Michigan Public Service Commission
P.O. Box 30221
Lansing, MI 48909
800.292.9555

consumer TIPS

November 2016

michigan.gov/mpsc

Filing a Video/Cable Complaint

The MPSC's role in handling video/cable television complaints

On December 21, 2006, Governor Granholm signed legislation to promote competition for video services in the state of Michigan. Public Act 480 of 2006, or as it is more commonly known, the "Uniform Video Services Local Franchise Act" charges the Michigan Public Service Commission (MPSC) with implementing the Act. The MPSC now has the responsibility to handle cable inquiries and complaints.

Are you having a problem with your video/cable television provider?

If you are experiencing problems with your provider, you should first contact your provider and attempt to resolve your dispute with them.

Not satisfied? File an informal complaint with the MPSC

If you are dissatisfied with the provider's response, or the dispute is not resolved to your satisfaction, you may file an informal complaint with the MPSC.

How does the informal complaint process work?

- A customer contacts the MPSC with a video/ cable television complaint.
- MPSC Staff forwards the complaint to the provider & informally mediates (if necessary) between the provider and the customer.

The provider is allowed up to 10 business days (under normal circumstances) to respond and provide a detailed resolution to both the customer and the MPSC.

Still not satisfied? File a formal complaint and request a hearing

If you remain dissatisfied even after the Staff has completed the informal complaint process, you may file a Formal Complaint.

A customer will be permitted to file a formal complaint ***only after***:

- the informal complaint process has been completed; and
- a satisfactory resolution has not been reached between the provider and the customer.

To request a formal hearing, prepare a letter of complaint explaining the problem. Send the original and seven (7) copies of the letter/ complaint to the MPSC at the following address:

Executive Secretary
MPSC
P.O. Box 30221
Lansing, MI 48909

The written complaint must contain the following information:

- customer name, address, telephone number, and signature;
- the name and address of the provider with whom there is a disagreement;
- the location/address of the disputed action;
- the time and dates of the disputed actions;
- a description of exactly what happened – include all details, the names and addresses of any persons involved, disputed charges and costs.

Identify the specific section(s) of the Video Act that are alleged to have been violated and state sufficient facts to support the alleged violation(s). Specify the relief requested.

Next Action

MPSC Staff will review the formal complaint, and if the disputed amount is under $5,000 and all required information is included, the Commission shall appoint a mediator within seven (7) business days of the date the complaint is filed. Mediation may include a review of the complaint and discussions with the customer and company. If through this process the customer and company are still unable to agree, the mediator will issue a recommended solution within 30 days from the date of appointment. The customer and company have 10 days to either accept or reject the recommendation. If the customer or company rejects the solution, the complaint proceeds to a formal hearing. If the dispute involves an amount over $5,000, it proceeds directly to a contested case hearing with no prior mediation.

Formal Complaint Hearing Process

A formal complaint hearing is a trial-like proceeding. This means that the customer, the cable company, and MPSC Staff will come before an administrative law judge. A formal complaint proceeding is separate from any informal proceeding related to the problem that may have taken place. Lawyers represent the cable company. Customers may hire a lawyer, represent themselves (excluding some businesses), or bring someone to assist them. The customer must present information and witnesses, to prove or justify his/her position. The MPSC cannot provide a lawyer or pay any legal fees. After the hearing, the judge will issue a proposed decision. However, the MPSC will make the final decision, and will issue its decision in a MPSC order. During this process the customer and the company may continue to try to settle the problem. However, the MPSC must approve any agreement that is reached.

Required Costs

If the customer or company rejects the mediator's decision and is found by MPSC order to be at fault, that party will be responsible for the legal costs of the other party. If both the customer and the company reject the mediator's decision, each party pays their own legal costs.

For more information:

For more information about filing a complaint, PA 480, or the dispute resolution process, go to the MPSC website at: michigan.gov/mpsc. Click on the video/cable button.

You may also contact the MPSC at:

Telecommunications Division
Attn: Video Franchising
P.O. Box 30221
Lansing, MI 48909

Phone: (800) 292-9555
Fax: (517) 284-8200

Filing Satellite Complaints

The Federal Trade Commission (FTC) at: (877) 382-4357 or ftc.gov handles satellite complaints/inquiries.

Michigan Public Service Commission

P.O. Box 30221
Lansing, MI 48909
800.292.9555

consumer TIPS

November 2016

michigan.gov/mpsc

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

www.legislature.mi.gov/(S(ytxbgg55qxrjfz45wc3nmuim))/mileg.aspx?page=GetMCLDocument&objectname=mcl-484-2203a

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 the video/cable tab.

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/mpsccomplaints