

A CMS Energy Company

General Offices:
212 West Michigan Avenue Tel: (517) 788-0550
Jackson, MI 49201 Fax: (517) 788-0768

*Washington Office:
1016 - 16th Street, NW, Tel: (202) 293-5795
Washington, DC 20036 Fax: (202) 293-5367

Writer's Direct Dial Number • (517) 788-0698

LEGAL DEPARTMENT

DAVID A MIKELONIS
Senior Vice President
and General Counsel

James E Brunner
William M Lange*
Jon R Robinson
Arunas T Udrys
Assistant General
Counsel

David E Barth
Francis X Berkemeier
H Richard Chambers
James W Dempsey
John P Dickey
Ann F Goodman
Deborah Ann Kile
Wayne A Kirkby
Frank R Knox
Roger K Krakusin
Eric V Luoma
Wendy A McIntyre
Raymond E McQuillen
Deborah A Moss*
Mirce Michael Nestor
Robert M Neustifter
David A. Pell
Vincent P Provenzano
Susan L Rasmussen
Catherine M Reynolds
P Leni Staley
Charlotte A Walls
Michael G Wilson
Attorney

August 11, 1999

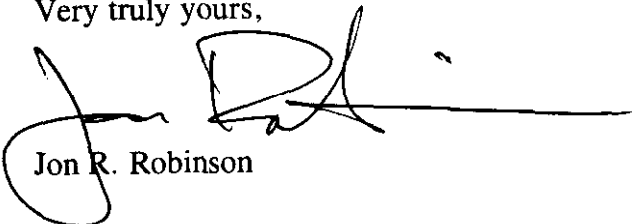
Ms. Dorothy Wideman
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way
P.O. Box 30221
Lansing, MI 48909

Re: Case No. U-11290, et al

Dear Ms. Wideman:

Pursuant to your June 30, 1999 letter stating that briefs and reply briefs in this case are appropriate for electronic filing through the Commission's Electronic Filings Pilot, enclosed is an original and four copies of the "Reply Brief of Consumers Energy Company". I have also enclosed a Proof of Service.

Very truly yours,



Jon R. Robinson

CC: Hon. Daniel E. Nickerson, Jr.
Hon. George Schankler
Parties per Attachment 1
to Proof of Service

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter, on the Commission's own)
motion, to consider the restructuring of)
the electric utility industry)
_____)

Case No. U-11290

In the matter of the request of)
CONSUMERS ENERGY COMPANY)
for approval of a retail open access tariff.)
_____)

Case No. U-11451

In the matter of the request of)
THE DETROIT EDISON COMPANY)
for approval of a Customer Delivery)
Contract.)
_____)

Case No. U-11452

In the matter of the request of)
CONSUMERS ENERGY COMPANY)
for authority to suspend its power)
supply cost recovery clause and)
related relief)
_____)

Case No. U-11453

In the matter of the request of)
CONSUMERS ENERGY COMPANY)
and **THE DETROIT EDISON**)
COMPANY for approval of a true-up)
mechanism in connection with the)
recovery of stranded costs.)
_____)

Case No. U-11454

REPLY BRIEF OF CONSUMERS ENERGY COMPANY

In response to the Commission's June 30, 1999 "Scheduling Order" issued in this proceeding, initial briefs were submitted on July 28, 1999 by multiple interested persons. This reply brief is submitted in accordance with the schedule established by the Commission.

1. Impact of MCR 7.208(A)

Several parties assert in their initial briefs that the Commission is powerless to “set aside or amend” its prior restructuring orders even if it concludes that the Supreme Court decision requires such action. Their argument is premised upon the language of MCR 7.208(A) which provides in part that,

“After a claim of appeal is filed or leave to appeal is granted, the trial court or tribunal may not set aside or amend the judgement or order appealed from except by order of the Court of Appeals, by stipulation of the parties, or as otherwise provided by law.”

Oddly, virtually all of the parties making this argument are the same parties who are asking the Commission to “set aside or amend” the restructuring orders. One may speculate whether these parties real interest is in preventing the Commission from considering whether voluntary retail open access programs may go forward, notwithstanding the Supreme Court decision. To her credit, the Attorney General has at least attempted to address this concern directly, by filing a motion for remand with the Court of Appeals. Consumers Energy answered this motion in a filing made August 10, 1999.

In any event, regardless of the Court of Appeals disposition of the Attorney General’s motion, the Commission is not barred by MCR 7.208(A) from taking appropriate action in the restructuring dockets. As noted above, that court rule expressly recognizes that the bar does not apply if the Court of Appeals rules otherwise, the parties stipulate otherwise, “or as otherwise provided by law.” MCL 460.351; MSA 22.111 provides that the Commission has the “full power and authority to grant rehearings and to alter, amend or modify its findings and orders.” Thus, the Commission’s ability to alter, amend or modify its prior orders is clearly “otherwise provided by law,” and not prohibited by MCR 7.208(A). The contrary arguments would render MCL 460.351

meaningless, since they would mean that a party could effectively eliminate the Commission's power under that statute simply by filing a claim of appeal. See also MCL 462.24; MSA 22.43.

Even in the absence of explicit statutory authorization, the Commission is clearly empowered to consider prospective modifications to prior orders and grant such modified relief if the Commission finds that it is reasonable to make such a prospective change. See, e.g., Pennwalt Corp v Public Service Comm, 166 Mich App 1; 420 NW2d 156 (1988). Indeed, the ability to make such prospectively-effective modifications is a basic feature of the Commission's regulatory responsibilities. Without such an ability, the Commission's regulatory powers would disappear during the pendency of appeals. The Commission's "continuing jurisdiction" has, however, been clearly recognized by the courts. See, e.g., City of Lansing v PSC, 330 Mich 608, 612; 48 NW2d 133 (1951).

Finally, the notion that the Commission is powerless to attempt to take action to put itself in compliance with the Supreme Court decision is simply ludicrous. There is no valid reason why the Commission should be required to do nothing and wait for the Court of Appeals to dispose of the appeals of the restructuring orders before taking whatever action it believes is appropriate to comply with the action of the Supreme Court. Indeed, the Commission has a legal obligation to comply with the law of this State, as set forth in the Supreme Court decision.

2. Lawfulness and Feasibility of Voluntary Retail Open Access Program

Some parties argue that the Supreme Court decision obligates the Commission to vacate the restructuring orders, abandon efforts to proceed with retail open access, and await further word from the legislature on the subject. While Consumers Energy continues to agree that legislation is an important step in the restructuring process, the present lack of legislation does not

mean that all of the extensive work done thus far in designing and implementing the ROA program must be tossed in the trash.

As explained in Consumers Energy's initial brief, there is nothing in the Supreme Court decision which prevents a voluntary program of retail open access from going forward. Further, the arguments against a voluntary program offered in other parties' initial briefs do not reveal any legal impediments to a voluntary program. Instead, the parties opposing a voluntary program present nothing but policy-based arguments which contend that (i) the Commission would be unable to adequately enforce compliance with voluntary programs, and should therefore not allow such programs, and (ii) the Commission should not allow recovery of stranded costs incurred as a result of a voluntary program.

A. Enforceability

With respect to the "enforceability" of a voluntary program, Consumers Energy notes that it will be entering service contracts with customers who wish to contract for ROA service. Those contracts will be enforceable like any other contract, thereby eliminating any ability on the part of Consumers Energy to arbitrarily terminate ROA service during the term of the contracts. This should alleviate parties' and customers' concerns about enforceability.

In addition, Energy Michigan offers at least the outline of an intriguing theory. Energy Michigan suggests that the Commission's restructuring orders can be characterized as "consent orders" to which Consumers Energy (and Detroit Edison) have already "consented." Energy Michigan goes on to suggest that these consent orders can be directly enforced by the other parties to the restructuring dockets through independent civil enforcement actions, and indirectly through the Commission's withdrawal or modification of certain ratemaking actions. Energy Michigan also argues that these consent orders (and the utilities' statements of voluntary compliance)

have effectively “conferred jurisdiction on the Commission to revise and enforce Retail Open Access tariffs.”

While certain aspects of Energy Michigan’s argument may provide possible guidance to the Commission for future action, Energy Michigan has clearly attempted too much with this “consent order” theory. The assertion that the consent of the utilities to voluntarily implement the ROA program has “conferred jurisdiction on the Commission” is clearly an inaccurate conclusion of law. As pointed out by numerous other parties, jurisdiction cannot be conferred by consent, and Energy Michigan’s theory does not offer any plausible exception to this established rule.

Similarly, Energy Michigan’s suggestion that the prior restructuring orders can be recast as “consent orders,” thereby resulting in some ability to directly enforce those orders through civil actions or otherwise is also not defensible. This aspect of Energy Michigan’s argument appears to simply be a variation of the “conferring jurisdiction through consent” argument identified above, and is similarly flawed.

Notwithstanding the defects in some of the specifics of its theory, however, Energy Michigan does present a potentially viable mechanism for addressing the concerns of some of the parties regarding the enforceability of the voluntary programs. Specifically, the notion that the ratemaking elements established by the Commission as part of the overall restructuring program could expressly be made conditional or subject to modification in the event of termination of the voluntary program offers a possible means of creating “de facto” enforceability. Consumers Energy emphasizes that such an approach carries its own set of legal risks. To the extent the Commission attempts, through ratemaking actions, to coerce some result indirectly which it could not achieve directly, such actions would clearly be unlawful and unreasonable. Nevertheless, Consumers Energy is confident and sincere in its decision to voluntarily offer ROA service, and would be willing to

back up this decision by consenting to a package of future reasonable Commission ratemaking actions which might be the logical consequence of a unilateral Company decision to terminate ROA service.

What would be critical to the application of such an approach to a voluntary decision to proceed with ROA would be the resolution of certain open and related ratemaking issues. That is, Consumers Energy and all parties would need to understand at the outset the consequences of a unilateral termination of the ROA program by Consumers Energy. The open ratemaking issues ripe for Commission action with respect to Consumers Energy are (i) U-11180-R, the 1997 PSCR reconciliation proceeding, which would finalize the frozen PSCR charge,¹ and (ii) U-11941, the PECO Agreement/MCV PPA proceeding, which is, at least in large part, premised upon the continued operation of the ROA program.² Consumers Energy respectfully suggests that a comprehensive but conditional resolution of the ratemaking issues in these cases, combined with Consumers Energy's consent to a Commission order(s) which stated that modifications to the ratemaking treatment accorded in those cases would be forthcoming in the event of Consumers Energy's unilateral termination of the ROA program, would allow ROA to proceed on a de facto enforceable basis. Consumers Energy also re-emphasizes to the Commission that the Company has consistently taken the position throughout the development of the ROA program that a general rate freeze was appropriate during at least the initial years of the ROA program. A more comprehensive

¹ The 1996 PSCR reconciliation proceeding also awaits a Commission order. Case No. U-10973-R.

² Consumers Energy notes that equally important ratemaking issues are pending before the Commission in U-11560, the ABATE rate complaint proceeding that asks the Commission to consider the level of rates applicable during the onset of the ROA program, and U-11954, which involves the ROA subjects of implementation cost recovery and stranded cost true-up mechanism.

resolution of issues surrounding the Company's general electric rate levels would allow the Company to focus its resources on making the ROA program work.

Consumers Energy emphasizes that it is not attempting to dictate to the Commission the appropriate outcome of the above-identified cases, although the Company obviously has strong opinions on what those outcomes should be. Consumers Energy is attempting, however, to encourage the Commission to promptly resolve those cases in order to establish for all interested parties the framework for the ROA program to proceed on a voluntary basis. Such a prompt resolution would then set the stage for the type of prospective "consent order" which Energy Michigan has suggested.

B. Establishment of Rates to Recover Stranded Costs

With respect to whether the Commission can establish rates which allow recovery of stranded costs incurred as the result of a voluntary program, it is clear that such ratemaking action would be lawful. The Commission has previously ruled that recovery of stranded costs is lawful and appropriate, and has adopted stranded cost estimates and the outline of a stranded cost true-up procedure (which is subject to further refinement in U-11954). See June 5, 1997 Order in Case No. U-11290, and October 29, 1997 Order in Cases No. U-11451/U-11452. None of the Commission's prior conclusions regarding the establishment of rates which allow recovery of stranded costs should be altered in the context of a voluntary ROA program. There is certainly nothing in the Supreme Court decision which suggests that the Commission's ratemaking authority disappears with respect to a service voluntarily offered by an electric utility. Indeed, the Court's decision carefully distinguishes between "ratemaking" and a mandatory requirement that ROA service be offered. See slip opinion, p. 10.

Whether in the context of a voluntary program or otherwise, the adoption of rates which allow recovery of stranded costs is simply the exercise of the Commission's traditional ratemaking authority. The costs which will be stranded as a result of the ROA program are costs associated with investments or contractual commitments made by a utility to ensure its ability to serve customers. Furthermore, as defined by the Commission, these are costs which the Commission has previously reviewed and permitted to be reflected in rates. By adopting a procedure to permit the recovery of stranded costs, the Commission is (i) ensuring the continued viability of its prior ratemaking orders, (ii) putting in place a mechanism to protect not only utilities but also utility customers, and (iii) fulfilling its traditional role of establishing rates for regulated utilities. Thus, regardless of the Commission's ability to mandate the implementation of an ROA program, there should be no doubt over the Commission's ability to set the rates necessary to allow utilities to recover costs incurred to provide service. As summarized below, the Commission's broad authority regarding ratemaking matters has been repeatedly affirmed by the courts.

The Commission "is not bound by any single formula or combination of formulas, but is free to make pragmatic adjustments warranted by the particular circumstances." Attorney General v Public Service Commission, 189 Mich App 138, 148; 472 NW2d 53 (1991), quoting Michigan Bell Telephone Co v Public Service Commission, 332 Mich 7, 36-37; 50 NW2d 826 (1952). See also Sloan v Silberstein, 2 Mich App 660, 689; 141 NW2d 332 (1966); ABATE v PSC, 208 Mich App 248; 527 NW2d 533 (1994), lv den 450 Mich 892; 539 NW2d 507 (1995). For example, the contention that the Commission is required to employ the "used and useful" standard in establishing a utility's rates is incorrect, and has been rejected by the Commission and by the Court of Appeals. In ABATE v PSC, supra, the Court of Appeals affirmed the Commission's use

of the “prudent investment” test, and rejected the argument that the Commission is required to use the “used and useful” test. The Court described the “prudent investment” test as follows:

“The prudent investment test has been recognized as a valid basis for determining utility rates. The United States Supreme Court recognized the test in its discussion in Duquesne Light Co v Barasch, 488 US 299, 309; 109 S Ct 609; 102 LEd2d 646 (1989). The Court traced the test to a 1923 decision, Missouri ex rel Southwestern Bell Telephone Co v Public Service Comm of Missouri, 262 US 276, 291; 43 SCt 544; 67 LEd 981 (1923). As described in Duquesne, under the prudent investment test a utility is compensated for prudent investments at their actual cost when made, regardless of whether the investments proved to be necessary or beneficial in hindsight.” ABATE v PSC, *supra* at p. 257.

Thus, the Commission has authority to establish rates which permit recovery of the Company’s stranded costs, because they are costs of investments which the Commission has previously determined to be reasonable and prudent, regardless of whether they are subsequently stranded as a result of a “voluntary” or “involuntary” ROA program.

In addition, the Commission has been explicitly granted the authority to examine “all relevant factors” in establishing a utility’s rates. As explained by the ABATE v PSC Court:

“The PSC may consider ‘all lawful elements’ in determining rates. MCL 460.557; MSA 22.157. This section of the transmission of electricity act provides a nonexclusive list of factors that the PSC may consider in determining rates, including cost, fair value of property used, obsolescence, and risks of business. Here, the PSC properly looked to the ‘all lawful elements’ language of § 7 for guidance when it determined it had the authority to apply the prudent investment test. The PSC is vested with all the power to regulate utilities granted in the numerous acts governing utilities. MCL 460.6; MSA 22.13(6).” 208 Mich App at pp. 258-259.

The Commission’s authority to consider all relevant factors in determining a utility’s rates clearly includes the authority to approve rates which allow recovery of the costs of investments which have already been found reasonable by the Commission. Whether stranded costs are incurred as a result

of a voluntary or an involuntary program is simply irrelevant to the Commission's ratemaking authority to allow their recovery.

3. Environmental Disclosure and Resource Portfolio Requirements

MUUC filed a brief which asserted that the Supreme Court's decision has no impact on MUUC's position taken in connection with industry restructuring. That position is that the Commission should impose environmental disclosure and portfolio requirements on generation suppliers. MUUC argues that imposing such requirements would be a proper exercise of the Commission's "regulatory" powers.

Whatever the merits of environmental disclosure/portfolio requirements might be, the Commission should simply respond that MUUC's position is beyond the scope of what the Commission needs and intends to do at this stage of these proceedings. The Commission did not impose such requirements in its prior orders, and the purpose of the June 30, 1999 order was to explore the impact of the Supreme Court decision on those orders. Thus, no action with respect to MUUC's position is required.

4. Federal District Court Ruling in Qualifying Facility Lawsuit

As the Commission is aware, the federal district court issued an order and opinion July 7, 1999 in a lawsuit brought by a group of PURPA qualifying facilities³ which, in summary, held that the Commission may not enforce the restructuring orders in any manner which denies a utility recovery of avoided cost payments made to a PURPA qualifying facility "whether before, during, or after the year 2007." In Consumers Energy's opinion, the restructuring orders did not take such action, and did not indicate that the Commission was going to take such action. It is therefore

³ North American Natural Resources, Inc., et al v Michigan Public Service Commission, U.S. District Court for the Western District of Michigan, Case No. 5:98-CV-21.

not clear that the Commission needs to do anything in response to the federal district court's order at this time.

5. Participation in Retail Open Access By Other Utilities

Several other utilities and utility groups (i.e., AEP and MEGA) state that, while the Supreme Court's decision does not preclude voluntary programs, relying upon voluntary programs will result in a "fragmented" implementation of open access in Michigan. The apparent message being sent by these parties is that they have no intention of proceeding with voluntary implementation of the Commission's restructuring plans. Obviously, these companies are not immune from market forces, however, and customer expansion/location decisions and the Michigan legislature will have the final word on the subject.

6. Case No. U-11954--True-Up/Implementation Cost Recovery Proceeding

Several parties ask the Commission to dismiss Case No. U-11954, which is the proceeding established by the Commission to consider recovery of implementation costs and the operation of the stranded cost true-up mechanism. Consumers Energy opposes any dismissal of that proceeding.

Consumers Energy spent approximately \$20 million in 1998 in implementation of the Commission's restructuring orders. The Company has spent another approximately \$16 million during the first half of 1999, and expects to spend another approximately \$23 million during the remainder of 1999. The past expenditures were made with the understanding that they would be recoverable in a reasonably prompt manner. Action which jeopardizes the recovery of these amounts or which unreasonably delays their recovery is simply unfair.

As already noted, Consumers Energy intends to voluntarily offer retail open access service in the manner established by the Commission's orders in these proceedings. It is able to do

so only because of the implementation efforts and expenditures made thus far. Regardless of the impact of the Supreme Court decision, these expenditures have been made in pursuit of a reasonable and prudent goal, and, as shown by the testimony already filed in that case, were made in a reasonable and prudent manner. The Commission therefore possesses full authority to allow recovery through the requested surcharge. No valid reason exists to dismiss Case No. U-11954.

In conclusion, Consumers Energy requests that the Commission take action consistent with the positions set forth in Consumers Energy's initial brief and this reply brief.

Respectfully submitted,

CONSUMERS ENERGY COMPANY

Dated: August 11, 1999

By:



Jon R. Robinson
H. Richard Chambers
212 West Michigan Avenue
Jackson, Michigan 49201
Attorneys for Consumers Energy
Company
(517) 788-0698

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter, on the Commission's own)
motion, to consider the restructuring of)
the electric utility industry)
_____)

Case No. U-11290

In the matter of the request of)
CONSUMERS ENERGY COMPANY)
for approval of a retail open access tariff.)
_____)

Case No. U-11451

In the matter of the request of)
THE DETROIT EDISON COMPANY)
for approval of a Customer Delivery)
Contract.)
_____)

Case No. U-11452

In the matter of the request of)
CONSUMERS ENERGY COMPANY)
for authority to suspend its power)
supply cost recovery clause and)
related relief)
_____)

Case No. U-11453

In the matter of the request of)
CONSUMERS ENERGY COMPANY)
and **THE DETROIT EDISON**)
COMPANY for approval of a true-up)
mechanism in connection with the)
recovery of stranded costs.)
_____)

Case No. U-11454

PROOF OF SERVICE

STATE OF MICHIGAN)
) SS
COUNTY OF JACKSON)

Sammie B. Dalton, being first duly sworn, deposes and says that she is employed in the Legal Department of Consumers Energy Company; that she served a copy of the "**Reply Brief of Consumers Energy Company**" upon the persons listed in Attachment 1 hereto, at the addresses

listed therein by depositing the same on August 11, 1999, in the United States mail in the City of Jackson, Michigan with first-class postage thereon fully paid.

Sammie B Dalton
Sammie B. Dalton

Subscribed and sworn to before me this 11th day of August, 1999.

Kelly Fisher
Kelly Fisher
Notary Public, Jackson County, Michigan
My Commission Expires: January 18, 2002

Attachment 1 to Case Nos. U-11290, et al

Administrative Law Judges

Hon. Daniel E. Nickerson, Jr.
Michigan Public Service Commission
6545 Mercantile Way, Suite 14
P. O. Box 30221
Lansing, MI 48909-7721

Hon. George Schankler
Michigan Public Service Commission
6545 Mercantile Way, Suite 14
P. O. Box 30221
Lansing, MI 48909-7721

**Attorney for Michigan Independent
Power Association**

Ronald E. Russell, Esq.
Russell & Russell, P.C.
525 Okemos Rd., Suite B
Mason, MI 48854

**Attorneys for The Dow Chemical
Company, DowElanco and the
Michigan Power Limited Partnership**

David E.S. Marvin, Esq.
Michael S. Ashton, Esq.
Fraser, Trebilcock, Davis & Foster
1000 Michigan National Tower
Lansing, MI 48933

Attorneys for Shell Western E&P Inc.

Glen A. Schmiede, Esq.
Webb A. Smith, Esq.
Foster, Swift, Collins & Smith, P.C.
313 S. Washington Square
Lansing, MI 48933-2122

K. R. Satterly, Esq.
Corporate E & P Counsel
Shell Oil Company
200 N. Dairy Ashford
P. O. Box 576
Houston, TX 77001-0576

**Attorneys for Competitive Utility
Tariffs, Inc. (CUT)**

William R. Ralls, Esq.
Leland R. Rosier, Esq.
Ralls, Urban & Rosier, P.C.
118 West Ottawa Street
Lansing, MI 48933-1602

Richard F. Vander Veen, III, Esq.
Miller, Johnson, Snell & Cumiskey, P.L.C.
Calder Plaza Building
250 Monroe Avenue NW, Suite 800
P. O. Box 306
Grand Rapids, MI 49501-0306

**Attorneys for Wisconsin Public
Service Corporation and Northern
States Power Company-Wisconsin**

Sherri A. Wellman, Esq.
Harvey J. Messing, Esq.
Loomis, Ewert, Ederer, Parsley
Davis & Gotting
232 South Capitol Avenue, Suite 1000
Lansing, MI 48933-1525

**Attorneys for the Residential
Ratepayer Consortium (RRC)**

Diane R. Royal, Esq.
David L. Shaltz, Esq.
Shaltz & Royal, P.C.
3303 W. Saginaw
Suite C-1, Lower Level
Lansing, MI 48917

**Attorneys for Midland Cogeneration
Venture Limited Partnership**

Stephen O. Schultz, Esq.
Mark J. Burzych, Esq.
Foster, Swift, Collins & Smith, P.C.
313 S. Washington Square
Lansing, MI 48933-2122

Attachment 1 to Case Nos. U11290, et al (Continued)

Attorney for Michigan Public Power Agency (MPPA), Michigan South Central Power Agency (MSCPA) and City of Detroit and its Public Public Lighting Department

Peter H. Ellsworth, Esq.
Edward R. Becker, Esq.
Dickinson, Wright, Moon,
VanDusen & Freeman
215 S. Washington Sq., Ste. 200
Lansing, MI 48933

**Attorneys for Attorney General
Jennifer M. Granholm**

Donald E. Erickson, Esq.
Robert L. Mol, Esq.
Assistant Attorney General
P.O. Box 30212
Lansing, MI 48909

Attorneys for Energy Michigan, Inc.

Eric J. Schneidewind, Esq.
Bruce Goodman, Esq.
Varnum, Riddering, Schmidt & Howlett
The Victor Center, Suite 810
201 N. Washington Square
Lansing, MI 48933

Attorneys for the Michigan Public Service Commission (MPSC) Staff

Tonatzin M. Alfaro Garcia, Esq.
Larry G. Watterworth, Esq.
Marvin L. Bromley, Esq.
Assistant Attorneys General
6545 Mercantile Way, Suite 15
Lansing, MI 48911

**Attorneys for the Association of Businesses
Advocating Tariff Equity (ABATE)**

Robert A. W. Strong, Esq.
Clark Hill PLC
255 S. Woodward Ave., Suite 301
Birmingham, MI 48009

Roderick S. Coy, Esq.
Stewart A. Binke, Esq.
Stephen J. Videto, Esq.
Clark Hill PLC
2455 Woodlake Circle
Okemos, MI 48864-5941

Consultant for ABATE

James T. Selecky
Brubaker & Associates, Inc.
1215 Fern Ridge Parkway, Suite 208
P. O. Box 412000
St. Louis, MO 63141-2000

**Attorney for MidCon Gas Services
Corp. and mc², Inc.**

Thomas J. Augspurger, Esq.
701 E. 22nd Street
Lombard, IL 60148-5072

Attorneys for The Detroit Edison Co.

Bruce R. Maters, Esq.
The Detroit Edison Co.
688 Walker Cisler Bldg.
2000 Second Ave.
Detroit, MI 48226

William K. Fahey, Esq.
Foster, Swift, Collins & Smith, PC
313 S. Washington Sq.
Lansing, MI 48933

Susan Beale, Esq.
The Detroit Edison Co.
688 Walker Cisler Bldg.
2000 Second Ave.
Detroit, MI 48226

Attachment 1 to Case Nos. U11290, et al (Continued)

**Attorney for Michigan Association of
School Boards, Michigan School
Business Officials and The Charter
Township of Ypsilanti**

Robert C. Evans, Esq.
4572 Sequoia Trail
Okemos, MI 48864

Attorneys for American Electric Power

Marc E. Lewis, Esq.
Indiana & Michigan Power Company
One Summit Square
P. O. Box 60
Fort Wayne, IN 46801

James A. Ault, Esq.
Loomis, Ewert, Ederer, Parsley,
Davis & Gotting
232 S. Capitol Ave., Ste. 1000
Lansing, MI 48933

**Attorney for Michigan Community
Action Agency Association (MCAAA)**

Christopher S. Ammerman, Esq.
Brian W. Coyer, Esq.
Knaggs, Harter, King & Brake, P.C.
1375 S. Washington Square, Suite 300
Lansing, MI 48917

**Attorney for North American Natural
Resources, Inc., et al**

Thomas J. Waters, Esq.
Fraser, Trebilcock Davis & Foster, P.C.
1000 Michigan National Tower
Lansing, MI 48933