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September 24, 2007

Ms. Mary Jo Kunkle
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way
PO Box 30221
Lansing, MI 48909

Re: In the matter of the formal complaint, application and request for emergency relief of Clear Rate Communications, Inc. against Local Exchange Carriers of Michigan, Inc., and Internet 123, Inc.
MPSC Case No. U-15424

Dear Ms. Kunkle:

Enclosed for filing, please find an Affidavit of Dan Irvin in the above-captioned proceeding. Proof of Service upon the Party of Record is also enclosed.

Very truly yours,

CLARK HILL PLC

Haran C. Rashes

HCR:pat
Enclosures

cc: Party of Record

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the formal complaint,)
application and request for emergency relief of)
Clear Rate Communications, Inc. against)
Local Exchange Carriers of Michigan, Inc. and)
Internet 123, Inc.)

Case No. U-15424

AFFIDAVIT OF DAN IRVIN

State of Michigan)
) ss
Macomb County)

Dan Irvin, being duly sworn, deposes and says that:

1. I am President of Internet 123, Inc., a Michigan corporation (hereinafter “Internet 123”).
2. I am a Director of Local Exchange Carriers of Michigan, Inc., a Michigan corporation (hereinafter, “LECFMI”).
3. I am authorized by Internet 123 and LECMI to testify in this proceeding.
4. I have personal knowledge of the facts contained herein, except as to matters phrased as being based upon information and belief, and as to those matters, I believe them to be true. If called as a witness, I can competently testify as to the matters stated herein.
5. I have reviewed Internet 123, Inc.’s Answer to Complaint and Affirmative Defenses, to be filed on September 24, 2007 in the above-captioned proceeding, and all answers contained therein are true and correct.

6. I have reviewed Internet 123's Response to Clear Rate Communications, Inc.'s ("Clear Rate") Request for Emergency Relief, to be filed on September 24, 2007 in the above-captioned proceeding, and all factual statements therein are true and correct.

7. I have reviewed LECMI's Motion for Summary Disposition and Response to Clear Rate Communications, Inc.'s Request for Emergency Relief, to be filed on September 24, 2007 in the above-captioned proceeding, and all factual statements therein are true and correct.

8. I am a shareholder in LECMI.

9. I am a shareholder in Internet 123.

10. The other shareholders in LECMI are not the same persons who are the other shareholders in Internet 123.

11. I am the Corporate President of Internet 123.

12. James Kandler is the Corporate President of LECMI.

13. Internet 123 and LECMI do not share any employees.

14. Internet 123 and LECMI share operating addresses and each pay proportional rental shares to the landlords of such locations.

15. LECMI operates and owns telecommunications equipment that is leased to Internet 123.

16. Internet 123 pays LECMI for telecommunications services purchased from and for equipment leased from LECMI.

17. Internet 123 purchases telecommunications services and leases telecommunications facilities from entities other than LECMI.

18. Internet 123 and LECMI each have their own telecommunications switches.

19. LECMI has no agreement with Clear Rate to sell or provide Clear Rate any services.

20. LECMI is not currently providing any services to Clear Rate.

21. LECMI has never threatened to discontinue providing any services to Clear Rate.

22. Internet 123 has no written agreement to provide services to Clear Rate.

23. Internet 123 is providing a variety of unregulated telecommunications services to Clear Rate on a month-to-month basis.

24. Internet 123 has indicated to Clear Rate that, for a variety of confidential business reasons, it would no longer like Clear Rate as a customer.

25. I personally asked Clear Rate to discontinue utilizing Internet 123's services within thirty (30) days.

26. I personally informed Clear Rate that Internet 123 intended to discontinue providing services to Clear Rate within thirty (30) days.

27. Internet 123 is willing to work with Clear Rate to ensure a smooth transition of services to a new provider.

28. Neither Internet 123, LECMI, nor I have been personally served with a copy of the above-mentioned Complaint and Request for Emergency Relief.

29. I have not received a copy of the above-mentioned Complaint and Request for Emergency Relief via e-mail from the Complainant or their attorneys.

30. I was made aware of the filing of this Complaint on September 18, 2007 from an examination of the publicly available list of documents filed with the Michigan Public Service Commission.

31. I have not been served with a copy of the Temporary Restraining Order issued by the Macomb County Circuit Court on September 13, 2007, in Case No. 07-3997-CZ


32. The first I heard of the Temporary Restraining Order issued by the Macomb County Circuit Court on September 13, 2007, in Case No. 07-3997-CZ was on September 18, 2007 when I reviewed a copy thereof attached to the above-captioned Complaint filed with the Michigan Public Service Commission on September 17, 2007.

Further Affiant sayeth not.



Dan Irvin

Subscribed and sworn to before me
this 24th day of September, 2007



Notary Public
Lapeer County, Michigan
Acting in Macomb County, Michigan
My Commission expires: 12/17/2011

OSWALDO GONZALEZ-TORRES
NOTARY PUBLIC - MICHIGAN
LAPEER COUNTY
MY COMMISSION EXPIRES DEC. 17, 2011
ACTING IN MACOMB COUNTY

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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application and request for emergency relief of)
Clear Rate Communications, Inc. against)
Local Exchange Carriers of Michigan, Inc. and)
Internet 123, Inc.)

Case No. U-15424

PROOF OF SERVICE

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

Patricia A. Tooker, being duly sworn, deposes and says that she is an employee of Clark Hill PLC, and that on September 24, 2007, a copy of Affidavit of Dan Irvin in the above captioned proceeding was served via Electronic and United States Postal Service First-Class Mail upon the below stated Party of Record.

Michael Ashton
Nicole L. Proulx
Fraser Trebilcock Davis & Dunlap
Attorneys for Clear Rate Communications, Inc.
124 W. Allegan St., Ste 1000
Lansing, MI 48933
Mashton @fraserlawfirm.com
nproulx@fraserlawfirm.com

Patricia A. Tooker

Subscribed and sworn to before me
this 24th day of September, 2007.

Haran C. Rashes, Notary Public
Washtenaw County, Michigan
Acting in Ingham County, Michigan
My Commission Expires: September 18, 2013