

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter, on the Commission's own motion,	)	
directing MARTELL CABLE SERVICES, INC. ,	)	
to show cause why it should not be found to be	)	Case No. U-20504
in violation of the Uniform Video Services Local	)	
Franchise Act, 2006 PA 480, MCL 484.3301 <i>et seq.</i>	)	
_____	)	

In the matter, on the Commission's own motion,	)	
directing MARTELL CABLE SERVICES, INC. ,	)	
to show cause why it should not be found to be	)	Case No. U-20093
in violation of the Uniform Video Services Local	)	
Franchise Act, 2006 PA 480, MCL 484.3301 <i>et seq.</i>	)	
_____	)	

At the April 18, 2019 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Sally A. Talberg, Chairman
Hon. Norman J. Saari, Commissioner
Hon. Daniel C. Scripps, Commissioner

ORDER TO SHOW CAUSE

The Commission Staff (Staff) has determined that Martell Cable Services, Inc. (Martell Cable) may be in violation of the Uniform Video Services Local Franchise Act, 2006 PA 480 (Act 480), MCL 484.3301 *et seq.*

Specifically, the Staff reports that Martell Cable has failed to provide information to the Commission required under MCL 484.3309 (Section 9).

MCL 484.3309(1)-(4) provides as follows:

(1) A video service provider shall not deny access to service to any group of potential residential subscribers because of the race or income of the residents in the local area in which the group resides.

(2) It is a defense to an alleged violation of subsection (1) if the provider has met either of the following conditions:

(a) Within 3 years of the date it began providing video service under this act, at least 25% of households with access to the provider's video service are low-income households.

(b) Within 5 years of the date it began providing video service under this act and from that point forward, at least 30% of the households with access to the provider's video service are low-income households.

(3) If a video service provider is using telecommunication facilities to provide video services and has more than 1,000,000 telecommunication access lines in this state, the provider shall provide access to its video service to a number of households equal to at least 25% of the households in the provider's telecommunication service area in the state within 3 years of the date it began providing video service under this act and to a number not less than 50% of these households within 6 years. A video service provider is not required to meet the 50% requirement in this subsection until 2 years after at least 30% of the households with access to the provider's video service subscribe to the service for 6 consecutive months.

(4) Each provider shall file an annual report with the franchising entity and the commission regarding the progress that has been made toward compliance with subsections (2) and (3).

Thus, subsection (4) of Section 9 requires submission of an annual report to the Commission containing specific information required under subsections (2) and (3). On October 1, 2018, the Staff notified Martell Cable via regular mail and email that the Section 9 annual report was due October 19, 2018. On October 15 and 18, 2018, the Staff sent the company reminder emails to file the report. On October 22, 2018, the Staff sent a Past Due Notice via regular mail and email. On October 30, 2018, the Staff sent a Final Notice letter via certified mail with a due date of November 6, 2018. On December 3, 2019, the Final Notice letter was returned to the Commission as unclaimed. To date, the Commission has not received the Section 9 report from Martell Cable.

In addition to the above annual report, video cable providers are required to submit to the Commission an annual survey pursuant to MCL 484.3312 (Section 12), which provides, in pertinent part:

(2) A video service provider shall submit to the commission any information requested by the commission necessary for the preparation of the annual report required under this subsection.

On November 30, 2018, in accordance with Section 12 requirements, the Staff sent Martell Cable the 2018 Video/Cable Provider survey letter via certified mail and email with a due date of December 14, 2018. On December 10, 2018, the Staff sent the company a reminder via email. On December 17, 2018, the Staff sent a Past Due Notice via email. On December 19, 2018, the Staff sent a Final Notice letter regarding the survey via certified mail and email. On January 2, 2019, the Video/Cable Provider survey letter was returned to the Commission as unclaimed by Martell Cable. On January 18, 2019, the Final Notice letter was returned to the Commission as unclaimed by Martell Cable. To date, the Commission has not received the Video/Cable Provider survey from Martell Cable.

In addition, on June 28, 2018, in Case No. U-20093 (June 28 order), the Commission ordered Martell Cable to provide documentation prior to the company's annual Section 9 filing that the company had updated its status as a legally operating corporation with the Corporations, Securities & Commercial Licensing Bureau of the Department of Licensing and Regulatory Affairs. To date, Martell Cable has not provided the Commission with the required documentation.

Accordingly, the Commission finds that it should order Martell Cable to show cause why it should not be found in violation of the above-described sections of Act 480 and the June 28 order. Martell Cable is ordered to file a response in this docket by 5:00 p.m. on May 14, 2019. Martell Cable's response shall be accompanied by prefiled direct testimony, exhibits, work papers, and

affidavits supporting the veracity of its response prepared by a person or persons with actual knowledge of the circumstances. Martell Cable is also ordered to appear with counsel at a prehearing conference scheduled for 9:00 a.m. on May 21, 2019, before Administrative Law Judge Kandra K. Robbins (ALJ) at the Commission's offices, 7109 W. Saginaw Highway, Lansing, Michigan, 48917. Any interested person may file a petition for leave to intervene by May 14, 2019. All further proceedings in this matter shall be scheduled by the ALJ.

THEREFORE, IT IS ORDERED that:

A. Martell Cable Services, Inc., shall file its response to the allegations set forth in this order to show cause accompanied by supporting documentation in this docket by 5:00 p.m. on May 14, 2019.

B. Petitions for leave to intervene in the matter shall be filed by May 14, 2019.

C. Martell Cable Services, Inc., shall appear with counsel at a prehearing conference scheduled for 9:00 a.m. on May 21, 2019, before Administrative Law Judge Kandra K. Robbins at the Commission's offices, 7109 W. Saginaw Highway, Lansing, Michigan, 48917.

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, pursuant to MCL 484.3314(4) and MCL 484.2203(12). To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel. Electronic notifications should be sent to the Executive Secretary at mpscedockets@michigan.gov and to the Michigan Department of the Attorney General - Public Service Division at pungpl@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Sally A. Talberg, Chairman

Norman J. Saari, Commissioner

Daniel C. Scripps, Commissioner

By its action of April 18, 2019.

Kavita Kale, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

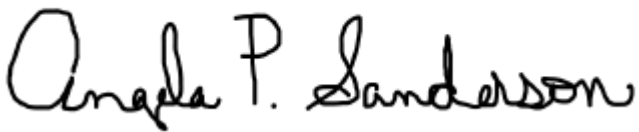
Case No. U-20504 *et al.*

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on April 18, 2019 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).


Brianna Brown

Subscribed and sworn to before me
this 18th day of April 2019.



Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2024

Service List for Case: U-20504

Name

Email Address

Martell Cable Company

martellcable@comcast.net

Service List for Case: U-20093

Name	Email Address
Daniel Sonneveldt	sonneveldtd@michigan.gov
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Sharon Feldman	feldmans@michigan.gov

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NOS Communications, Inc.
Osirus Communications, Inc.
Quantum Shift Communications
Quick Communications
Quick Communications, Inc.
Reliant Communications, Inc.
Trinsic Communications, Inc.
United Comm, Inc. dba Call One
Baraga Telephone Company
Barry County Telephone Company
Carr Telephone Company
Chapin Telephone Company
Climax Telephone Company
Cypress Comm Oper Company,
Hiawatha Telephone Company
IBFA Acquisition Company
Kaleva Telephone Company
Lennon Telephone Company
Ogden Telephone Company
Pigeon Telephone Company
Sand Creek Telephone Company
Springport Telephone Company
Springport Telephone Company
Sprint Communications Company, L.P.
TNCl Operating Company, LLC
U.S. Signal Company, LLC
Waldron Telephone Company
Allband Communications Cooperative
FairPoint Communications Solutions Corp.
New Horizons Comm Corp.
Range Corporation
TruComm Corporation
Jie Cui
CynergyComm.Net, Inc.
DayStarr, LLC
Bell South Long Dist Inc., dba AT&T
RACC Enterprises, LLC
Deerfield Farmers
Lisa Felice
Vicki Goodburne

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Deborah Kuhn, Verizon
France Telecom Corporate Solutions L.L.C.
Birch Telecom of the Great Lakes, Inc.
Level3 Comm
BT Communications Sales LLC
Bingham McCutchen LLP
Lucre, Inc.
Telecom Management, Inc., dba Pioneer Long
Robert McCausland
MetroNet-Telecom, Inc
Metropolitan Telecomm of MI
Ace Telephone Company of Michigan, Inc.
Charter Fiberlink- Michigan, LLC
Fibernet of Michigan
Frontier Communications of Michigan
Local Exchange Carriers of Michigan, Inc.
Chrissie Pearce- MPSC
MiTel NetSolutions
ATI Network,s Inc
Bright House Network
Broadview Networks & A.R.C. Networks,
GVC Networks, LLC
Intellifiber Networks, Inc.
JAS Networks & EagleNet
NextG Networks
Ygnition Networks, Inc.

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BRex@BUCKEYE-TELESYSTEM.COM	Buckeye Telesystem
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mark.iannuzzi@TELNETWW.COM	Telnet Worldwide, Inc., Superior Spectrum T
legal.request@elnk.com	No Name Available

PROOF OF SERVICE

STATE OF MICHIGAN)

Case No. U-20504

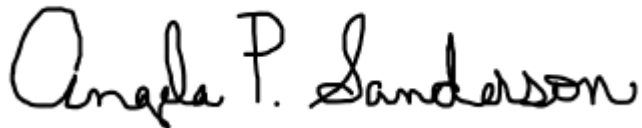
County of Ingham)

Brianna Brown being duly sworn, deposes and says that on April 18, 2019 A.D. she served a copy of the attached Commission order by first class certified mail (7014 0150 0001 0742 6082), postage prepaid, or by inter-departmental mail, to the persons as shown below.

Martell Cable Company
Attn: Anthony Martell
1597 Shownings Glen Dr.
Wixom, MI 48393


Brianna Brown

Subscribed and sworn to before me
this 18th day of April 2019.



Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2024

U-20504 Special Distribution

martellcable@comcast.net

Martell Cable Company
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Wixom, MI 48393