

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of OMNI FIBER, LLC 's request for	)	
appointment of a mediator and mediation involving	)	
the CITY OF BAY CITY, MICHIGAN , pursuant	)	
to the Metropolitan Extension Telecommunications	)	Case No. U-22122
Rights-Of-Way Oversight Act, MCL 484.3101 <i>et seq.</i>	)	
_____	)	

At the August 27, 2026 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Katherine L. Peretick, Commissioner
Hon. Shaquila Myers, Commissioner

ORDER

On May 8, 2026, Omni Fiber, LLC (Omni Fiber) filed a notice of dispute in this case dated May 6, 2026 against the City of Bay City, Michigan (Bay City) pursuant to the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (METRO Act), MCL 484.3101 *et seq.*, and requested mediation.¹ Omni Fiber averred in its notice that, since September 2025, Omni Fiber has invested over \$4 million out of a \$22 million planned investment in fiber optic infrastructure in Bay City but that Bay City is now imposing unreasonable permitting conditions on Omni Fiber that unlawfully hinders the project. Notice, pp. 1-2.

¹ At the same time the notice of dispute and request for mediation was filed in this matter, a complaint was filed by Omni Fiber against Bay City in Case No. U-22120 that formalized the allegations listed in the notice of dispute filed in this matter. That case is currently open and pending.

On May 13, 2026, a memorandum was issued by the Michigan Office of Administrative Hearings and Rules that selected Administrative Law Judge (ALJ) Jonathan F. Thoits as the mediator pursuant to MCL 484.3106(2). The memorandum noted that, if the matter was not settled, ALJ Thoits would issue a recommendation for resolution on or before June 12, 2026. The memorandum further notified the parties that, if either of the parties were unwilling to comply with the mediator's recommendations for resolution, the parties may, within 30 days of receipt of the recommendation, request a review and determination of the dispute by the Commission.

Mediation was held in this matter on June 1 and 3, 2026.

On June 12, 2026, ALJ Thoits' recommendation for resolution was filed under seal.

On July 13, 2026, Omni Fiber filed a letter in this docket stating that the parties had not reached a settlement and that both parties were preparing for the prehearing conference in the formal contested complaint case, i.e., Case No. U-22120. The parties did not request that the Commission review ALJ Thoits' recommendation.

The Commission has reviewed the filings in this proceeding and, considering the above, finds that this docket should be closed.

THEREFORE, IT IS ORDERED that the docket in this mediation proceeding is closed.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel.

Electronic notifications should be sent to the Executive Secretary at LARA-MPSC-Edockets@michigan.gov and to the Michigan Department of Attorney General - Public Service Division at sheacl@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Daniel C. Scripps, Chair

Katherine L. Peretick, Commissioner

Shaquila Myers, Commissioner

By its action of August 27, 2026.

Lisa Felice, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

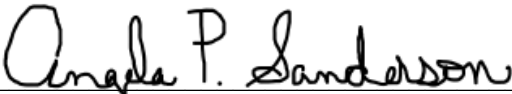
Case No. U-22122

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on August 27, 2026 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).


Brianna Brown

Subscribed and sworn to before me
this 27th day of August 2026.


Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2030

Service List for Case: U-22122

Name	On Behalf Of	Email Address
Ashley G. Chrysler	City of Bay City	achrysler@wnj.com
City of Bay City	City of Bay City	dmuscott@baycitymi.gov
Jonathan F. Thoits	ALJs - MPSC	thoitsj@michigan.gov
Omni Fiber, LLC	Omni Fiber, LLC	sgallagher@fraserlawfirm.com
Sean P. Gallagher	Omni Fiber, LLC	sgallagher@fraserlawfirm.com