

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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CEO TELECOMMUNICATIONS, INC., f/k/a LD  
SERVICES, INC.,

UNPUBLISHED  
May 10, 2002

Plaintiff-Appellant,

v

No. 228230  
MPSC  
LC No. 00-011994

MICHIGAN PUBLIC SERVICE COMMISSION  
and ATUL C. AGRAWAL, M.D.,

Defendant-Appellees.

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Before: Gage, P.J., and Hoekstra and Meter, JJ.

METER, J. (*concurring in part and dissenting in part*).

I concur in all aspects of the majority's well-written opinion except that portion affirming the award of compensatory damages. I would vacate the award of compensatory damages.

The majority correctly notes that the absence of a request for compensatory damages in the complaint does not necessarily preclude a grant of such damages. However, Dr. Agrawal specifically indicated that he was not seeking compensatory damages; he testified that he was "not interested in money" and reiterated this statement *three more times* on the record. Because the award of \$10,000 in compensatory damages was personal to Dr. Agrawal and did not constitute fines, costs, or public restitution, I believe the award should be vacated based on Dr. Agrawal's unequivocal eschewal of compensatory damages.

I would vacate the compensatory damages award in the PSC order but affirm the remainder of the order.

/s/ Patrick M. Meter