



A CMS Energy Company

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Attorney

September 28, 1999

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

Re: Case No. U-12100

Dear Ms. Wideman:

Enclosed for filing in the above referenced matter is an original and 4 copies of **Petition to Intervene by Consumers Energy Company**. I have also enclosed an original Proof of Service.

Sincerely,

Raymond E. McQuillan

CC: Ronald Bloomberg, Esq.
William Derongosky
Assistant Attorney General, MPSC

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of	)	
SEMCO ENERGY GAS COMPANY	)	
for a certificate of public convenience	)	Case No. U-12100
and necessity to construct facilities in and	)	
render natural gas service in Section 7, Mendon	)	
Township, St. Joseph County, Michigan	)	

PETITION TO INTERVENE
BY CONSUMERS ENERGY COMPANY

Consumers Energy Company (“Consumers Energy”) petitions to intervene by right in this action for the following reasons:

1. Consumers Energy is a public utility engaged, among other things, in distribution and sale of natural gas to more than 1,300,000 residential, commercial and industrial customers in 45 counties in the Lower Peninsula of the State of Michigan.
2. Consumers Energy has a franchise from Mendon Township, St. Joseph County, Michigan and provides natural gas service to residents of that township. A copy of the most recent franchise (Ordinance No.95-30) from Township in 1995 is attached. Consumers Energy has a substantial interest in the outcome of this matter since it has invested in facilities to provide service to this township.
3. Consumers Energy does not contest the granting of an Act 69 certificate to allow SEMCO Energy Gas Company to serve Kline’s Resort, the customer identified on the map attached to its application in Section 7 of Mendon Township, and to provide natural gas service to customers located along the path of the facilities.

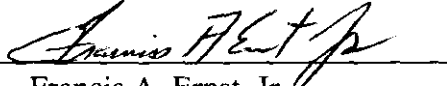
4. Consumers Energy seeks to intervene in this action as a party with full rights to engage in discovery, submit testimony, cross-examine witnesses, file motions and briefs, and otherwise fully participate in this action.

5. Consumers Energy has a statutory right to appear and be heard with reference to this application filed by SEMCO Energy Gas Company in this docket pursuant to Section 4 of 1929 PA 69, MCL 460.504; MSA 22.144.

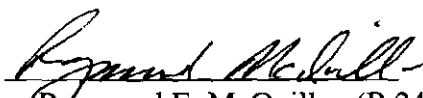
WHEREFORE, Consumers Energy Company respectfully requests that its petition to intervene be granted and that the Commission grant such other relief and further relief as it deems just and proper.

Respectfully Submitted,

Consumers Energy Company

By 
Francis A. Ernst, Jr.
Director of Rates

Dated: September 28, 1999

By 
Raymond E. McQuillan (P-24100)
Attorney for Consumers Energy
212 West Michigan Avenue
Jackson, MI 49201
(517) 788-0677

ATTACHMENT

PROCEEDINGS OF THE TOWNSHIP BOARD
OF THE
TOWNSHIP OF MENDON, ST. JOSEPH COUNTY, MICHIGAN

At a Regular meeting of the Township Board of the TOWNSHIP OF MENDON,
ST. JOSEPH COUNTY, MICHIGAN, duly called and held on the 1st day of
August, 1995, there were present:

Maurice Kline Jr., Supervisor,

Lin Chou Lund, Township Clerk

Edgar Weagener, Township Treasurer

Jerry Chastrom, Township Trustee

Henry Lee, Township Trustee.

The following ordinance was offered by Township Board member

Jerry Chastrom and supported by Township Board member Henry Lee:

ORDINANCE NO. 95-30

CONSUMERS POWER COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the TOWNSHIP OF MENDON, ST. JOSEPH COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF MENDON ORDAINS:

SECTION 1. GRANT, TERM. The TOWNSHIP OF MENDON, ST. JOSEPH COUNTY, MICHIGAN, hereby grants to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the TOWNSHIP OF MENDON, ST. JOSEPH COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No highway, street, alley, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. EXTENSIONS. Said Grantee shall construct and extend its gas distribution system within said Township, and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 7. RATES. Said Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors

authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

SECTION 8. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION. JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Township.

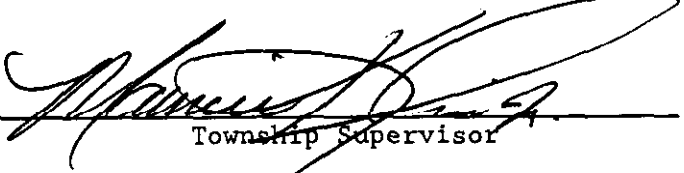
SECTION 10. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a gas ordinance adopted by the Township Board on October 12, 1965 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in the TOWNSHIP OF MENDON, ST. JOSEPH COUNTY, MICHIGAN, for a period of thirty years.

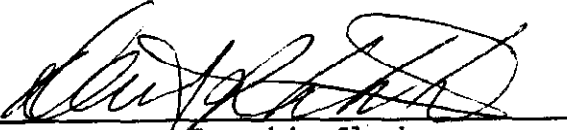
and amendments, if any, to such ordinance whereby a gas franchise was granted to Consumers Power Company.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF MENDON, ST. JOSEPH COUNTY, MICHIGAN, on the 1ST. day of August, 1995.


Township Supervisor

Attest:


Township Clerk

Township Board Member Jerry Chartrand moved that the Franchise Ordinance, as introduced, be adopted, which motion was supported by Township Board Member Henry Kie.

The following was the vote thereon:

<u>Maurice Keine Jr.</u> Supervisor	<u>YES</u> (Yes or No)
<u>Don Cleveland</u> Township Clerk	<u>YES</u>
<u>Elmer Wagner</u> Township Treasurer	<u>YES</u>
<u>Jerry Chartrand</u> Township Trustee	<u>YES</u>
<u>Henry Kie</u> Township Trustee	<u>YES</u>

The Supervisor declared the foregoing attached Franchise duly adopted.

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF MENDON, ST. JOSEPH COUNTY, MICHIGAN:

The Consumers Power Company hereby accepts the franchise granted to it by your Township Board, on the 1st day of August, 1995, which said franchise is entitled as follows:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the TOWNSHIP OF MENDON, ST. JOSEPH COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS POWER COMPANY

By /s/John E. Manczak
Vice President,
Gas Marketing & Pricing

Dated: Aug 1, 1995.

Henry Lee moved that within fifteen (15) days from the date hereof, the Township Clerk shall cause to be published in the Three Rivers Commercial and Sturgis Journal, a newspaper of general circulation in said Township, a copy of said Franchise Ordinance (in full), as part of the proceedings of this meeting; and that also, immediately after such publishing, enter the said ordinance in the Record of Ordinances of said Township, and shall certify thereto under his/her hand, stating the time and place of such publishing.

Said motion was supported by Township Board Member Jerry Chartrand, and was adopted by the following vote:

Yes: Supervisor Kline and Township Board Members Cleveland, Wagner, Chartrand, and Lee

No: None

The Supervisor declared said motion duly carried.

Thereupon the meeting adjourned.

CLERK CERTIFICATION

STATE OF MICHIGAN)
 : ss.
COUNTY OF ST. JOSEPH)

I, Dan Cleveland, Township Clerk of the TOWNSHIP OF MENDON, ST. JOSEPH COUNTY, MICHIGAN, DO HEREBY CERTIFY that the annexed is a true and correct copy of all of the proceedings of the Township Board of said Township, with reference to the granting of a franchise to Consumers Power Company.

I FURTHER CERTIFY that the within acceptance was filed with me as Township Clerk, on the 1st day of August, 1995; that I have compared the within copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I FURTHER CERTIFY that a copy of the foregoing ordinance was published as appears by proof thereof on file in my office in Three Rivers Commercial and Sturgis Journal, a newspaper circulated in the TOWNSHIP OF MENDON, ST. JOSEPH COUNTY, MICHIGAN, on the 16th day of August, 1995; and that all of said proceedings were regular and in accordance with all legal requirements.



Township Clerk

Dated: 17th day of August 1995.

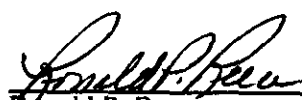
PROOF OF PUBLICATION_____

STATE OF MICHIGAN) SS.
COUNTY OF ST. JOSEPH)

Ronald P. Reece being duly sworn, says, I am General Manager of the Three Rivers Commercial-News, a daily newspaper printed and circulated in said county and owned by Three Rivers Commercial Inc. The annexed is a printed copy of a notice which was published in said newspaper on the following dates, to wit:

August 16 _____ A.D. 19 95

_____ A.D. 19 95



Ronald P. Reece

Subscribed and sworn to before me this 24th
day of August A.D. 19 95



Maureen B. Willma
Notary Public in and for St. Joseph County, Michigan.

My commission expires 11-8-98

PUBLIC NOTICE
ORDINANCE NO. 95-30
CONSUMERS POWER COMPANY
GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the TOWNSHIP OF MENDON, ST. JOSEPH COUNTY, MICHIGAN, for a period of thirty years.

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SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

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SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

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SECTION 7. RATES. Said Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein the rates as approved by the Michigan Public Service Commission, in which Commission or its successors authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

SECTION 8. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Township.

SECTION 10. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a gas ordinance adopted by the Township Board on October 12, 1985 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in the TOWNSHIP OF MENDON, ST. JOSEPH COUNTY, MICHIGAN, for a period of thirty years.

and amendments, if any, to such ordinance whereby a gas franchise was granted to Consumers Power Company.

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We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF MENDON, ST. JOSEPH COUNTY, MICHIGAN, on the 25th day of July, 1995.

Maurice Kline Jr.

Township Supervisor

Attest: 

Daniel R. Cleveland

Township Clerk

AUG 1 1995

1995

1995

1995

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of)
SEMCO ENERGY GAS COMPANY)
for a certificate of public convenience)
and necessity to construct facilities in and)
render natural gas service in Section 7, Mendon)
Township, St. Joseph County, Michigan)

Case No. U-12100

PROOF OF SERVICE

STATE OF MICHIGAN)
) SS
COUNTY OF JACKSON)

Holly J. Allen, 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 "**Petition to Intervene by Consumers Energy Company**" upon the persons at the addresses listed below by depositing the same on September 28, 1999, in the United States mail in the City of Jackson, Michigan with first-class postage thereon fully paid.

William W. Derengoski, Esq.
Assistant Attorney General
Michigan Public Service Division
6545 Mercantile Way, Suite 15
Lansing, MI 48911

Mr. Ronald Bloomberg, Esq.
Loomis, Ewert, Parsley, Davis & Gotting
232 Capital Avenue, Suite 1000
Lansing, MI 48933

Holly J. Allen

Subscribed and sworn to before me this 28th day of September, 1999.

Sammie B Dalton
Sammie B. Dalton
Notary Public, Jackson County, Michigan
My Commission Expires: January 4, 2000