

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter, on the Commission’s own motion,)	
directing MARTELL CABLE SERVICES, INC. ,)	
and ANTHONY MARTELL d/b/a MARTELL)	Case No. U-20504
CABLE SERVICE to show cause 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>)	
_____)	

In the matter, on the Commission’s own motion,)	
directing MARTELL CABLE SERVICES, INC. ,)	
to show cause why it should not be found to be)	Case No. U-20093
in violation of the Uniform Video Services Local)	
Franchise Act, 2006 PA 480, MCL 484.3301 <i>et seq.</i>)	
_____)	

At the November 14, 2019 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

On April 18, 2019, the Commission issued an order in the above-captioned dockets (April 18 order) ordering Martell Cable Services, Inc. (Martell Cable) to show cause why it should not be found in violation of the Uniform Video Services Local Franchise Act, 2006 PA 480 (Act 480), MCL 484.3301 *et seq.* Martell Cable had failed to submit to the Commission the required annual filing under Section 9 of Act 480 relating to the provision of service to low-income residents and

to residents of all races, as well as an annual survey under Section 12. In addition, Martell Cable failed to provide the Commission with proof that it was a legally operating corporation.¹ Martell Cable was ordered to provide all requested documentation by May 14, 2019, and to appear at a prehearing conference on May 21, 2019. Previously, Martell Cable was ordered to show cause and provide documentation of its status as a legally operating corporation in February and June of 2018 in Case No. U-20093. *See*, the February 22, 2018 order (February 22 order) and the June 28, 2018 order (June 28 order).

On May 14, 2019, Anthony Martell submitted an unsigned letter stating that Martell Cable Service does not discriminate or deny access to any group of potential subscribers based on race or income. *See*, Case No. U-20504, filing #U-20504-0005. On May 21, 2019, Mr. Martell submitted a completed Certificate of Persons Conducting Business Under Assumed Name stating that he operated his cable TV contracting business under the name of “Martell Cable Service.” The certificate had been filed with Oakland County on May 20, 2019. *See*, Case No. U-20504, filing #U-20504-0008.

On May 29, 2019, a prehearing conference was held before Administrative Law Judge Kandra K. Robbins (ALJ) at which Anthony Martell appeared, seeking to represent Martell Cable. The ALJ found that, as a non-attorney, Mr. Martell could not represent the corporation, Martell Cable. The hearing was adjourned so that Mr. Martell could obtain legal representation or provide documentation to clarify the identity and status of his business. 1 Tr 1-7.

¹ MCL 484.3302(3)(h) requires that a video service franchise agreement shall include a requirement that the provider agrees to comply with all valid and enforceable federal and state statutes and regulations. MCL 484.3309(4) requires each video service provider to annually submit a report to the Commission attesting to its nondiscriminatory provision of service to customers. MCL 484.3312(2) requires video service providers to annually submit requested information to the Commission so that the Commission may complete a report to the governor and the Legislature.

On June 3, 2019, Mr. Martell filed an affidavit stating that he is the owner of Martell Cable Service, that the company serves Vermontville and Nashville, Michigan, and that the company does not discriminate against any person because of low-income or race. The affidavit also states that the business has served the two communities since 2012 and currently has 67 customers. *See*, Case No. U-20504, filing #U-20504-0012. On June 4, 2019, Mr. Martell submitted a Section 12 survey for Martell Cable Service. *Id.*, filings #U-20504-0013 and #U-20504-0014.

On June 5, 2019, a second prehearing conference was held before the ALJ at which Mr. Martell appeared without representation; the legal status of Martell Cable and Martell Cable Service remained unclear; and the Commission Staff (Staff) requested that the hearing be held in abeyance pending their request to have the caption amended to include Mr. Martell in his individual capacity. 2 Tr 8-16. On June 12, 2019, the Staff filed a motion to amend the caption of the show cause order to include Anthony Martell d/b/a Martell Cable Service. On July 2, 2019, the Commission issued an order granting the motion. On September 4, 2019, an evidentiary hearing was held before the ALJ, and on September 18, 2019, the ALJ issued a Proposal for Decision (PFD). The PFD allowed for exceptions and replies to exceptions. None were filed.

In the PFD, the ALJ opined that the record established that Martell Cable and/or Anthony Martell d/b/a Martell Cable Service were clearly and repeatedly in violation of Sections 9 and 12 of Act 480. She recommended that Mr. Martell be assessed a fine of \$200 for each violation for a total of \$400.00. PFD, pp. 10-11. She also recommended an additional fine of \$200 unless Mr. Martell “provides the Commission with satisfactory documentation by November 1, 2019 indicating that [Martell Cable Services, Inc.] has updated its status as a legally operating corporation with the Corporations, Securities and Commercial Licensing Bureau of the Department of Licensing and Regulatory Affairs as directed in the [April 18 order] or

demonstrates a viable successor entity that is capable of providing cable services to Nashville and Vermontville. PFD, pp. 12-13.

The Commission agrees with the ALJ that the record establishes three violations of Act 480; but respectfully disagrees that Mr. Martell, president and resident agent of Martell Cable, should be provided with more time to provide the Commission with documentation of the corporation's legal status as required by the April 18 order. PFD, pp. 12-13. The Commission finds that more than one year has passed since the initial show cause order (February 22 order) and the subsequent order (June 28 order). Further, the record establishes that the Staff has provided numerous notices to and engaged in extensive discussion with Mr. Martell, all to no avail. 1 Tr 1-7; 2 Tr 8-15; April 18 order. As such, the Commission finds that more than sufficient time has elapsed, and ample fruitless effort **has been** spent trying to induce Mr. Martell's compliance with the April 18 show cause order. Therefore, the Commission finds that Mr. Martell's affidavit of June 3, 2019, establishes that Martell Cable Service, not Martell Cable, has been providing cable service to Vermontville and Nashville since 2012. *See*, Case No. U-20504, filing #U-20504-0008. The Commission also finds that, despite numerous requests from the Commission, Mr. Martell knowingly failed to inform the Commission of the change in his cable service company's legal status (*see*, February 22 order, p. 3, and June 28 order, pp. 3-4) and knowingly failed to file required Sections 9 and 12 documents for the company. Accordingly, Anthony Martell d/b/a Martell Cable Service shall be fined for each of the three violations.

The Commission also respectfully disagrees with the ALJ regarding the amount of the fine to be assessed. As stated above, Mr. Martell's lack of cooperation and compliance has been epic, despite the significant effort that has been directed toward this problem by the Staff. Regardless of his apparent ability to comply with the simple, legal requirements related to the operation of his

cable service business, Mr. Martell continued to obfuscate and delay. Accordingly, Anthony Martell d/b/a Martell Cable Service shall be fined \$500 for each violation of MCL 484.3301 *et. seq.*: failure to timely file Section 9 information, failure to timely file the Section 12 survey, and failure to timely provide documentation of the legal status of the cable service business, for a total fine of \$1,500.

THEREFORE, IT IS ORDERED that, for three violations of the Uniform Video Services Franchise Act, MCL 484.3301 *et. seq.*, established on this record, Anthony Martell d/b/a Martell Cable Service shall pay a fine of \$1,500 to the State of Michigan by delivery of a certified check for that amount to the Commission's Executive Secretary no later than 30 days following issuance of this order. Fines paid in accordance with this order shall be forwarded to the state treasurer and credited to the state general fund as provided by 1984 PA 431; MCL 18.1443.

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

Any party desiring to appeal this order must do so 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 mpscdockets@michigan.gov and to the Michigan Department of the Attorney General - Public Service Division at pungp1@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 November 14, 2019.

Lisa Felice, Executive Secretary


PROOF OF SERVICE

STATE OF MICHIGAN)

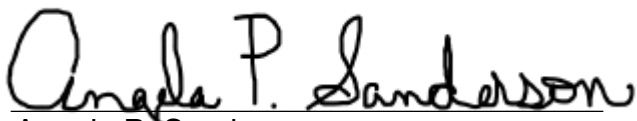
Case No. U-20504 *et al.*

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on November 14, 2019 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 14th day of November 2019.



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

Service List for Case: U-20504

Name	Email Address
Benjamin J. Holwerda	holwerdab@michigan.gov
Daniel E. Sonneveldt	sonneveldtd@michigan.gov
Kandra Robbins	robbinsk1@michigan.gov
Martell Cable Company	martellcable@comcast.net

Service List for Case: U-20093

Name

Email Address

Daniel E. Sonneveldt
Martell Cable Company
Sharon Feldman

sonneveldtd@michigan.gov
martellcable@comcast.net
feldmans@michigan.gov

TELEMOTION ELECTRONIC SERVICE LIST

charles.forst@360.NET	Global Connection Inc. of America
carl.billek@CORP.IDT.NET	IDT America, Corp.
dbronson@BLANCHARDTEL.COM	Blanchard Telephone Association, Inc.
clglover@ATT.COM	AT&T Comm of MI, TCG Detroit Hold
rg1467@ATT.COM	AT&T Michigan
schoen.kevin@ACD.NET	No Name Available
David.thomas@ALPHACOMM.NET	No Name Available
cg5262@ATT.COM	No Name Available
mb@BIRNS.NET	No Name Available
ted.hankins@CENTURYLINK.COM	No Name Available
scott.ringo@CINBELL.COM	No Name Available
cchamp@CMCTELECOM.NET	No Name Available
ddragan@CMCTELECOM.NET	No Name Available
joel.brewer@ENVERSA.COM	No Name Available
Regulatory.affairs@EXCEL.COM	No Name Available
pbowman@GLCOM.NET	No Name Available
strandtc@LIQUIDWEB.COM	No Name Available
pwickstr@PACWEST.COM	No Name Available
kscovill@TELECOMSYS.COM	No Name Available
compliance@velocity.org	Velocity
dbailey@BULLSEYETELECOM.COM	David Bailey
jsa@AMBT.NET	American Broadband & Telecom
toddg@CASAIR.NET	Crystal Auto Sys dba Casair
lffreeman@BANDWIDTH.COM	Bandwidth.com CLEC, LLC
tnamy@CLEARRATE.COM	Clear Rate Comm, Inc.
pjosephson@STERLINGBUSINESSLAW.COM	Trans National Comm
stacey_parker@CABLE.COMCAST.COM	Comcast Business Communications, LLC
pmasters@ERNESTGROUP.COM	Ernest Communications, Inc.
jmorris@FIRSTCOMM.COM	First Communications, LCC
robert.e.stewart@FTR.COM	Frontier Communications
clockett@INTRADO.COM	Intrado Communications, Inc.
smendez@MCGRAWCOM.NET	McGraw Communications, Inc.
mark@NOMADINTER.NET	Media Gate Communications, Inc.
rdichy@METTEL.NET	Metropolitan Communications
sfenker1@EARTHLINK.NET	Nexus Communications

TELEMOTION ELECTRONIC SERVICE LIST

jrenneker@NOS.COM
sm1024@CYNERGYCOMM.NET
JBrown@VCOMSOLUTIONS.COM
akubs@800GOQUICK.COM
byuille@800GOQUICK.COM
info@RELIANT.NET
ldellaero@TRINSIC.COM
cfoster@CALLONE.NET
pwstark@UP.NET
teri@CARRINTER.NET
chapintel@POWER-NET.NET
jburnham@CTSTELECOM.COM
lingle@CYTELCOM.COM
jbrogan@JAMADOTS.NET
byung@TELAVA.COM
jcschaefer@KALTELNET.NET
rfletcher@LENTEL.COM
corie@OGDENTEL.COM
ehe@AVCI.NET
souders@SANDCREEKTELCO.COM
Janet@SPRINGCOM.COM
wfh@SPRINGCOM.COM
kenneth.schifman@SPRINT.COM
jcompton@BLUECASA.COM
bboshoven@USSIGNALCOM.COM
mark@WALDRONTEL.COM
ron.siegel@ALLBAND.ORG
pmorse@FAIRPOINT.COM
sgibbs@NHCGRP.COM
admin@RANGETELE.COM
mvitale1@DNSYS.COM
jcui@ONECOMMUNICATIONS.COM
sb1015@CYNERGYCOMM.NET
cjr@DAYSTARR.NET
tm5886@ATT.COM
rick@RACC2000.COM
dave@CASS.NET
felichel@MICHIGAN.GOV
vmg@ALPENAPOWERS.COM

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 Acquisition 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

chopkins@GRID4.COM
regulatory@BULLSEYETELECOM.COM
regulatory@INTRADO.COM
gcglodek@TOUCHTONE.NET
Gregg.diamond@VERIZON.COM
regulatory@primustel.ca
jkreucher@HOWARDANDHOWARD.COM
krichel@DLIB.INFO
deborah.kuhn@VERIZON.COM
joe.topel@ORANGE-FTGROUP.COM
tjackson@BIRCH.COM
Andrew.Labbe@LEVEL3.COM
linda.cicco@BT.COM
brett.ferenchak@BINGHAM.COM
steve@LUCRE.NET
regulatory@PIONEERTELEPHONE.COM
robert.mccausland@H3NET.COM
djc@METRONET.CC
aeconomou@METTEL.NET
truskowski@ACECOMGROUP.COM
cfl.regulatory@CHARTERCOM.COM
shamula@WVFIBERNET.NET
sbohler@CZN.COM
jkk@LECFMI.COM
pearcec@MICHIGAN.GOV
jon_brinton@MITEL.COM
matt-schultz@COMCAST.NET
Marva.Johnson@MYBRIGHTHOUSE.COM
sbogdan@BROADVIEWNET.COM
dgonos@FLASH.NET
Sandra.blade@WINDSTREAM.COM
toddg@ISERVGROUP.COM
rmillar@NEXTGNETWORKS.NET
rsullivan@YGNITION.COM

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

swarren@tminc.com
markj@ACCESSONEINC.COM
mary.buley@ONVOY.COM
jason.brown@ACCESSPOINTINC.COM
LegalNotices@ACNINC.COM
marva.johnson@BHNIS.COM
bstewart@EASTONTELECOM.COM
cbarton@WCS.COM
john.ivanuska@XO.COM
cmartin@WIDEOPENWEST.COM
gloria.t.silas@VERIZON.COM
mark@CSILONGWOOD.COM
sales@CREXENDO.COM
jkorn@STORESONLINE.COM
vanessa.leon@SPECTROTEL.COM
Steve@CASAIR.NET
jet@T2COMM.NET
joe@TC3TELECOM.COM
gregl@GOAIT.COM
cschneider@CMCTELECOM.NET
psc@IBCTELECOM.COM
regulatory@MATRIXBT.COM
jean.paul@TDSTELECOM.COM
butler@EOT.NET
isaacs@ISG-TELECOM.COM
dstoll@MEI.NET
ranthony@JAMADOTS.COM
fxm@QTELEPHONE.COM
askus@BUCKEYE-TELESYSTEM.COM
BRex@BUCKEYE-TELESYSTEM.COM
sharonl@ACCUTEL.NET
regulatory@TNCII.COM
david.vehslage@VERIZON.COM
dprather@INDIGITAL.NET
james.mackenzie@QUORTECHEQUITIES.COM
chris@CASTLEWIRE.COM
kelly.faul@XO.COM
mark.iannuzzi@TELNETWW.COM
legal.request@elnk.com

Technologies Management
Access One, Inc.
Onvoy, Inc.
Access Point, Inc.
ACN Comm Services, Inc.
Bright House Networks Information Services
Easton Telecom Services, L.L.C.
Wholesale Carrier Services, Inc.
XO Communications Services, Inc.
Sigecom, LLC dba WOW! Interent, Cable and P
Gloria Silas, Verizon
Compliance Solutions, Inc.
Crexendo Business Solutions
Crexendo Bus Solutions.
Spectrotel, Inc.
Crystal Automation Systems
T2 Communications
TC3 Telecom Inc.
Advanced Intergrated Technologies, Inc.
CMC Telecom, Inc.
IBC Telecom
Matrix Telecom, Inc. & Trinsic Communicatio
TDS Telecom, Inc.
Empire One Telecommunications, Inc.
Voxbeam Telecommunications
Barry County Telephone
Chippewa County Telephone
Quality Telephone, Inc.
Buckeye Telesystem, Inc.
Buckeye Telesystem
Accutel of Texas, L.P.; Phone Co, L.P.
tncii.com (No Name Available)
MCIMetro Access Transmission
Communications Venture
WiMacTel, Inc.
Castle Wire, Inc., f/k/a Business Communica
Nextlink Wireless, Inc.
Telnet Worldwide, Inc., Superior Spectrum T
No Name Available

PROOF OF SERVICE

STATE OF MICHIGAN)

Case No. U-20504 *et al.*

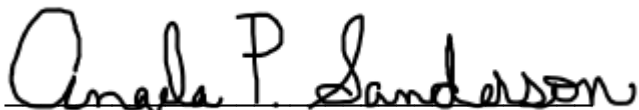
County of Ingham)

Brianna Brown being duly sworn, deposes and says that on November 14, 2019 A.D. she served a copy of the attached Commission order by first class certified mail (7014 0150 0001 0742 7201), postage prepaid, or by inter-departmental mail, to the persons as shown below.

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


Brianna Brown

Subscribed and sworn to before me
this 14th day of November 2019.


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

U-20504 *et al.* Special Distribution

martellcable@comcast.net

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