

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter, on the Commission's own motion,	)	
directing ANTHONY MARTELL d/b/a	)	
MARTELL CABLE SERVICE to show cause	)	Case No. U-20743
why it should not be found to be in violation of the	)	
Uniform Video Services Local Franchise Act,	)	
2006 PA 480, MCL 484.3301 <i>et seq.</i>	)	
_____	)	

At the June 10, 2020 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Sally A. Talberg, Chairman
Hon. Daniel C. Scripps, Commissioner
Hon. Tremaine L. Phillips, Commissioner

ORDER TO SHOW CAUSE

The Commission Staff (Staff) has determined that Anthony Martell d/b/a Martell Cable Service (Martell)¹ 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 has failed to timely provide an annual survey to the Commission pursuant to MCL 484.3312(2) (Section 12(2)), which provides, in pertinent part: "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."

¹ Formerly, Anthony Martell d/b/a Martell Cable Service operated as Martell Cable Services, Inc.

On December 2, 2019, in accordance with Section 12 requirements, the Staff sent Martell the 2019 Video/Cable Provider survey letter via email with a due date of December 13, 2019. On December 16, 2019, the Staff sent Martell a reminder via email and extended the due date to December 18, 2019. On December 18, 2019, the Staff sent a Past Due Notice via email. On December 19, 2019, the Staff sent another Past Due Notice regarding the survey via email. On December 20, 2019, the Staff left Martell a voice mail message that the survey was past due. As of the date of this order, the Commission has not received the Video/Cable Provider survey from Martell.

Martell (f/d/b/a Martell Cable Services, Inc.) has a history of noncompliance with Section 12 reporting requirements, as well as noncompliance with MCL 484.3309 (Section 9) reporting requirements. The 2016 and 2017 information was provided only after numerous requests from the Staff and the issuance of orders to show cause.² The 2018 information was provided only after the issuance of an order to show cause and an evidentiary hearing before an administrative law judge.³ Martell supplied required Section 9 information for 2019 more than three months late, doing so only after numerous notices from the Staff.

Further, Martell delayed providing necessary clarification to the Commission to establish whether the business was a legally operating corporation, a sole proprietorship, or a business not operating within the requirements of the law, forcing the show cause hearing to be rescheduled. The Commission notes that Martell was assessed a fine of \$1,500.00 as a consequence of its

² See, the March 28, 2017 order in Case No. U-18341 and the February 22, 2018 order in Case No. U-20093.

³ See, the April 18, 2019, July 2, 2019, and November 14, 2019 orders in Case No. U-20504.

failure to timely provide both Section 9 and Section 12 information for 2018.⁴ The fine, which was due no later than December 16, 2019, remains unpaid.

Accordingly, the Commission finds that it should order Martell to show cause why it should not be found in violation of Section 12 of Act 480.⁵ Martell is ordered to file a response in this docket by 5:00 p.m., Eastern time (ET), on June 23, 2020. Martell'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 is also ordered to appear at a prehearing conference scheduled for 9:00 a.m., ET, on July 1, 2020, 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 5:00 p.m., ET, on June 23, 2020. All further proceedings in this matter shall be scheduled by the ALJ.

THEREFORE, IT IS ORDERED that:

A. Anthony Martell d/b/a Martell Cable Service 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., Eastern time, on June 23, 2020.

B. Petitions for leave to intervene in the matter shall be filed by 5:00 p.m., Eastern time, on June 23, 2020.

⁴ See, the November 14, 2019 order in Case Nos. U-20504 and U-20093.

⁵ Martell is currently in compliance with Section 9, albeit the company filed the information three months late.

C. Anthony Martell d/b/a Martell Cable Service shall appear at a prehearing conference scheduled for 9:00 a.m., Eastern time, on July 1, 2020, 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

Daniel C. Scripps, Commissioner

Tremaine L. Phillips, Commissioner

By its action of June 10, 2020.

Lisa Felice, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

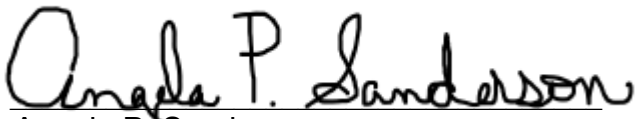
Case No. U-20743

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on June 10, 2020 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 10th day of June 2020.



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

Service List for Case: U-20743

Name

Email Address

Martell Cable Company

martellcable@comcast.net

TELEMOTION ELECTRONIC SERVICE LIST

charles.forst@360.NET	Global Connection Inc. of America
carl.billek@CORP.IDT.NET	IDT America, Corp.
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rg1467@ATT.COM	AT&T Michigan
schoen.kevin@ACD.NET	No Name Available
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ddragan@CMCTELECOM.NET	No Name Available
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strandtc@LIQUIDWEB.COM	No Name Available
pwickstr@PACWEST.COM	No Name Available
kscovill@TELECOMSYS.COM	No Name Available
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ljfreeman@BANDWIDTH.COM	Bandwidth.com CLEC, LLC
tnamy@CLEARRATE.COM	Clear Rate Comm, Inc.
pjosephson@STERLINGBUSINESSLAW.COM	Trans National Comm
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pmasters@ERNESTGROUP.COM	Ernest Communications, Inc.
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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
Carr Telephone Company
Chapin Telephone Company
Climax Telephone Company
Cypress Comm Oper Company,
Hiawatha Telephone Company
IBFA Acquistion 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.
TNCI 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

TELEMOTION ELECTRONIC SERVICE LIST

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Grid4 Communications Inc.
Bulls Eye Telecom Inc.
Intrado Communications Inc.
TouchTone Communications Inc.
Verizon North Inc.
PTGi Intl Carrier Services, Inc.
Kreucher, Jon D.
Thomas Krichel
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.

TELEMOTION ELECTRONIC SERVICE LIST

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sales@CREXENDO.COM	Crexendo Business Solutions
jkorn@STORESONLINE.COM	Crexendo Bus Solutions.
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Steve@CASAIR.NET	Crystal Automation Systems
jet@T2COMM.NET	T2 Communications
joe@TC3TELECOM.COM	TC3 Telecom Inc.
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ranthony@JAMADOTS.COM	Chippewa County Telephone
fxm@QTELEPHONE.COM	Quality Telephone, Inc.
askus@BUCKEYE-TELESYSTEM.COM	Buckeye Telesystem, Inc.
BRex@BUCKEYE-TELESYSTEM.COM	Buckeye Telesystem
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dprather@INDIGITAL.NET	Communications Venture
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chris@CASTLEWIRE.COM	Castle Wire, Inc., f/k/a Business Communica
kelly.faul@XO.COM	Nextlink Wireless, Inc.
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-20743

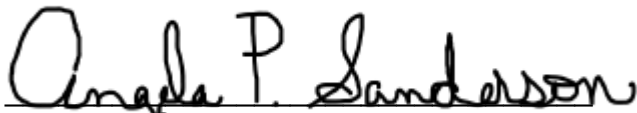
County of Ingham)

Brianna Brown being duly sworn, deposes and says that on June 10, 2020 A.D. she served a copy of the attached Commission order by first class certified mail (7014 0150 0001 0742 7249), postage prepaid, or by inter-departmental mail, to the persons as shown below.

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


Brianna Brown

Subscribed and sworn to before me
this 10th day of June 2020.



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