

Dispute Resolution: Franchise Entity (Municipality) or Provider vs. Provider

The Michigan Public Service Commission's (MPSC) role in informal and formal video/ cable television complaints:

Public Act 4 of 2009 — Providing a dispute resolution process for complaints between municipalities or providers and cable providers.

Who can file an informal complaint on behalf of a municipality/provider?

A municipality/provider may speak on behalf of itself when filing an informal complaint. Legal representation is not required until a formal complaint is filed.

What does a municipality/provider need to do to file an informal complaint?

The municipality/provider shall file a written notice of the dispute with the MPSC.

What information is required in the notice of dispute?

- Identifying the nature of the dispute.
- Language that requests an informal dispute resolution process.
- Language stating the other party has been served the notice of the dispute.

What happens after the notice is filed?

Commission staff will conduct an informal mediation with both parties in an attempt to resolve the dispute.

What if the dispute is not resolved with informal mediation?

If a satisfactory resolution to the dispute is not achieved, any named party in the complaint may file a formal complaint.

How does the formal complaint process begin?

- A representative submits the following, in writing, to the commission:
- Information that states the section(s) of the public act or franchise agreement that was allegedly violated.
- Sufficient facts to support the allegations.
- The relief requested.
- All information— testimony, exhibits and other documents— in possession the party intends to rely on to support the complaint.

How does the formal complaint process proceed?

- Once the complaint is filed each party has ten days to agree on alternative means to resolve the complaint.
- If no agreement is reached within 10 days, the Commission shall order mediation.
- Within 60 days from the date mediation is ordered, the mediator shall issue a recommended settlement.



What happens after the proposed settlement is presented?

- Each party shall file, with the Commission, a written acceptance or rejection of the recommended settlement within 7 days.
- If the parties accept the recommendation, then the recommendation shall become the final order.
- If a party rejects or fails to respond within 7 days to a proposed settlement, then the complaint will proceed to a contested case hearing.
- A party that rejects the recommended settlement shall pay the opposing party's actual costs of proceeding to a contested case hearing.

What is the format of a contested case hearing?

A contested case hearing is provided under section 203 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2203

<http://www.legislature.mi.gov/documents/mcl/pdf/mcl-Act-179-of-1991.pdf>

For more information:

For more information about filing a formal complaint, Public Act 480, or the dispute resolution process (PA 4 of 2009), go to the MPSC website at:

michigan.gov/mpsc; click on Regulatory Information, then Telecommunications, and lastly Video/Cable Regulatory Information.

You may also contact the MPSC at:

Telecommunications Division Attn: Video Franchising
7109 W. Saginaw Hwy.

P.O. Box 30221 Lansing, MI 48909

Phone: (800) 292-9555

Fax: (517) 284-8200

Online Formal Complaint Form:

Complaints can be filed online via the video/cable web site.

michigan.gov/mpsc; click on Consumer Information and then File A Complaint.

