive Secretary

In the matter of the complaint of )  
**XO MICHIGAN, INC.**, against )  
**THE DETROIT EDISON COMPANY** )  
and Request for Declaratory Relief. )  
\_\_\_\_\_ )

Case No. U-13054

Suggested Minute:

“Adopt and issue order dated October 3, 2002 dismissing with prejudice the complaint of XO Michigan, Inc., against The Detroit Edison Company, as set forth in the order.”