

STATE OF MICHIGAN  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
FOR THE MICHIGAN PUBLIC SERVICE COMMISSION

\* \* \* \* \*

In the matter of the application of CMC )	
Telecom, Inc., for a license to provide basic )	
local exchange service in Ameritech Michigan )	Case No. U-11425
exchanges. )	
_____ )	

In the matter of the application of CMC )	
Telecom, Inc., to expand the geographic )	
scope of its license to provide basic local )	Case No. U-14113
exchange service in the local exchanges )	
currently served by SBC Michigan, and )	
Verizon North Inc. and Contel of the South )	
Inc., d/b/a Verizon North Systems. )	
_____ )	

In the matter of the application of Lucre, Inc., )	
for a license to provide basic local exchange )	
service in selected areas served by )	Case No. U-11828
Ameritech Michigan. )	
_____ )	

In the matter of the application of Lucre, Inc. )	
to amend the geographic service area of its )	
license to encompass all of the zones and )	Case No. U-12112
exchanges throughout the State of Michigan )	
served by GTE North Incorporated, Contel of )	
the South, Inc. d/b/a GTE Systems of )	
Michigan, and Ameritech Michigan. )	
_____ )	

In the matter of the application of Michigan )	
Access, Inc., for temporary and permanent )	
licenses to provide local exchange services )	Case No. U-14896
in all zone and exchange areas throughout )	
the State of Michigan. )	
_____ )	

In the matter of the application of Michigan  
Access, Inc., to amend the geographic  
service area of its license to provide  
basic local exchange service.  
\_\_\_\_\_

Case No. U-16137

In the matter of the application of Business  
Communications Analysts, Inc., for a license  
to provide basic local exchange service  
throughout the State of Michigan in the zone  
and exchange areas served by Verizon North,  
Inc., Contel of the South, Inc., d/b/a Verizon  
North Systems, Century Tel Midwest-Michigan,  
Inc., Century-Tel of Michigan, Inc., CenturyTel  
of Northern Michigan, Inc., CenturyTel of  
Upper Michigan, Inc., and AT&T Michigan.  
\_\_\_\_\_

Case No. U-15103

In the matter of the application of Huron  
Mountain Communications Co. for the  
Issuance of a license to provide basic local  
exchange service.  
\_\_\_\_\_

Case No. U-15548

In the matter of the application of IQ  
Telecom Inc., for a license to provide basic  
local exchange service.  
\_\_\_\_\_

Case No. U-16507

In the matter of the application of Rockford  
Telephone Company, Inc., for a temporary  
and permanent license to provide resold and  
facilities-based local exchange  
telecommunications service in the State of  
Michigan (Rockford Exchange only).  
\_\_\_\_\_

Case No. U-16844

In the matter of the application of AirNorth  
Communications, Inc., for the issuance of  
a temporary and permanent license to provide  
basic local exchange service throughout  
the State of Michigan in the zones and  
exchange areas served by AT&T Michigan,  
\_\_\_\_\_

Case No. U-17745

Frontier North, Inc., Frontier Midstates, Inc, )  
Century Tel of Michigan, Inc., CenturyTel, )  
Midwest-Michigan, Inc., CenturyTel )  
of Northern Michigan, Inc., and CenturyTel of )  
Upper Michigan, Inc. )  

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In the matter, on the Commission's own )  
motion, to commence formal basic local )  
exchange service license revocation )  
proceedings against Air Advantage, LLC, )  
AirNorth Communications, Inc.; CMC )  
Telecom, Inc; Global Communications )  
Network, Inc., f/k/a Castle Wire, Inc., f/k/a )  
Business Communications Analysts, Inc.; )  
Huron Mountain Communications, Co.; IQ )  
Telecom, Inc.; Lucre, Inc.; Michigan Access, )  
Inc., and Rockford Telephone Company, Inc. )  

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Case No. U-20892

### **NOTICE OF PROPOSAL FOR DECISION**

The attached Proposal for Decision is being issued and served on all parties of record in the above matter on December 21, 2020.

Exceptions, if any, must be filed with the Michigan Public Service Commission, 7109 West Saginaw, Lansing, Michigan 48917, and served on all other parties of record on or before January 11, 2021, or within such further period as may be authorized for filing exceptions. If exceptions are filed, replies thereto may be filed on or before January 25, 2021.

At the expiration of the period for filing exceptions, an Order of the Commission will be issued in conformity with the attached Proposal for Decision and will become effective unless exceptions are filed seasonably or unless the Proposal for Decision is

reviewed by action of the Commission. To be seasonably filed, exceptions must reach the Commission on or before the date they are due.

MICHIGAN OFFICE OF ADMINISTRATIVE  
HEARINGS AND RULES  
For the Michigan Public Service Commission

Sally L.  
Wallace

Digitally signed by: Sally L.  
Wallace  
DN: CN = Sally L. Wallace email =  
wallaces2@michigan.gov C = US  
O = MOAHR OU = MOAHR - PSC  
Date: 2020.12.21 11:44:05 -05'00'

December 21, 2020  
Lansing, Michigan

Sally L. Wallace  
Administrative Law Judge

STATE OF MICHIGAN  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
FOR THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of CMC	)	
Telecom, Inc., for a license to provide basic	)	
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exchanges.	)	
_____	)	

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Telecom, Inc., to expand the geographic	)	
scope of its license to provide basic local	)	Case No. U-14113
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Inc., d/b/a Verizon North Systems.	)	
_____	)	

In the matter of the application of Lucre, Inc.,	)	
for a license to provide basic local exchange	)	
service in selected areas served by	)	Case No. U-11828
Ameritech Michigan.	)	
_____	)	

In the matter of the application of Lucre, Inc.	)	
to amend the geographic service area of its	)	
license to encompass all of the zones and	)	Case No. U-12112
exchanges throughout the State of Michigan	)	
served by GTE North Incorporated, Contel of	)	
the South, Inc. d/b/a GTE Systems of	)	
Michigan, and Ameritech Michigan.	)	
_____	)	

In the matter of the application of Michigan	)	
Access, Inc., for temporary and permanent	)	
licenses to provide local exchange services	)	Case No. U-14896
in all zone and exchange areas throughout	)	
the State of Michigan.	)	
_____	)	

In the matter of the application of Michigan Access, Inc., to amend the geographic service area of its license to provide basic local exchange service.

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Case No. U-16137

In the matter of the application of Business Communications Analysts, Inc., for a license to provide basic local exchange service throughout the State of Michigan in the zone and exchange areas served by Verizon North, Inc., Contel of the South, Inc., d/b/a Verizon North Systems, Century Tel Midwest-Michigan, Inc., Century-Tel of Michigan, Inc., CenturyTel of Northern Michigan, Inc., CenturyTel of Upper Michigan, Inc., and AT&T Michigan.

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Case No. U-15103

In the matter of the application of Huron Mountain Communications Co. for the Issuance of a license to provide basic local exchange service.

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Case No. U-15548

In the matter of the application of IQ Telecom Inc., for a license to provide basic local exchange service.

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Case No. U-16507

In the matter of the application of Rockford Telephone Company, Inc., for a temporary and permanent license to provide resold and facilities-based local exchange telecommunications service in the State of Michigan (Rockford Exchange only).

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Case No. U-16844

In the matter of the application of AirNorth Communications, Inc., for the issuance of a temporary and permanent license to provide basic local exchange service throughout the State of Michigan in the zones and exchange areas served by AT&T Michigan, Frontier North, Inc., Frontier Midstates, Inc., Century Tel of Michigan, Inc., CenturyTel, Midwest-Michigan, Inc., CenturyTel

Case No. U-17745

of Northern Michigan, Inc., and CenturyTel of )  
Upper Michigan, Inc. )  
\_\_\_\_\_ )

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Business Communications Analysts, Inc.; )  
Huron Mountain Communications, Co.; IQ )  
Telecom, Inc.; Lucre, Inc.; Michigan Access, )  
Inc., and Rockford Telephone Company, Inc. )  
\_\_\_\_\_ )

Case No. U-20892

## **PROPOSAL FOR DECISION**

### **I.**

#### **PROCEDURAL HISTORY**

On September 24, 2020, the Commission issued an order in Case No. U-20892 directing several telecommunications service providers to file an intervention in Case No. U-20892 by October 26, 2020, and appear at a hearing on November 17, 2020, if these providers intend to retain their licenses to provide basic local exchange service.<sup>1</sup> The order named the following corporations: Air Advantage, LLC (Air Advantage); AirNorth Communications, Inc. (AirNorth); CMC Telecom, Inc. (CMC); Global Communications Network, Inc. (Global), f/k/a Castle Wire, Inc., f/k/a Business Communications Analysts, Inc.; Huron Mountain Communications Co. (Huron); IQ

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<sup>1</sup> The order was served via email to the above captioned providers.  
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Page 3

Telecom, Inc. (IQ); Lucre, Inc. (Lucre); Michigan Access, Inc. (Michigan Access); and Rockford Telephone Company, Inc. (Rockford). The Commission further instructed:

If a provider does not intervene in the proceeding and/or fails to attend the November 17, 2020 hearing, the ALJ shall, after receipt of testimony and exhibits from the Staff, render a Proposal for Decision (PFD) with regard to the issue of whether the provider's license to provide basic local exchange service should be revoked immediately by the Commission. For any provider that intervenes in the proceeding and attends the hearing, the ALJ shall treat the hearing as a prehearing conference in a separate complaint case brought in the docket for the provider's license, unless the provider agrees to voluntarily relinquish its license or the Staff requests dismissal of further proceedings against the provider.<sup>2</sup>

On October 27, 2020, Air Advantage filed a petition to intervene, and subsequently participated in the November 17, 2020 hearing. Consistent with the Commission's order, a schedule was set for further proceedings concerning Air Advantage's license. The remaining providers did not petition to intervene, nor did they attend the hearing.

At the November 17 hearing, Staff entered the testimony and exhibits of Shatina S. Jones, Senior Departmental Analyst in the Licensing and Competitive Issues Section of the Commission's Telecommunications Division.<sup>3</sup> On December 7, 2020, Huron surrendered its license, stating that it is not providing basic local exchange service and that it has no customers receiving such service in Michigan.

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<sup>2</sup> Order, p. 3.

<sup>3</sup> Ms. Jones' testimony is transcribed at Tr 8-19.



## II.

### **OVERVIEW OF THE RECORD**

The record in this proceeding consists of 22 pages of transcript and three exhibits admitted into evidence. The following is a brief overview of the testimony and exhibits, with additional details provided in the discussion section of this PFD.

Ms. Jones testified that Staff recommends that the licenses of the providers listed in Exhibit S-1, except for Air Advantage, be revoked as provided in Section 601(d) of the Michigan Telecommunications Act<sup>4</sup> (MTA), MCL 484.2601(d), because these providers are no longer in compliance with Sections 302(1) and 305b(c) of the MTA. Specifically, Ms. Jones testified that the companies listed in Exhibit S-1 are either not providing basic local exchange service, or they no longer possess sufficient technical, financial, and management capability to do so.<sup>5</sup>

Ms. Jones discussed the factors Staff took into account in recommending the license revocations, including varied and persistent attempts to contact the providers,<sup>6</sup> a review of the Michigan Department of Licensing a Regulatory Affairs (LARA) Bureau of Commercial Services (BCS) database, and a review of Commission records regarding tariff information.<sup>7</sup> As a result of its enquiry, Staff determined that several of the companies are not active, some have never provided basic local exchange service, and others failed to respond to Staff's requests for information.<sup>8</sup> Ms. Jones further testified that:

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<sup>4</sup> MCL 484.2101 *et seq.*

<sup>5</sup> Tr 12.

<sup>6</sup> Exhibit S-2.

<sup>7</sup> Tr 12-13.

<sup>8</sup> *Id.* at 13.

On October 7, 2019 a certified letter was sent to each of the providers. The letters detailed any unsuccessful attempts to contact the provider and also informed the provider of its delinquent filings with the Commission, additionally noting the providers' corporate status and whether or not it was up to date with the Bureau of Commercial Services (BCS). The letters further explained that failure to respond to the letter could result in action to revoke the provider's license to provide basic local exchange service. These letters are available as Exhibit S-3 to my testimony. All of the telecommunications providers that Staff is requesting license revocation for failed to respond to the request to update their corporation's status with the BCS and provide the delinquent filings as requested by Staff.

Ms. Jones testified that seven of the providers responded to the certified letter; five of them indicated a desire to retain their licenses, and two requested to surrender their licenses. Finally, Ms. Jones explained that any providers that fail to retain their licenses after this proceeding must comply with state and federal requirements (e.g., Section 313 of the MTA or Section 214 of the Federal Telecommunications Act) to discontinue service or transfer existing customers to other providers. Failure to do so would be a violation of Section 301(1), which does not permit the provision of service without a license.

### III.

#### **DISCUSSION**

##### A. Legal Requirements

Among other things, the MTA requires all providers and resellers of basic local exchange service to receive a license from the Commission. MCL 484.2301. In issuing a license, the Commission must find: "(a) The applicant possesses sufficient technical, financial, and managerial resources and abilities to provide basic local exchange service within the geographic area of the license and that the applicant intends to provide service within 1 year from the date the license is granted[]" and "(b) The

granting of a license to the applicant would not be contrary to the public interest.” MCL 484.2302(1).

Once licensed, “Each telecommunication provider of a regulated service in this state shall pay an assessment in an amount equal to the expenses of the commission pursuant to Act No. 299 of the Public Acts of 1972, being sections 460.111 to 460.120 of the Michigan Compiled Laws.” MCL 484.2211. In addition, and among other things, providers wishing to discontinue service must comply with the requirements under MCL 484.2313, and all providers of basic local exchange service must provide lifeline rates and services to qualifying low income customers. Along with other penalties provided for under the MTA, the Commission may impose fines, and it may revoke the license of any provider found in violation of the act. MCL 484.2601.

Finally, pursuant to Section 92(1) of the Administrative Procedures Act, MCL 24.292(1):

Before beginning proceedings for the suspension, revocation, annulment, withdrawal, recall, cancellation or amendment of a license, an agency shall give notice, personally or by mail, to the licensee of facts or conduct that warrants the intended action. The licensee shall be given an opportunity to show compliance with all lawful requirements for retention of the license except as otherwise provided[.]<sup>9</sup>

With these requirements in mind, specific findings and recommendations concerning license revocation for each provider are discussed in the sections below.

B. Air Advantage, LLC

As noted above, Air Advantage intervened in this matter and a schedule was set for a separate complaint proceeding in Case No. U-17001. Consistent with Staff's

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<sup>9</sup> See also, *Rogers v Cosmetology Board*, 68 Mich App 751, 756; 244 NW2d 20 (1976), holding that “a preliminary notice of facts and an informal opportunity to show compliance with all requirements” is necessary prior to the commencement of formal license revocation proceedings.

recommendation, this PFD also recommends that no action be taken with respect to Air Advantage's license until the conclusion of the complaint case.

C. AirNorth Communications, Inc.<sup>10</sup>

As shown in Exhibit S-2, AirNorth is currently active but last filed an annual report with the BCS in July 2018. Staff states that it communicated with AirNorth in October 2019, by certified mail (see, Exhibit S-3). The letter, dated October 7, 2019, listed the company's various delinquencies and requested a response within 30 days. The company did not respond. A follow-up email was sent on June 11, 2020, and AirNorth responded on the same day indicating that it believed it was in compliance. Staff notified the company that it was not in compliance. Staff further observes that AirNorth's annual Intrastate Telecommunications Service Providers (ITSP) registration expired on July 14, 2018; the company has not filed a response to the 2019 PUA assessment, and it did not respond to Staff's lifeline tariff inquiry.

Although AirNorth indicated a desire to retain its license,<sup>11</sup> it did not petition to intervene in this proceeding, and, as set forth in Ms. Jones' testimony and exhibits, the company is no longer in compliance with the MTA. Staff's notification of AirNorth via certified mail satisfies the requirements for license revocation under *Rogers v Cosmetology Board, supra*, and MCL 24.292. This PFD therefore finds that AirNorth's license to provide basic local exchange service should be revoked.

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<sup>10</sup> AirNorth received a license to provide basic local exchange service from the Commission on January 27, 2015 in Case No. U-17745.

<sup>11</sup> Tr 9.

D. CMC Telecom, Inc.<sup>12</sup>

According to Exhibit S-2, CMC was dissolved on July 15, 2020. The October 7, 2019 certified letter to CMC was returned as undeliverable (Exhibit S-2), and further efforts to communicate with the company via email were unsuccessful.

According to the certified letter contained in Exhibit S-3, CMC failed to file PUA assessment forms in 2018 and 2019, and it failed to register or update its ITSP registration. This PFD finds that CMC is not in compliance with the MTA and its license should be revoked.

E. Global Communications Network, Inc. f/k/a Castle Wire, Inc. f/k/a Business Communications Analysts<sup>13</sup>

According to Exhibit S-2, Global was dissolved on July 15, 2016. Although Global's receipt of the certified letter was confirmed on October 16, 2019, Global did not respond to Staff's requests for additional information. Along with a number of deficiencies outlined in the certified letter, including a failure to file PUA forms for 2017-2019, failure to file annual ITSP registration forms, and its failure to respond to the October 17, 2017 order in Case No. U-16183, requiring information on the Access Restructuring Mechanism (ARM), Staff indicates that per the Federal Communications Commission (FCC) Form 499 database, Global was no longer active as of August 20, 2015, and is not providing telecommunication services, although the business still exists.<sup>14</sup>

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<sup>12</sup> CMC received a license to provide basic local exchange service from the Commission on November 25, 1997 in Case No. U-11425. The company also was granted a license expansion by the Commission on June 29, 2004 in Case No. U-14113.

<sup>13</sup> Global received a license to provide basic local exchange service from the Commission on January 30, 2007 in Case No. U-15103.

<sup>14</sup> Exhibit S-2.

As set forth in Ms. Jones' testimony and exhibits, Global is no longer in compliance with the MTA. Staff's notification of Global via certified mail satisfies the requirements for license revocation under *Rogers v Cosmetology Board, supra*, and MCL 24.292. This PFD therefore finds that Global's license to provide basic local exchange service should be revoked.

F. Huron Mountain Communications Co.<sup>15</sup>

On December 7, 2020, Huron filed a letter surrendering its license, further indicating that it was not serving any customers in Michigan. In light of the voluntary relinquishment of its license, no further actions with respect to Huron are required.

G. IQ Telecom, Inc.<sup>16</sup>

According to Exhibit S-2, IQ's business license was revoked on July 15, 2013. The certified letter dated October 7, 2019, was returned as undeliverable. A follow up email was sent on October 28, 2019. In response, IQ indicated that it was no longer in business. Staff replied with information on how to surrender a license, but there was no response.

Exhibit S-2 states that IQ failed to submit its PUA form for 2018 or 2019; it failed to respond to the order on ARM or the Staff's inquiry on lifeline services, and it failed to follow the notice requirement for provider-to-provider disconnection set forth in Mich Admin Code, R 484.1005(4) (Rule 5(4)). Moreover, the FCC 499 database indicates that IQ was no longer active as of June 26, 2013.

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<sup>15</sup> Huron received a license to provide basic local exchange service from the Commission on July 29, 2008 in Case No. U-15548.

<sup>16</sup> IQ received a license to provide basic local exchange service from the Commission on March 17, 2011 in Case No. U-16507.

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As set forth in Ms. Jones' testimony and exhibits, IQ is no longer in compliance with the MTA. Staff's notification of IQ via certified mail satisfies the requirements for license revocation under *Rogers v Cosmetology Board, supra*, and MCL 24.292. In addition, although IQ indicated an intent to voluntarily surrender its license, no action was taken to do so. This PFD therefore finds that IQ's license to provide basic local exchange service should be revoked.

H. Lucre, Inc.<sup>17</sup>

According to Exhibit S-2, Lucre is listed in the BCS database as active, but the company has not filed an annual report since February 2019. In addition, Lucre failed to submit a PUA form in 2018 or 2019; it did not respond to the ARM resizing request in Case No. U-16183 or Staff's inquiry concerning lifeline service, and it failed to follow the notice requirement under Rule 5(4).

In response to the October 7, 2019 certified letter, and a follow up email, Lucre indicated that it intended to come into compliance with the MTA and that it wished to retain its license.<sup>18</sup> Staff received no further communication from the company concerning compliance.

Although Lucre indicated a desire to retain its license, it did not petition to intervene in this proceeding, and, as set forth in Ms. Jones' testimony and exhibits, the company is no longer in compliance with the MTA. Staff's notification of Lucre via certified mail satisfies the requirements for license revocation under *Rogers v*

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<sup>17</sup> Lucre received a license to provide basic local exchange service from the Commission (MPSC) on February 9, 1999 in Case No. U-11828. The company also was granted a license expansion by the Commission on October 28, 1999 in Case No. U-12112.

<sup>18</sup> Tr 9.

*Cosmetology Board, supra*, and MCL 24.292. This PFD therefore finds that Lucre's license to provide basic local exchange service should be revoked.

I. Michigan Access, Inc.<sup>19</sup>

According to Exhibit S-2, Michigan Access was dissolved on July 15, 2019. Staff further notes that Michigan Access has not filed an ITSP registration since April 2016; it did not file a PUA form in 2018 or 2019, and the FCC 499 database indicates that Michigan Access was no longer active as of July 1, 2018.

Michigan Access responded to the certified letter of October 7, stating that the company would like to retain its license. Staff replied with a list of corrective actions necessary for compliance. On June 11, 2020, Michigan Access again indicated its desire to maintain its license, and it submitted an ITSP registration on July 1, 2020. The registration could not be approved because Michigan Access was still listed as dissolved by BCS.

Although Michigan Access indicated a desire to retain its license,<sup>20</sup> it did not petition to intervene in this proceeding, and, as set forth in Ms. Jones' testimony and exhibits, the company is no longer in compliance with the MTA. Staff's notification of Michigan Access via certified mail satisfies the requirements for license revocation under *Rogers v Cosmetology Board, supra*, and MCL 24.292. This PFD therefore finds that Michigan Access' license to provide basic local exchange service should be revoked.

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<sup>19</sup> Michigan Access received a license to provide basic local exchange service from the Commission on August 22, 2006 in Case No. U-14896. The company also was granted a license expansion by the Commission on January 25, 2010 in Case No. U-16137.

<sup>20</sup> Tr 9.



J. Rockford Telephone Company, Inc.<sup>21</sup>

According to Exhibit S-2, Rockford is still listed in the BCS database, but it has not filed an annual report since February 27, 2019. In addition, Rockford failed to file a PUA form in 2018 and 2019; it failed to respond to the 2019 Telecommunications Relay Service Status Survey, and it failed to provide the ARM information required in Case No. U-16183. In addition, the FCC 499 database states that Rockford is no longer active as of June 30, 2014.

Rockford responded to the certified letter, indicating that they were endeavoring to come into compliance. There was no further communication from Rockford, including in response to a Staff email sent June 11, 2020.

Although Rockford indicated a desire to retain its license,<sup>22</sup> it did not petition to intervene in this proceeding, and, as set forth in Ms. Jones' testimony and exhibits, the company is no longer in compliance with the MTA. Staff's notification of Rockford via certified mail satisfies the requirements for license revocation under *Rogers v Cosmetology Board, supra*, and MCL 24.292. This PFD therefore finds that Rockford's license to provide basic local exchange service should be revoked.

IV.

**CONCLUSION**

Based on the record in this proceeding and the foregoing discussion, this PFD recommends that the Commission revoke the licenses to provide basic local exchange service of AirNorth Communications, Inc.; CMC Telecom, Inc.; Global Communications

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<sup>21</sup> Rockford received a license to provide basic local exchange service from the Commission on December 20, 2011 in Case No. U-16844.

<sup>22</sup> *Id.*

Network, Inc., f/k/a Castle Wire, Inc., f/k/a Business Communications Analysts, Inc.;  
Huron Mountain Communications Co.; IQ Telecom, Inc.; Lucre, Inc.; Michigan Access,  
Inc.; and Rockford Telephone Company, Inc.

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Sally L.  
Wallace

Digitally signed by: Sally L.

Wallace

DN: CN = Sally L. Wallace email =  
wallaces2@michigan.gov C = US

O = MOAHR OU = MOAHR - PSC  
Date: 2020.12.21 11:44:37 -05'00'

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Sally L. Wallace  
Administrative Law Judge

Issued and Served:  
December 21, 2020