

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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|                                                |   |                  |
|------------------------------------------------|---|------------------|
| In the matter of the proposal of the           | ) |                  |
| <b>CHOICE ADVISORY COUNCIL</b> for a statewide | ) |                  |
| customer education program and other related   | ) | Case No. U-12133 |
| matters.                                       | ) |                  |
| _____                                          | ) |                  |

At the September 11, 2003 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

PRESENT: Hon. J. Peter Lark, Chair  
Hon. Robert B. Nelson, Commissioner  
Hon. Laura Chappelle, Commissioner

**OPINION AND ORDER**

The Commission issued a series of orders in this docket in an effort to implement a customer education program consistent with the Customer Choice and Electricity Reliability Act, 2000 PA 141 (Act 141), MCL 460.10 et seq., in conjunction with the recommendations and negotiations of the CHOICE Advisory Council. On October 11, 2001, the Commission gave its final approval to an April 27, 2001 settlement agreement filed by the CHOICE Advisory Council that, among other things, constituted the regulatory basis for collection of an 18¢ per meter monthly surcharge for consumer education activities from certain electric utilities, including Wisconsin Electric Power Company (Wisconsin Electric). However, in an order issued on April 17, 2003, the Commission prospectively suspended further collection of the 18¢ per meter monthly surcharge and directed each affected electric utility to submit a report regarding the amounts collected and expended during 2003 pursuant to the cost recovery mechanism. Simultaneously with the filing of

the 2003 reconciliation report, each utility also was required to file an application proposing how it intends to use the funds collected pursuant to the CHOICE Advisory Council program to promote green power or how it intended to refund such funds to customers. In so doing, the Commission stated:

If a utility does not offer a green power option, or if a utility determines that spending all of the funds collected pursuant to the 18¢ per meter per month surcharge for that purpose is not reasonable or necessary, it may propose in its application a methodology to refund any unexpended funds to its customers.

April 17, 2003 order, Case No. U-12133, p. 6.

On July 31, 2003, Wisconsin Electric filed a report and application wherein it reported that it collected \$74,804.00, inclusive of interest calculated through December 2003, pursuant to the 18¢ per meter monthly surcharge. Wisconsin Electric represents that the Commission approved a green power tariff for its Michigan customers in Case No. U-12099. Wisconsin Electric proposes to develop and launch a marketing campaign to increase general customer awareness of renewable energy and to target likely customers for enrollment in the tariff. Wisconsin Electric anticipates that the campaign will start no later than the beginning of 2004, and Wisconsin Electric requests authority to use the entire surcharge fund of \$74,804.00 to implement the campaign.

The Commission finds that Wisconsin Electric's proposal to use the entire surcharge fund of \$74,804.00 to implement a campaign to promote green power is reasonable and prudent.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

b. Wisconsin Electric's application should be granted.

THEREFORE, IT IS ORDERED that the application filed by Wisconsin Electric Power Company for authority to use \$74,804.00 to promote its green power tariff established in Case No. U-12099 is granted.

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 issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ J. Peter Lark

Chair

( S E A L )

/s/ Robert B. Nelson

Commissioner

/s/ Laura Chappelle

Commissioner

By its action of September 11, 2003.

/s/ Robert W. Kehres

Its Acting Executive Secretary

b. Wisconsin Electric's application should be granted.

THEREFORE, IT IS ORDERED that the application filed by Wisconsin Electric Power Company for authority to use \$74,804.00 to promote its green power tariff established in Case No. U-12099 is granted.

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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.

MICHIGAN PUBLIC SERVICE COMMISSION

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Chair

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Commissioner

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Commissioner

By its action of September 11, 2003.

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Its Acting Executive Secretary

b. Wisconsin Electric's application should be granted.

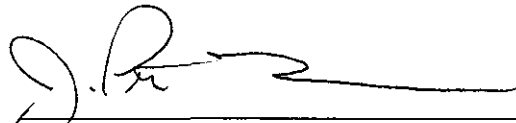
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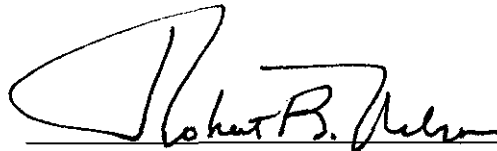
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Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

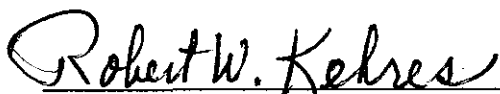


  
Chair

  
Commissioner

  
Commissioner

By its action of September 11, 2003.

  
Its Acting Executive Secretary

# PROOF OF SERVICE

STATE OF MICHIGAN )

Case No. U-12133  
Wisconsin Electric Power

County of Ingham )

Patricia A. Fronta being duly sworn, deposes and says that on September 15<sup>th</sup> 2003, A.D. she served a copy of the attached Commission orders by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.

  
Patricia Fronta

Subscribed and sworn to before me  
this 15<sup>th</sup> day of September 2003

  
Notary Public, Ingham, County, Michigan  
My Commission expires August 16, 2004

SERVICE LIST FOR DOCKET # U - 12133-  
DATE OF PREPARATION: 09/04/2003

CASE #

-----  
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ID MAIL

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ALL ELECTRIC ORDERS

PAGE: 1  
DATE: 09/03/2003

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(26)**

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**CMS Marketing, Services and Trading Co.**  
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**Cook Inlet Power, LP**  
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**FirstEnergy Solutions**  
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**(23)**

**Municipal Electric Utilities –  
Unregulated by the MPSC  
PAGE 1 OF 2**

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**Municipal Electric Utilities –  
Unregulated by the MPSC  
PAGE 2 OF 2**

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