

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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| In the matter of the application of              | ) |                  |
| <b>CHERRY CAPITAL CONNECTION, LLC,</b>           | ) |                  |
| for a temporary and permanent license to provide | ) | Case No. U-20474 |
| basic local exchange service throughout the      | ) |                  |
| state of Michigan.                               | ) |                  |
| _____  | ) |                  |

At the May 23, 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**

On February 7, 2019, Cherry Capital Connection, LLC, d/b/a Cherry Capital Communications (Cherry Capital) filed an application, under the Michigan Telecommunications Act (MTA), MCL 484.2101 *et seq.*, for a license to provide basic local exchange service throughout the state of Michigan. On March 19, 2019, Cherry Capital filed an amended application. On April 18, 2019, Cherry Capital was granted a temporary license.

At an evidentiary hearing held on May 7, 2019, Cherry Capital presented the testimony and exhibits of Timothy G. Maylone, its Chief Executive Officer. At the close of the hearing, the parties (Cherry Capital and the Commission Staff) waived compliance with Section 81 of the Michigan Administrative Procedures Act, MCL 24.281.

After a review of the application and testimony, the Commission finds that approval of the application is in the public interest. On numerous occasions, the Commission has found that competition in telecommunications services can be advantageous to the residents of this state. Approval of the request for a license to provide basic local exchange service will expand the opportunities for competition. Accordingly, the application is approved.

The grant of a license is conditioned on full compliance with the provisions of the MTA, as well as the anti-slamming procedures adopted in Case No. U-11900, the access restructuring mechanism contribution methodology adopted in Case No. U-16183, and the number reclamation process adopted in Case No. U-12703. Failure to comply fully may result in revocation of the license and other penalties. The grant of a license is conditioned upon the provision of service to customers within a reasonable time. Failure to do so may result in revocation of the license.

Finally, the Commission notes that any numbers obtained by the applicant are a public resource and are not owned by the applicant. If the applicant fails to provide service or goes out of business, any numbers assigned to it are subject to reclamation.

THEREFORE, IT IS ORDERED that:

A. Cherry Capital Connection, LLC, d/b/a Cherry Capital Communications, is granted a permanent license to provide basic local exchange service throughout the state of Michigan.

B. Cherry Capital Connection, LLC, d/b/a Cherry Capital Communications, shall provide basic local exchange service in accordance with the regulatory requirements specified in the Michigan Telecommunications Act, MCL 484.2101 *et seq.*, including the number portability provisions of MCL 484.2358, the access restructuring mechanism contribution requirements of MCL 484.2310 and Case No. U-16183, the anti-slamming procedures adopted in Case No. U-11900, and the number reclamation process adopted in Case No. U-12703.

C. Before commencing basic local exchange service under the permanent license, Cherry Capital Connection, LLC, d/b/a Cherry Capital Communications, shall submit its tariff reflecting the services that it will offer and identifying the exchanges in which it will offer service.

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). 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](mailto:mpscedockets@michigan.gov) and to the Michigan Department of the Attorney General - Public Service Division at [pungpl@michigan.gov](mailto: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 West Saginaw Hwy, Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

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Sally A. Talberg, Chairman

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Norman J. Saari, Commissioner

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Daniel C. Scripps, Commissioner

By its action of May 23, 2019.

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Kavita Kale, Executive Secretary

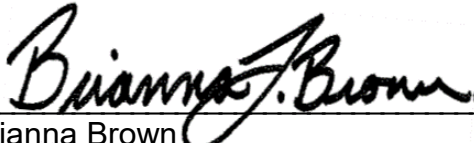
# PROOF OF SERVICE

STATE OF MICHIGAN )

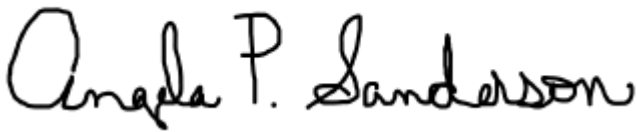
Case No. U-20474

County of Ingham )

Brianna Brown being duly sworn, deposes and says that on May 23, 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 23<sup>rd</sup> day of May 2019.



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

**Service List for Case: U-20474**

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| Name                          | Email Address                   |
|-------------------------------|---------------------------------|
| Benjamin J. Holwerda          | holwerdab@michigan.gov          |
| Cherry Capital Connection LLC | tim@cherrycapitalconnection.com |
| Gary L. Field                 | glfield@fieldlawgroup.com       |
| Hai Jiang                     | hjiang@fieldlawgroup.com        |
| Sharon Feldman                | feldmans@michigan.gov           |