

# 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/\(S\(wfpsd4xxva0zoz1n54hd5vor\)\)/documents/mcl/pdf/mcl-Act-179-of-1991.pdf](http://www.legislature.mi.gov/(S(wfpsd4xxva0zoz1n54hd5vor))/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](http://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 Franchise

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 website at: <https://www.michigan.gov/mpsc/consumer/complaints>