

Court of Appeals, State of Michigan

ORDER

In re Possible Termination of Service by Champion's Auto Ferry

Docket No. 327869

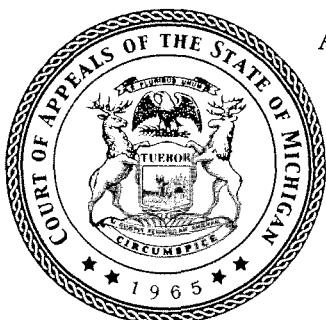
LC No. 00-001870

Michael F. Gadola
Presiding Judge

Peter D. O'Connell

Stephen L. Borrello
Judges

The Court orders that the motion to dismiss this appeal is DENIED. Contrary to the position of appellee Michigan Public Service Commission (MPSC), MCL 462.26(1) provides this Court with jurisdiction over an appeal of right from a MPSC order fixing any practices of a regulated entity regardless of whether such an order is a final order. *Attorney General v Pub Service Comm*, 237 Mich App 27, 29; 602 NW2d 207 (1999). The May 14, 2015 order appealed from plainly fixes practices of appellant as the regulated entity involved in this case where it includes provisions that forbid appellant from selling, assigning, or encumbering its assets, acquiring new debt, or paying dividends without a written request and approval from appellee. Notably, *Attorney General* held that this Court did not have jurisdiction over appeals from two MPSC orders pertaining to procedural matters and a discovery dispute because they did not fix any rate, regulation, practice, or service. Thus, unlike the MPSC order appealed in this case, neither of the relevant orders in *Attorney General* fixed practices of the regulated entity.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

OCT 07 2015

Date

Chief Clerk