

Court of Appeals, State of Michigan

ORDER

In re Request of Mark P Donaldson for Declaratory Ruling

Docket No. 330307

LC No. 00-017883

Amy Ronayne Krause
Presiding Judge

Patrick M. Meter

Donald S. Owens
Judges

The Court orders that the motion to dismiss is GRANTED TO THE EXTENT that this appeal is DISMISSED for lack of jurisdiction. However, it would not be appropriate to transfer the claim of appeal to the Ingham Circuit Court. The October 27, 2015 order of the Michigan Public Service Commission (MPSC) is not appealable of right to this Court under MCL 462.26(1) because neither that order nor the underlying August 14, 2015 MPSC order fixes any of the relevant matters enumerated in that statutory provision. Further, the October 27, 2015 order is not appealable of right to the Ingham Circuit Court under MCL 462.26(7) because the MPSC matter at hand is not a contested case. Moreover, even if the October 27, 2015 order might have been appealable of right to the Ingham Circuit Court under MCL 600.631, the 30-day period provided by MCL 462.26(7) would not apply in that context. Rather, because no time limit for filing a claim of appeal is specified in MCL 600.631, the general 21-day time limit for filing a claim of appeal in the circuit court would apply, MCR 7.104(A)(1), and the claim of appeal was not filed in this Court within that 21-day period. Thus, this appeal cannot be transferred to the Ingham Circuit Court under MCL 462.26(3) because, if the October 27, 2015 order could have been appealed to that court as of right under MCL 600.631, the claim of appeal was not filed in this Court in a timely manner.

The motions to remand and to file affidavit to motion to remand are DENIED as moot.



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

MAY 05 2016

Date


Chief Clerk