

A CMS Energy Company

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Attorney

January 19, 2000

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

Re: Case No. U-12285

Dear Ms. Wideman:

Please find enclosed an original and four copies of Consumers Energy Company's "Application" for filing in the above entitled Case No. U-12285. Thank you for your attention to this matter.

Sincerely,



Raymond E. McQuillan

cc: Richard J. Aaron, Esq
Honigman Miller Schwartz & Cohn

Reginald Whalon, MPSC
Joel Sharkey, MPSC

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the Matter of the Application of	)	
Consumers Energy Company for a	)	
Certificate of Public Convenience	)	Case No. U-12285
and Necessity to Render Natural Gas	)	
Service in Sections 6 and 7,	)	
Summerfield Township,	)	
Monroe County, Michigan	)	
_____	)	

APPLICATION

Consumers Energy Company ("Applicant") files this Application for a Certificate of Public Convenience and Necessity, pursuant to the requirements of 1929 PA 69, as amended; MCL §460.501 et seq.; MSA 22.141 et seq., ("Act 69") and states:

1. Applicant is a public utility engaged, among other things, in the distribution and sale of natural gas to more than 1,500,000 residential, commercial and industrial customers in the lower peninsula of the State of Michigan.

2. Applicant's gas business is subject to the jurisdiction of the Michigan Public Service Commission ("Commission") pursuant to certain provisions of 1909 PA 300, as amended (MCL 462.2 et seq.; MSA 22.21 et seq.), 1919 PA 419, as amended (MCL 460.51 et seq.; MSA 22.1 et seq.); 1939 PA 3 (MCL 460.1 et seq.; MSA 22.13(1) et seq.), and 1929 PA 69, as amended, (MCL 460.501 et seq.; MSA 22.141 et seq.). Pursuant to said statutory provisions, the Commission has power and jurisdiction to regulate various aspects of Applicant's gas utility business.

3. Applicant has natural gas service along N. County Line Road in Sections 1 and 12 in the Village of Deerfield, Deerfield Township, Lenawee County which adjoin Summerfield

Township, Monroe County. Applicant proposes to extend those facilities to serve customers in Sections 6 and 7 of Summerfield Township, Monroe County, as shown on a map attached as Exhibit A.

4. Applicant has received a franchise and consent from Summerfield Township, Monroe County (Ordinance No. 98-01) to serve the Township on July 6, 1998, which is attached as Exhibit B.

5. Michigan Gas Utility (MGU) is currently selling gas in Summerfield Township. MGU's closest facilities are approximately three miles away as shown on Exhibit A.

6. Applicant has sufficient supplies of gas and adequate facilities to enable it to render the proposed service in Summerfield Township, Monroe County without impairing its ability to continue to meet service obligations to its existing service territory.

7. Construction and operation of natural gas facilities in Summerfield Township, Monroe County, Michigan will be in accordance with applicable standards and regulations, including the Michigan Gas Safety Code.

8. Applicant represents that the proposed extension of its natural gas distribution facilities and the rendering of public utility service as described in this Application, are required by the public convenience and necessity.

WHEREFORE, Applicant respectfully requests that the Commission grant the following relief:

1. Accept this Application for filing;
2. Promptly issue a Notice of Hearing pursuant to Act 69 and the Commission's requirements, scheduling an early hearing date for this Application;

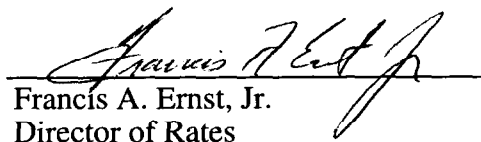
3. Determine that the public convenience and necessity requires the construction, operation and maintenance of a natural gas service line and the provision of gas service by Applicant in Sections 6 and 7, Summerfield Township, Monroe County, Michigan, as described in this Application;
4. Issue to Applicant an appropriate Act 69 Certificate of Public Convenience and Necessity; and
5. Grant Applicant such further relief as may be lawful and proper.

Respectfully submitted,

CONSUMERS ENERGY COMPANY

Dated: January 19, 2000

By:


Francis A. Ernst, Jr.
Director of Rates


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

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

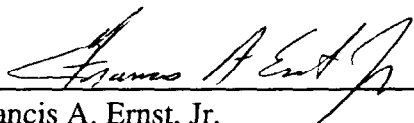
In the Matter of the Application of)
Consumers Energy Company for a)
Certificate of Public Convenience)
and Necessity to Render Natural Gas)
Service in Sections 6 and 7,)
Summerfield Township,)
Monroe County, Michigan)
_____)

Case No. U-12285

VERIFICATION

STATE OF MICHIGAN)
) SS
COUNTY OF JACKSON)

Francis A. Ernst, being first duly sworn, deposes and says that he is Director of Rates of Consumers Energy Company; that he has executed the foregoing Application for and on behalf of Consumers Energy Company; that he has read the foregoing Application and is familiar with the contents thereof; that the facts contained therein are true to the best of his knowledge and belief; and that he is duly authorized to execute and file such Application on behalf of Consumers Energy Company.

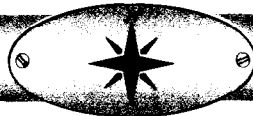


Francis A. Ernst, Jr.
Director of Rates

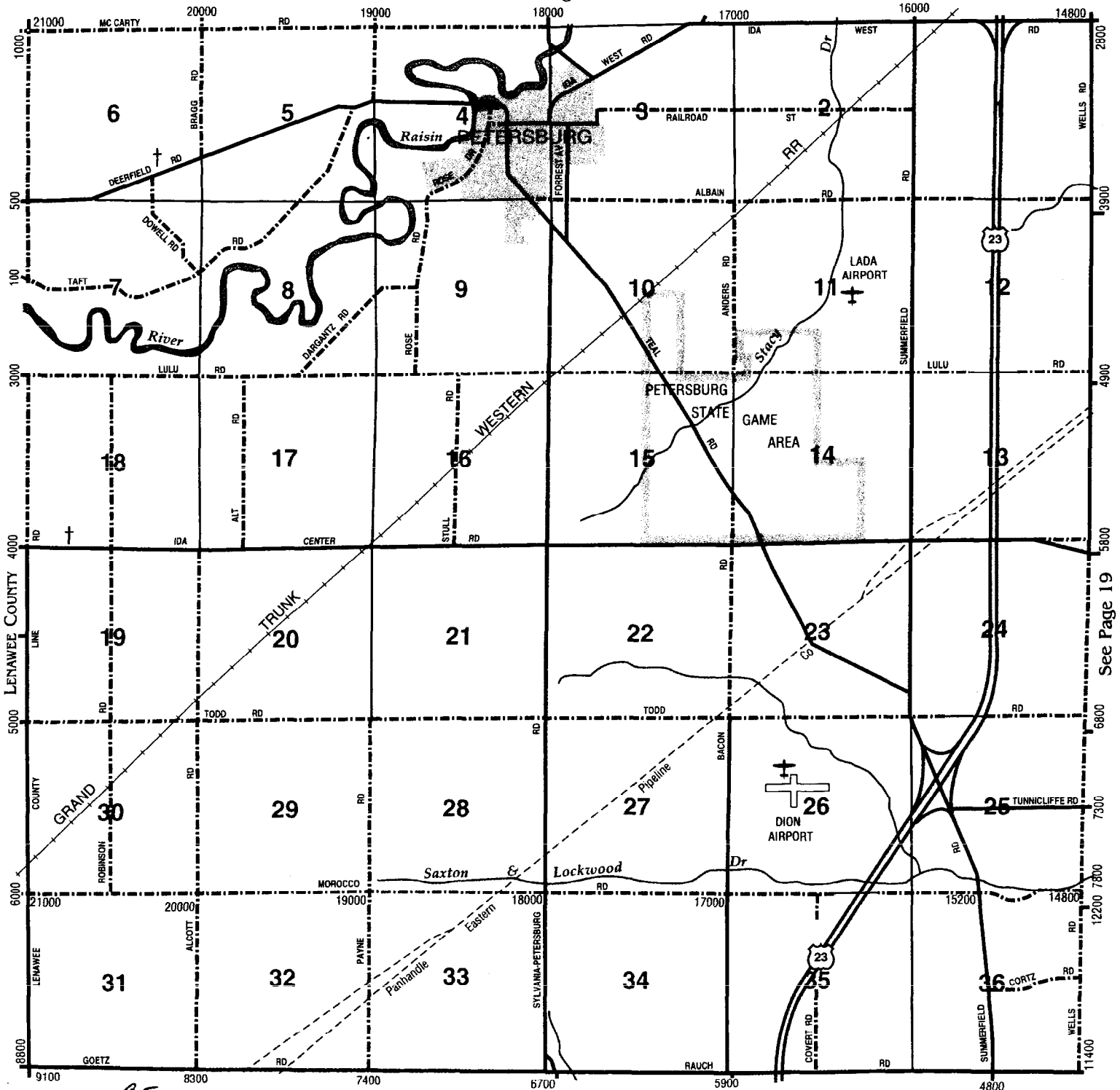
Subscribed and sworn to before me this 19th day of January, 2000.



Sammie B. Dalton
Notary Public, Jackson County, Michigan
My Commission Expires: 01/04/2004

Summerfield (S)**T.7S. - R.6E.**

See Page 29

CE
MGU

See Page 11

Howard Sliker Realty Co.

PHONE:

Blissfield (517) 486-2501 or Sylvania (419) 882-2504

MICHIGAN & OHIO REALTOR

ORDINANCE NO. 98-01

CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY 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 SUMMERFIELD, MONROE COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF SUMMERFIELD ORDAINS:

SECTION 1. GRANT TERM. The TOWNSHIP OF SUMMERFIELD, MONROE COUNTY, MICHIGAN, hereby grants to CONSUMERS ENERGY 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 SUMMERFIELD, MONROE 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.

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 September 8, 1970 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 Section 7 of the TOWNSHIP OF SUMMERFIELD, MONROE 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 (now known as Consumers Energy 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 SUMMERFIELD, MONROE COUNTY, MICHIGAN, on the 6th day of July, 1998.


Zelda Lucas, Township Supervisor

Attest:


Marilyn Godin, Township Clerk

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF SUMMERFIELD, MONROE COUNTY,
MICHIGAN:

That CONSUMERS ENERGY COMPANY, hereby accepts the franchise granted to it by your
Township Board, on the 6th day of July, 1998, which said franchise is entitled as
follows:

AN ORDINANCE, granting to CONSUMERS ENERGY
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 SUMMERFIELD,
MONROE COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS ENERGY COMPANY

By /s/Carl L. English
Vice President

Dated: July 6, 1998.

CLERK CERTIFICATION

STATE OF MICHIGAN)
 : ss.
COUNTY OF MONROE)

I, Marilyn Goodin, Township Clerk of the TOWNSHIP OF SUMMERFIELD, MONROE COUNTY, MICHIGAN, DO HEREBY CERTIFY that the annexed is a true and correct copy of the ordinance granting CONSUMERS ENERGY COMPANY, a gas franchise, as adopted by the Township Board at a regular meeting on the 6 day of July, 1998.

I FURTHER CERTIFY that the acceptance, a copy of which is attached hereto, was filed with me as Township Clerk, on the 6th day of July, 1998; that I have compared the attached 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 the Dundee Independent a newspaper circulated in the TOWNSHIP OF SUMMERFIELD, MONROE COUNTY, MICHIGAN, on the 16th day of July, 1998; and that all of said proceedings were regular and in accordance with all legal requirements.

Marilyn Goodin
Marilyn Goodin, Township Clerk

Dated: July 31, 1998

SUMMERFIELD TOWNSHIP ORDINANCE NO. 98-01 CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successor 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 SUMMERFIELD, MONROE COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF SUMMERFIELD ORDAINS:

SECTION 1. GRANT TERM. The TOWNSHIP OF SUMMERFIELD, MONROE COUNTY, MICHIGAN, hereby grants to CONSUMERS ENERGY 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 SUMMERFIELD, MONROE 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, costs 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 NO EXCLUSIVE. The rights, power and authority herein granted are not exclusive.

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.

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and amendments, if any, to such ordinance whereby a gas franchise was granted to Consumers Power Company (now known as Consumers Energy 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 SUMMERFIELD, MONROE COUNTY, MICHIGAN, on the 6th day of July, 1998.

Zelda Lucas, Township Supervisor

Attest:
Marilyn Goodin, Township Clerk

Fall pre-school registration

Registration has started for fall pre-school held at Summerfield Elementary School. Children ages 3 1/2 through 5 years old are eligible.

Summerfield pre-school offers children the experience of learning and playing with other children their own age. The class will include story time, playing education games, doing art and science projects, learning shapes and colors and many other things.

Class size is limited to 16 per session. The fall pre-school session begins on Tuesday, Sept. 8 and ends on November 25. Two sessions are offered on a three day-a-week session (Monday-Wednesday-Friday) or on a two day-a-

week session (Tuesday). There are morning or afternoon sessions. Cost for the three day program is \$120 and for the two day program is \$80.

The Monday-Wednesday session is recommended for 4 to 5; the Tuesday-Thursday session is recommended for those 3 to 4. Children must have a physical examination by March 1, 1995 in order to be eligible for pre-school.

Forms can be picked up at the elementary/middle school. For more information call the 279-1013.

DUNDEE VILLAGE COUNCIL SPECIAL MEETING JUNE 29, 1998

MINUTES

A Special Meeting of the Dundee Village Council was held June 29, 1998, at the Community Center Council Chambers. The meeting was called to order at 7:00 p.m. by President Powell. He stated that the purpose of the special meeting was to consider an annexation petition. Present were President Powell, Clerk Miller, Trustees Craft, Heinlen, Messingill, Asbury and Roe. Also present was Village Manager Burch.

Village Manager Burch explained that the annexation was requested by Lynwood Davis and consists of 555 acres in Arbor right-of-way.

Following discussion, it was moved by Trustee Craft and supported by Trustee Rinehart to approve Resolution 98-21 Petitioning the Monroe County Board of Commissioners to annex the Dundee Village of Dundee. Roll call: Trustee Craft-yes, Heinlen-yes, Messingill-yes, Asbury-yes, Roe-yes, and President Powell-yes. Motion carried.

Thereafter, the special meeting adjourned at 7:20 p.m.
Mary C. Miller
Village Clerk

SUMMERFIELD TOWNSHIP CONDENSED MINUTES

8/15/98

Four board members present, Wahl absent. Motion carried to approve 6/1/98 minutes. Budget Hearing held. Millage rates for basing budget were read; General Fund, .9552, Roads, .9951, Fire 1.9902.

Budget Resolution read. Motion carried to approve budget for 98-99 fiscal year and to accept the resolution.

Fire report given. Motion carried to allow Ladies Auxiliary use of back bays for Community Day Bingo. Motion carried to allow additional monies of \$200 for flashing for placement of statue on roof. Motion carried to purchase 11 sets of turn-out gear at a cost of \$11,539 from the fire budget. Motion carried to grant approval of application for sale of Public Development Rights and resolution for Applewood Orchards, Inc. Motion failed.

for Consumer Powers Franchise through Summerfield Township clarify a section of requested to present at next meeting.

Motion to table Blight Ordinance. Motion carried to approve Z1H 16699 Ida Center Rd. Motion to approve Road Commission Contract between Albain & Lulu carried to change the lock on the station carried to accept treasurer's report carried to pay the bills in the amount of \$19,815.59. Motion carried to adjourn.

Complete minutes are available at Township Hall, 26 Saline St., P.O. Box 49270 and may be viewed any time from 9AM to 4PM. They are also available by written request with a stamped envelope, or at township meetings.

Mary C. Miller
Summerfield Township Clerk

DUNDEE VILLAGE COUNCIL REGULAR MEETING JUNE 16, 1998

MINUTES

The Regular Meeting of the Dundee Village Council was held June 16, 1998 at the Community Center Council Chambers. The meeting was called to order at 7:00 p.m. by President Powell. Present were President Powell, Clerk Miller, Trustees Craft, Heinlen, Messingill, Asbury, and Roe. Also present were Village Manager Burch, Village Assessor Barbosa, Village Blight Inspector Lincoln, and one interested citizen.

The Pledge of Allegiance was recited.

It was moved by Trustee Asbury and supported by Trustee Messingill to accept the meeting agenda with the addition under Petitions & Communications of item (e) Letter from Lehr Roe, Vice Chairman of the Monroe County Board of Commissioners. Roll call: Trustees Craft-yes, Heinlen-yes, Messingill-yes, Asbury-yes, Roe-yes, and President Powell-yes. Motion carried.

It was moved by Trustee Roe and supported by Trustee Craft to approve as printed the minutes of the regular meeting of June 2, 1998. Roll call: Trustees Craft-yes, Heinlen-yes, Messingill-yes, Asbury-yes, Roe-yes, and President Powell-yes. Motion carried.

PETITIONS & COMMUNICATIONS

(a) Citizens' Comments on Non-Agenda Items
(b) Treasurer's Report
(c) Assessor's Report
(d) Informational Flyer from PALM
(e) Letter from Lehr Roe, Vice Chairman of Monroe County Board of Commissioners.
(f) Assessor's report read by Mr. Barbosa and on file in the Clerk's office.

Thereafter, it was moved by Trustee Craft and supported by Trustee Roe to accept the Petitions & Communications and place on file. Roll call: Trustees Craft-yes, Heinlen-yes, Messingill-yes, Asbury-yes, Roe-yes, and President Powell-yes. Motion carried.

OLD BUSINESS

(a) After explanation by Vill. Burch it was moved by Trustee Roe to support by Trustee Rinehart to adopt the Policy Revision of June 11, 1998. Roll call: Trustee Craft-yes, Heinlen-yes, Messingill-yes, Asbury-yes, Roe-yes, and President Powell-yes. Motion carried.

NEW BUSINESS

(a) Following discussion, it was moved by Trustee Roe and supported by Trustee Rinehart to adopt Resolution 98-19 Regarding Request from Lynwood & Judy Davis. Roll call: Trustee Craft-yes, Heinlen-yes, Messingill-yes, Asbury-yes, Roe-yes, and President Powell-yes. Motion carried.

(b) After lengthy discussion, it was moved by Trustee Roe and supported by Trustee Rinehart to adopt Resolution 98-20 Regarding Water & Sewer Special Assessment. Roll call: Trustee Craft-yes, Heinlen-yes, Messingill-yes, Asbury-yes, Roe-yes, and President Powell-yes. Motion carried.

(c) It was moved by Trustee Roe and supported by Trustee Craft to accept the new filing violation for the Village of Dundee. Roll call: Trustee Craft-yes, Heinlen-yes, Messingill-yes, Asbury-yes, Roe-yes, and President Powell-yes. Motion carried.

(d) After discussion, it was moved by Trustee Roe and supported by Trustee Craft to approve a new contract with the Monroe County Department Revision 4/9/98. Roll call: Trustee Craft-yes, Heinlen-yes, Messingill-yes, Asbury-yes, Roe-yes, and President Powell-yes. Motion carried.

(e) It was moved by Trustee Craft to support by Trustee Roe to pay the bills in the amount of \$118,021.65. Roll call: Trustee Craft-yes, Heinlen-yes, Messingill-yes, Asbury-yes, Roe-yes, and President Powell-yes. Motion carried.

After brief general discussion, the meeting adjourned at 7:40 p.m.
Mary C. Miller
Village Clerk