

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the complaint of)	
ANNETTE CECCONIE against)	Case No. U-13950
ACN COMMUNICATION SERVICES, INC.)	
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At the March 16, 2004 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. J. Peter Lark, Chair
Hon. Robert B. Nelson, Commissioner
Hon. Laura Chappelle, Commissioner

ORDER

On November 18, 2003, Annette Cecconie filed a complaint against ACN Communication Services, Inc. (ACN), alleging that it violated Sections 305, 502, and 505 of the Michigan Telecommunications Act, MCL 484.2101 et seq. On December 22, 2003, ACN filed its answer and a third-party complaint against Bishop Andreas Davis, an independent sales representative selling services on behalf of ACN.

On February 20, 2004, Ms. Cecconie filed a request to withdraw her complaint, with prejudice, indicating that the parties had reached a settlement.

On February 26, 2004, ACN filed a notice of dismissal of its third-party complaint. Asserting that Bishop Andreas Davis has neither answered the complaint nor made any appearances in this proceeding, ACN requests that its dismissal be without prejudice.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.
- b. The November 18, 2003 complaint against ACN should be dismissed with prejudice.
- c. The December 22, 2003 third-party complaint against Bishop Andreas Davis should be dismissed without prejudice.

THEREFORE, IT IS ORDERED that:

- A. The November 18, 2003 complaint of Annette Cecconie against ACN Communication Services, Inc., is dismissed with prejudice.
- B. The December 22, 2003 third-party complaint of ACN Communication Services, Inc., against Bishop Andreas Davis is dismissed without prejudice.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ J. Peter Lark
Chair

(S E A L)

/s/ Robert B. Nelson
Commissioner

/s/ Laura Chappelle
Commissioner

By its action of March 16, 2004.

/s/ Mary Jo Kunkle
Its Executive Secretary

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

Chair

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By its action of March 16, 2004.

Its Executive Secretary

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_____)

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Suggested Minute:

“Adopt and issue order dated March 16, 2004 dismissing with prejudice the complaint of Annette Cecconie against ACN Communication Services, Inc., and dismissing without prejudice the third-party complaint of ACN Communication Services, Inc., against Bishop Andreas Davis, as set forth in the order.”