

STATE OF MICHIGAN MPSC JUDICIAL CIRCUIT MPSC COUNTY	JURISDICTIONAL CHECKLIST FOR COURT OF APPEALS	CASE NO. Trial Court/Tribunal: U-12121 Court of Appeals:
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Plaintiff name ☒ Appellant
 Attorney General Jennifer M. Granholm

v

Defendant name ☐ Appellant
 Michigan Public Service Commission & The Detroit Edison
 Company

INSTRUCTIONS: This checklist must be completed and filed with your claim of appeal.

Required Documents (All items 1. through 6. must be filed. Check each box as you confirm each document and appropriate filing fee(s) are being filed.)

1. The claim of appeal, with original signature and correct lower court number. [MCR 7.204(B)(1)]
2. A filing fee of \$250.00. [MCR 7.204(B)(2)] (Where multiple lower court or tribunal numbers are involved, Court policy will dictate whether a multiple fee is required. Appellants will be advised of any insufficiency in the filing fee.)
3. A copy of the order you are appealing (the order deciding the merits and not an order denying rehearing or reconsideration). [MCR 7.204(C)(1)]
4. Evidence that the necessary transcript has been ordered (check only one box from a. through e. below). [MCR 7.204(C)(2)]
 - ☒ a. The complete transcript has been ordered. [MCR 7.210(B)(1)(a)] **All transcripts are on file with the MPSC.**
 - ☐ b. This appeal is from a probate court proceeding which does not require a complete transcript. [MCR 7.21 O(B)(1)(b)]
 - ☐ c. A motion has been filed in the lower court or tribunal for submission of the appeal on less than the complete transcript. [MCR 7.210(B)(1)(c)]
 - ☐ d. The parties have stipulated to submission of the appeal on less than the complete transcript. [MCR 7.21 O(B)(1)(d)]
 - ☐ e. The parties have stipulated to a statement of fact. [MCR 7.210(B)(1)(e)]
5. Proof of service demonstrating that all other parties have been served. Even if a party is not an appellee, they must be served. [MCR 7.204(C)(3)]
6. Docket or calendar entries from the lower court or tribunal. [MCR 7.204(C)(5)]

Finality Of Order Being Appealed (Check the box that demonstrates your claim of appeal is by right. If none apply, you do not have an appeal by right.)

- ☐ The claim of appeal is from a final order which, alone or with other orders already entered, disposes of all claims as to all parties.
- ☐ The claim of appeal is from a post-judgment order which by law is designated as a final order. The statute, court rule, or case law establishing appeal by right as to this order is: (citation to MCR 7.203 alone is insufficient)

☐ The claim of appeal is from an order which is designated by statute, court rule or case law as an order appealable by right to the Court of Appeals. The statute, court rule, or case law establishing appeal by right as to this order is:
MCL 460.4; MSA 22.13(4) and MCL 462.26; MSA 22.45

July 12, 2000

Date filed

Donald E. Erickson

Preparer's name (type or print)
 (517) 373-1123

Telephone no.

STATE OF MICHIGAN
IN THE COURT OF APPEALS

ATTORNEY GENERAL JENNIFER M.
GRANHOLM,

Appellant,

Court of Appeals No. _____

v

MPSC No. U-12121

MICHIGAN PUBLIC SERVICE COMMISSION
and THE DETROIT EDISON COMPANY,

Appellees,

Claim of Appeal

Attorney General Jennifer M. Granholm claims an appeal from the Opinion and Order entered on June 19, 2000, in the Michigan Public Service Commission, by Chairman John G. Strand and Commissioners David A. Svanda and Robert B. Nelson.

Dated: July 12, 2000

Respectfully submitted,

JENNIFER M. GRANHOLM
Attorney General

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Assistant Solicitor General
Counsel of Record

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Assistant in Charge
Special Litigation Division

Donald E. Erickson

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Lansing, Michigan 48909
(517) 373-1123

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of	)	
THE DETROIT EDISON COMPANY for	)	
authority to implement a power supply cost	)	Case No. U-12121
recovery plan in its rate schedules for 2000	)	
metered jurisdictional sales of electricity.	)	

At the June 19, 2000 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. John G. Strand, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

OPINION AND ORDER

On September 30, 1999, The Detroit Edison Company (Detroit Edison) filed an application to
implement a power supply cost recovery (PSCR) plan in 2000. On June 5, 2000, Public Act 141 of
2000 took effect. Subsection 1 Od(1) provides:

Unless otherwise reduced by the commission under subsection (4) [for the
effects of securitization], the commission shall establish the residential rates for
each electric utility with 1,000,000 or more retail customers in this state as of
May 1, 2000 that will result in a 5% rate reduction from the rates that were
authorized or in effect on May 1, 2000. Notwithstanding any other provision of
law or commission order, rates for each electric utility with 1 ,000,000 or more
retail customers established under this subsection become effective on the effective
date of the amendatory act that added this section and remain in effect until
December 31, 2003 and all other electric retail rates of an electric utility with
1 ,000,000 or more retail customers authorized or in effect as of May 1, 2000 shall

remain in effect until December 31, 2003, unless otherwise reduced by the commission under subsection (4).

MCL 460.10d(1); MSA 22.13(10d)(1).

On June 5, 2000, the Commission issued an order in Case No. U-12464 implementing the rate reduction for residential customers and requiring Detroit Edison to file tariff sheets. With that reduction, all of the retail rates now in effect may not be changed until at least December 1, 2003 except to reflect the effects of securitization. The implementation of a PSCR plan for Detroit Edison, which is designed to adjust rates for changes in the costs of fuel and purchased power, is inconsistent with subsection 10d(1). Therefore, Detroit Edison's application must be dismissed.'

The Commission FINDS that:

a. Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; MSA 22.151 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; MSA 22.1 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; MSA 22.13(1) et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; MSA 22.13(6h) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACSR 460.17101 et seq.

b. Detroit Edison's application should be dismissed with prejudice.

¹On May 1, 1999, the Michigan Environmental Council (MEC) and the Public Interest Research Group in Michigan (PIRGIM) filed an application for leave to appeal and motion for immediate consideration regarding testimony stricken by the Administrative Law Judge in this proceeding. Although the testimony sought to address issues that may have been outside the jurisdiction of the Commission prior to June 5, 2000, the new law gives the Commission specific authority to require environmental disclosures (subsection 10(3)) and creates an energy efficiency fund (subsection 10d(6)) as advocated by these parties. They are encouraged to participate in Case No. U-12487 and any subsequent proceedings involving the energy efficiency fund.

THEREFORE, IT IS ORDERED that the application of The Detroit Edison Company to implement a power supply cost recovery plan in 2000 is dismissed with prejudice.

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; MSA 22.45.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ John G. Strand
Chairman

(S E A L)

/s/ David A. Svanda
Commissioner

/s/ Robert B. Nelson
Commissioner

By its action of June 19, 2000.

/s/ Dorothy Wideman
Its Executive Secretary

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DOCUMENT LOCATION

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MICHIGAN PUBLIC SERVICE COMMISSION

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MICHIGAN PUBLIC SERVICE COMMISSION

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MICHIGAN PUBLIC SERVICE COMMISSION

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ALJ
SCHEDULING MEMO

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STATE OF MICHIGAN
IN THE COURT OF APPEALS

ATTORNEY GENERAL JENNIFER M.
GRANHOLM,

Appellant,

Court of Appeals No. _____

v

MPSC No. U-12121

MICHIGAN PUBLIC SERVICE COMMISSION
and THE DETROIT EDISON COMPANY,

Appellees,

Proof of Service

State of Michigan)
Ingham County)

KIMBERLY K. HARRIS being duly sworn says

I certify that I served a copy of a Jurisdictional Checklist, a Claim of Appeal with attached order, and an MPSC Docket Table of Contents upon the following parties by mailing the same to them at their respective addresses with first class postage fully prepaid thereon, or by State of Michigan Interdepartmental mail as indicated, on the 12th day of July, 2000.

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ABATE:

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Birmingham, MI 48009

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Mr. Steven D. Hughey (P32230)
Assistant Attorneys General
Public Service Division
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Lansing, MI 48911 [I.D. Mail]

Residential Ratepayer Consortium:

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Public Interest Research Group in Mich.:

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Knaggs, Harter, Brake & Schneider, PC
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Lansing, MI 48910

Plastipak Packaging, Inc.:

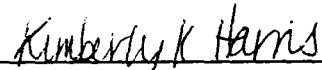
Mr. Stewart A. Binke (P47149)
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Energy Michigan:

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201 N. Washington Square, Suite 810
Lansing, MI 48933

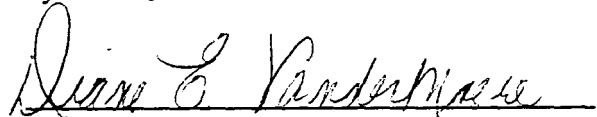
Michigan Public Service Commission:

Ms. Dorothy A. Wideman
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way, Suite 7
P. O. Box 30221
Lansing, MI 48909 [ID Mail]



Kimberly K. Harris

Subscribed and sworn to before me this 12th day of July, 2000.



Diane E. VanderMoere, Notary Public
Eaton County,
acting in Ingham County, Michigan
My Comm. Expires: 02-24-01