

CLARK HILL

PLC

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

255 S. Old Woodward Avenue
Third Floor
Birmingham, Michigan 48009-6179
Tel. (248) 642-9692 ■ Fax (248) 642-2174
www.clarkhill.com

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

November 16, 1999

Ms. Dorothy Wideman
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way
Lansing, Michigan 48909-772 1

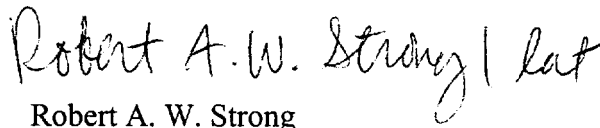
Re: MPSC Case No. U-12177

Dear Ms. Wideman:

Enclosed are an original and four (4) copies of the Petition to Intervene of the Association of Businesses Advocating Tariff Equity ("ABATE"), and a proof of service on the parties of record in the above docket. This Petition to Intervene, along with the cover letter and Proof of Service has also been electronically filed.

Very truly yours,

CLARK HILL P.L.C.


Robert A. W. Strong

RAWS/lat
Enclosures

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Petition of)
THE DETROIT EDISON COMPANY)
to establish a revised procedure for)
future capacity solicitations.)

Case No. U-12177

**PETITION TO INTERVENE AND REQUEST FOR HEARING OF THE
ASSOCIATION OF BUSINESSES ADVOCATING TARIFF EQUITY**

The Association of Businesses Advocating Tariff Equity (“ABATE”), by its attorneys, Clark Hill P.L.C., hereby petitions the Michigan Public Service Commission (“Commission”) for leave to intervene in and become a party to the above-entitled proceedings, and in connection therewith, represents that the rights and interests of this Petitioner, the grounds of the proposed intervention and Petitioner’s position in the proceedings are as follows:

I

ABATE is a voluntary association of large industrial businesses which are located in and doing business in the State of Michigan. The purposes of ABATE are to appear before the Commission, the Federal Energy Regulatory Commission (“FERC”) and other regulatory bodies having jurisdiction over public utilities and natural gas pipelines, to advocate the adoption of utility and energy rates, terms and conditions of service and other tariffs or contracts governing utility and energy services which are just and reasonable, nondiscriminatory, nonpreferential, equitable and based on the cost of providing service to each class of utility customer. ABATE has been formed for the express purpose of participating in regulatory proceedings to protect the interests of businesses in connection with energy and utility matters. Members of ABATE consume substantial

quantities of electricity and natural gas and in Michigan alone their combined gas and electric bills exceed \$1.5 billion annually. As large gas and electric customers, ABATE members are vitally interested in achieving increased economic efficiencies for gas and electric utilities and new electricity sourcing options which allow ABATE members to more effectively compete in the worldwide economy.

II

The current members of ABATE are: ABTco, Inc.; BASF Corporation; The Budd Company; Cargill, DaimlerChrysler Corporation; Eaton Corporation; Edward C. Levy Company; Elf Atochem North America, Inc.; Ervin Industries, Inc.; Escanaba Paper, A Mead Company; Ford Motor Company; General Motors Corporation; Holnam, Incorporated; Martin Marietta Magnesia Specialties, Inc.; Masco Corporation; MascoTech, Inc.; National Steel Corporation - Great Lakes Division; Pharmacia & Upjohn Company; Quanex Corporation; Solutia, Inc.; Steelcase, Inc.; and Warner-Lambert-Parke-Davis.

III

ABATE has frequently intervened in various The Detroit Edison Company ("Edison") cases, including its last general rate, depreciation, PSCR plan, and PSCR reconciliation cases and ABATE is currently the complainant in Case Jo. U-1 1495.
--

IV

ABATE submits that its members have a substantial interest in these proceedings because they can fundamentally affect the way Edison acquires needed new generating capacity. ABATE's position is that Edison's alternative capacity solicitation method is not in the public interest and, therefore, should be rejected. To be in the public interest, any capacity solicitation proposal must
--

be an open and public process with a clear determination of Edison's power requirements and an open bid regime where, in the end, the winning bids are posted.

V

ABATE respectfully submits that because its members could be substantially affected by the RFP process sought by Edison, it should be permitted to intervene in these proceedings and be given the opportunity to cross-examine witnesses, to present witnesses on its behalf, if necessary, and generally to advocate its position with respect to all issues presented as a full party to these proceedings.

VI

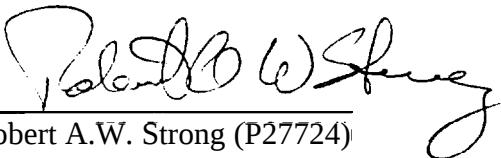
ABATE reserves the right to take new and different positions if, and when, this case proceeds to full hearings and following a review of the utility testimony which should be filed in this case and responses to discovery.

WHEREFORE, ABATE requests that the Commission grant ABATE's Petition to Intervene in and be treated as a full party hereto and that the Commission set this matter for hearings. ABATE further requests that the parties mail copies of all pleadings and correspondence in these proceedings to the offices of its counsel listed below.

Respectfully submitted,

CLARK HILL P.L.C.

By:


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

Dated: November 16, 1999

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Petition of)
THE DETROIT EDISON COMPANY)
to establish a revised procedure for)
future capacity solicitations.)

Case No. U-12177

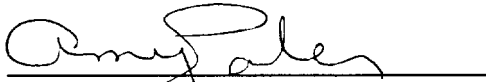
PROOF OF SERVICE

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

Lisa Ann Teets, being first duly sworn, deposes and says that she served a copy of "ABATE's Petition to Intervene and Request for Hearing" in the above docket on the persons identified on the attached service list by depositing the same on November 16, 1999, 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

AMY PARKER
Notary Public, Oakland County, MI
My Commission Expires Jan. 15, 2002

SERVICE LIST

MPSC Case No. U-12177

Administrative Law Judge

Honorable Daniel E. Nickerson, Jr.
Michigan Public Service Commission
6545 Mercantile Way
Suite 14
P.O. Box 3022 1
Lansing, Michigan 48909

Attorney for The Detroit Edison Company

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

Attorney for MPSC Staff

David A. Voges, Esq.
Assistant Attorney General
Public Service Division
6545 Mercantile Way
Suite 15
Lansing, Michigan 48911

Attorney for Attorney General

Donald E. Erickson, Esq.
Assistant Attorney General
P.O. Box 30212
Lansing, Michigan 48909

Attorney for Energy Michigan

Eric J. Schneidewind, Esq.
Varnum, Riddering, Schmidt & Howlett, LLP
The Victor Center
Suite 8 10
201 North Washington Square
Lansing, Michigan 48933