

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING
MPSC CASE NO. U-15424**

- The Michigan Public Service Commission will consider the complaint of Clear Rate Communications, Inc. against Local Exchange Carriers of Michigan, Inc. and Internet 123, Inc., for alleged violations of the Michigan Telecommunications Act.
- A public hearing in this matter will be held:

DATE/TIME: October 24, 2007, at 9:00 a.m.
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

BEFORE: Administrative Law Judge Barbara A. Stump

LOCATION: Michigan Public Service Commission
6545 Mercantile Way, Suite 7
Lansing, Michigan

PARTICIPATION: Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 241-6160 in advance to request mobility, visual, hearing or other assistance.

On September 17, 2007, Clear Rate Communications, Inc. (Complainant or Clear Rate) filed a formal complaint and request for Emergency Relief against Local Exchange Carriers of Michigan, Inc. (LECM) and Internet 123, Inc. (Internet 123) Complainant alleges that Local Exchange Carriers of Michigan, Inc. and Internet 123, Inc. are in violation of the Michigan Telecommunications Act. Complainant is requesting the Commission to grant emergency relief by requiring LECM and Internet 123 to reinstate their pre-September 11, 2007 billing practices and rates, order LECM and Internet 123 to not discontinue service for Clear Rate pending resolution of this case, award all of its damages and make whole from the harm suffered, pending resolution, order Complainant to post a bond with the Commission in the amount of \$26,791.28, and impose fines, issue a Cease and Desist Order, including payment of attorney fees.

On September 28, 2007, the Commission served a complaint upon Local Exchange Carriers of Michigan, Inc. and Internet 123, Inc., directing a response on or before October 19, 2007. As of the date of this notice, Local Exchange Carriers of Michigan, Inc. has not filed its response. Internet 123, Inc. had filed its response to request for emergency relief and answer to complaint on September 24, 2007.

The complaint may be dismissed if the Complainant fails to attend the hearing without requesting an adjournment pursuant to the Commission's Rules of Practice and Procedure R 460.17315 and R 460.17335. The same complaint may not be refiled at a later time unless a compelling reason is provided for not appearing or requesting another hearing. Requests for further information on adjournment should be directed to (517) 241-6060.

The Commission has jurisdiction 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.

MICHIGAN PUBLIC SERVICE COMMISSION

Mary Jo Kunkle
Executive Secretary

October 17, 2007

R 460.17315 Adjournments.

Rule 315

(1) Unless the presiding officer allows otherwise, a request for adjournment shall be by motion or stipulation made orally at a hearing or in writing and shall be based on good cause.

(2) A motion or stipulation for adjournment shall state the party who is requesting the adjournment and the reason for the adjournment.

(3) An adjournment may be granted for good cause and shall be in writing or on the record.

(4) In granting an adjournment, the presiding officer, chief administrative law judge, or commission may impose reasonable conditions.

History: 1992 MR 3, Eff. Apr. 9, 1992.

R 460.17335 Motion practice.

Rule 335

(1) In a pending proceeding, a request to the commission or presiding officer for a ruling or order, other than a final order, shall be by motion. Unless made during a hearing, a motion shall be in compliance with all of the following provisions:

(a) Be in writing.

(b) State with particularity the grounds and authority on which the motion is based.

(c) State the relief or order sought.

(d) Be signed by the party or the party's attorney.

(2) Unless a different time is set by the commission or presiding officer or unless the motion is one that may be heard ex parte, a written motion, notice of the hearing on the motion, and any supporting brief or affidavits shall be served as follows:

(a) Not less than 9 days before the hearing, if served by mail.

(b) Not less than 7 days before the hearing, if served by delivery to the attorney or party under Michigan court rule 2.107(c)(1) or (2).

(3) Unless a different time is set by the commission or presiding officer, any response to a motion, including a brief or an affidavit, shall be served as follows:

(a) Not less than 5 days before the hearing, if served by mail.

(b) Not less than 3 days before the hearing, if served by delivery to the attorney or party under Michigan court rule 2.107(c)(1) or (2).

(4) Motions shall be noticed for hearing at the time designated by the commission or presiding officer.

(5) When a motion is based on facts not appearing on the record, the commission or presiding officer may hear the motion on affidavits presented by the parties or may direct that the motion be heard wholly or partly on oral testimony or deposition.

(6) The commission or presiding officer may limit oral arguments on motions and may require the parties to file briefs in support of, and in opposition to, a motion. The commission may dispense with oral argument on matters brought before the commission.

History: 1992 MR 3, Eff. Apr. 9, 1992.

P R O O F O F S E R V I C E

STATE OF MICHIGAN)

Case No. U-15424

County of Ingham)

Gloria Pearl Jones being duly sworn, deposes and says that on October 17, 2007, A.D. she served a copy of the attached Notice of Hearing by mailing copies thereof by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.

Gloria Pearl Jones

Subscribed and sworn to before me
this 17th day of October 2007

William Brandon
Notary Public – State of Michigan
County of Ingham
My Commission Expires January 14, 2013
Acting in the County of Ingham

SERVICE LIST FOR DOCKET # U - 15424- CASE #
DATE OF PREPARATION: 10/19/2007

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ALL UTILITY NOTICES

PAGE: 1
DATE: 01/22/2007

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