

# Court of Appeals, State of Michigan

## ORDER

Lucre Inc v Verizon North Inc

Docket No. 298296

LC No. 00-016082

Michael J. Kelly  
Presiding Judge

Patrick M. Meter

Donald S. Owens  
Judges

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The Court orders that the motion to dismiss this appeal is DENIED. By its plain language, 47 USC 252(e)(4) only precludes a state court from reviewing a decision of a state commission, such as appellee Michigan Public Service Commission (MPSC), approving or rejecting an interconnection agreement. The appeal in this case is not taken from a MPSC decision approving or rejecting any interconnection agreement, but rather from a MPSC opinion and order dismissing with prejudice appellant's complaint based on the position that respondents-appellees owe appellant payment of facilities charges. Thus, 47 USC 252(e)(4) is inapplicable to bar this Court's exercise of appellate jurisdiction in this case. We note that this order is without prejudice to the ability of the parties to advance any arguments they consider appropriate as to how earlier approval of any interconnection agreement by the MPSC or provisions of federal law may be relevant to the proper disposition of the merits of this appeal.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 07 2010

Date

*Sandra Schultz Mengel*  
Chief Clerk