

STATE OF MICHIGAN
COURT OF APPEALS

MICHIGAN COMMUNICATIONS DIRECTORS
ASSN. and BARRY COUNTY CENTRAL
DISPATCH AUTHORITY,

UNPUBLISHED
February 8, 2005

Plaintiffs-Appellees/Cross-
Appellees,

v

No. 248845
Barry Circuit Court
LC No. 02-00514-CK

MICHIGAN BELL TELEPHONE CO. d/b/a SBC
AMERITECH,

Defendant-Appellee/Cross-
Appellant

and

EMERGENCY TELEPHONE SERVICE
COMMITTEE'S CMRS SUBCOMMITTEE,

Defendant-Appellant/Cross-
Appellee.

Before: Murphy, P.J., and White and Kelly, JJ.

MEMORANDUM.

In this action for declaratory and injunctive relief brought by plaintiffs Michigan Communications Directors Association and Barry County Central Dispatch Authority, defendant Emergency Telephone Service Committee's CMRS Subcommittee appeals as of right the trial court's order of declaratory judgment ordering the Emergency Telephone Service Committee to "reimburse [defendant Michigan Bell Telephone Co. d/b/a/ SBC Ameritech (SBC)] for its costs in complying with the [Federal Communication Commission's (FCC) Wireless Emergency Service Order] from the CMRS Suppliers Fund held by the Michigan Department of Treasury" and enjoining SBC from filing a service tariff with the Michigan Public Service Commission (MPSC). We dismiss the appeal as moot and vacate all orders entered by the trial court.

At oral argument, it was uncontested that pursuant to MCL 484.1408(11)¹, SBC is being reimbursed from the CMRS Suppliers Fund and there is no longer any issue with regard to it's reimbursement for costs in complying with the FCC Wireless Emergency Service Order. Accordingly, the issues presented on appeal are moot. "A case is moot when it presents only abstract questions of law that do no rest upon existing facts and rights." *BP 7 v Bureau of State Lottery* 231 Mich App 356, 359; 586 NW2d 117 (1998). Because all issues raised in the complaint for injunctive relief have been resolved, we dismiss the appeal and vacate the trial court orders.

/s/ William B. Murphy
/s/ Helene N. White
/s/ Kirsten Frank Kelly

¹ Effective January 1, 2004 and repealed effective December 31, 2006.