

CLARK HILL

P L C

A T T O R N E Y S A T L A W

255 S. Old Woodward A v e n u e
Third Floor
B i r m i n g h a m , M i c h i g a n 4 8 0 0 9 - 6 1 7 9
Tel. (248) 642-9692 I Fax (248) 642-2174
www.clarkhill.com

Robert A. W. Strong
Direct Did: 248/988-5861
E-Mail: rstrong@clarkhill.com

July 12, 2000

VIA HAND DELIVERY

Mr. Carl L. Gromek
Chief Clerk
Michigan Court of Appeals
American Center Building
27777 Franklin Road
Southfield, Michigan 48034-2055

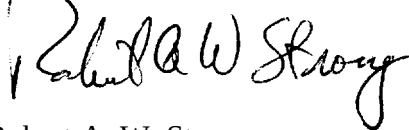
Re: Court of Appeals Docket No. _____
MPSC Case No. U-12121

Dear Mr. Gromek:

Enclosed is an original and four (4) copies of a Claim of Appeal, Statement of Attorney Regarding Transcript, Docket Logs and Jurisdictional Checklist for tiling. Also enclosed is a Proof of Service on the parties of record.

Very truly yours,

CLARK HILL P.L.C.



Robert A. W. Strong

RAWS/lat
Enclosures

cc: Parties of Record (w/Enclosures)

STATE OF MICHIGAN
IN THE COURT OF APPEALS

ASSOCIATION OF BUSINESSES
ADVOCATING TARIFF EQUITY,
Appellant,

Court of Appeals No. _____

v

MPSC Case No. U-12121

MICHIGAN PUBLIC SERVICE
COMMISSION,
Appellee.

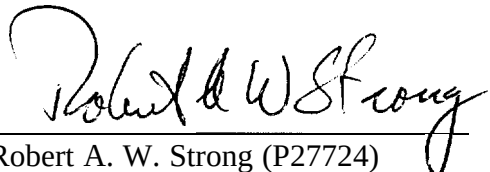
_____/

CLAIM OF APPEAL

The Association of Businesses Advocating Tariff Equity ("ABATE"), Appellant, through its attorneys, Clark Hill, P.L. C., claims an appeal from the Opinion and Order in Case No. U- 12 12 1 entered June 19, 2000, in the Michigan Public Service Commission by Chairman John G. Strand, Commissioner David A. Svanda and Commissioner Robert B. Nelson.

Respectfully submitted,

CLARK HILL, P.L.C.

By: 
Robert A. W. Strong (P27724)
Attorneys for Appellant, the Association of
Businesses Advocating Tariff Equity
255 South Old Woodward Avenue, Third Floor
Birmingham, Michigan 48009
248/642-9692

Dated: July 12, 2000

* * * * *

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

OPINION AND ORDER

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

STATE OF MICHIGAN
IN THE COURT OF APPEALS

ASSOCIATION OF BUSINESSES
ADVOCATING TARIFF EQUITY,

Appellant,

v

MICHIGAN PUBLIC SERVICE
COMMISSION,

Appellee.

Court of Appeals No. _____

MPSC Case No. U-12121

_____/

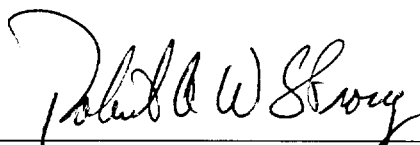
STATEMENT OF ATTORNEY REGARDING TRANSCRIPT

There is no record to be transcribed in this case. Merrill & Associates recorded the proceedings of the Michigan Public Service Commission in Case No. U-12121. The record has previously been transcribed and delivered to the Michigan Public Service Commission by Merrill & Associates.

Respectfully submitted,

CLARK HILL P.L.C.

By:



Robert A. W. Strong (P27724)
Attorneys for Appellant, the Association of
Businesses Advocating Tariff Equity
255 South Old Woodward Avenue, Third Floor
Birmingham, Michigan 48009
248/642-9692

Dated: July 12, 2000

STATE OF MICHIGAN

MPSC

JUDICIAL CIRCUIT

MPSC COUNTY

JURISDICTIONAL CHECKLIST
FOR COURT OF APPEALS

CASE NO.

Trial Court/Tribunal: U-121 21

Court of Appeals:

Plaintiff name The Association of Businesses Advocating
Tariff Equity ("ABATE") X Appellant V

Defendant name Michigan Public Service Commission ___ Appellant

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)

- X 1. The claim of appeal, with original signature and correct lower court number. [MCR 7.204(B)(1)]
- X 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.)
- X 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)]
- x 4. Evidence that the necessary transcript has been ordered (check only one box from a. through e. below). [MCR 7.204(C)(2)]
- X a. The complete transcript has been ordered. [MCR 7.21 0(B)(1)(a)] (Transcript is on file at the MPSC).
- ___ b. This appeal is from a probate court proceeding which does not require a complete transcript. [MCR 7.21 0(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 7.21 0(B)(1)(d)]
- ___ d. The parties have stipulated to submission of the appeal on less than the complete transcript, [MCR 7.21 0(B)(1)(e)]
- ___ e. The parties have stipulated to a statement of fact. [MCR 7.210(B)(1)(e)]
- X 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)]
- X 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)
-
- X 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 22.12(4) and MCL 462.26; MSA 22.45

July 12, 2000

Date filed

Robert A. W. Strong (P27724)

Preparer's name (type or print)

248/642-9692

Telephone no.

STATE OF MICHIGAN
IN THE COURT OF APPEALS

ASSOCIATION OF BUSINESSES
ADVOCATING TARIFF EQUITY,
Appellant,

Court of Appeals No. _____

v

MPSC Case No. U-12121

MICHIGAN PUBLIC SERVICE
COMMISSION,
Appellee.

_____/

PROOF OF SERVICE

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

Lisa Ann Teets, being first duly sworn, deposes and says that she served a copy of "Claim of Appeal, Statement of Attorney Regarding Transcript and Jurisdictional Checklist" in the above docket on the persons identified on the attached service list by depositing the same on July 12, 2000, in the United States mail in the City of Birmingham, Michigan with first-class postage thereon fully paid.

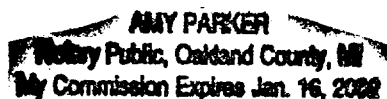


Lisa Ann Teets



Notary Public

My Commission Expires: 1-16-02



SERVICE LIST

COURT OF APPEALS DOCKET NO. _____
MPSC CASE NO. U-12121

ATTORNEY FOR ENERGY MICHIGAN

Eric J. Schneidewind, Esq.
Varnum, Riddering, Schmidt & Howlett LLP
The Victor Center
201 North Washington Square
Suite 810
Lansing, Michigan 489 11

ATTORNEYS FOR DETROIT EDISON

Bruce R. Maters, Esq.
Jon P. Christinidis, Esq.
The Detroit Edison Company
2000 Second Avenue
688 WCB
Detroit, Michigan 48226-1297

**ATTORNEYS FOR ATTORNEY
GENERAL**

Donald Erickson, Esq.
Robert Mol, Esq.
Assistant Attorney Generals
Michigan Attorney General Office
6520 Mercantile Way
Suite 2
P.O. Box 30218
Lansing, Michigan 48909

**ATTORNEYS FOR MICHIGAN
ENVIRONMENTAL COUNCIL and THE
PUBLIC INTEREST RESEARCH
GROUP IN MICHIGAN**

Don L. Keskey, Esq.
Brian W. Coyer, Esq.
Knaggs, Harter, Brake & Schneider, P.C.
1375 South Washington Avenue
Suite 300
Lansing, Michigan 489 10

**ATTORNEY FOR MICHIGAN PUBLIC
SERVICE COMMISSION**

Patricia S. Barone, Esq.
Assistant Attorney General
Public Service Division
6545 Mercantile Way
Suite 15
Lansing, Michigan 489 11

**ATTORNEY FOR RESIDENTIAL
RATEPAYER CONSORTIUM**

Diane R. Royal, Esq.
Shaltz & Royal, P.C.
3303 West Saginaw
Suite C-1
Lansing, Michigan 489 17

**MICHIGAN PUBLIC SERVICE
COMMISSION**

Ms. Dorothy Wideman
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way
Lansing, Michigan 48909-7721