

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 Martin Township,
Allegan County, Michigan

Case No. U-12430

PREHEARING CONFERENCE

Proceedings had in the above-entitled

matter before Barbara Stump, J.D., Administrative Law

Judge, at the Michigan Public Service Commission,

6545 Mercantile Way, Lansing, Michigan on Wednesday, July

5, 2000, at 9:00 A.M.

APPEARANCES:

RAYMOND E. McQUILLAN, J.D. (P24100)
Consumers Energy Company
212 West Michigan Avenue, M 1082
Jackson, Michigan 49201

Appearing on behalf of Consumers Energy Company

WILLIAM DERENGOSKI, J.D. (P34242)
Assistant Attorney General
6545 Mercantile Way, Suite 15
Lansing, Michigan 48910

Appearing on behalf of the Commission Staff

HONIGMAN MILLER SCHWARTZ & COHN
By RICHARD J. AARON, J.D. (P35605)
222 North Washington Square, Suite 400
Lansing, Michigan 48933

Appearing on behalf of the Michigan Gas Utilities

(248) 353-9595 MERRILL & ASSOCIATES, INC. (517) 887-1708

1 Lansing, Michigan

2 Wednesday, July 5, 2000

3 9:00 A.M.

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5 (The hearing was commenced pursuant to the
6 notice.)

7 JUDGE STUMP: All right. We will go on
8 the record in the matter of the application of Consumers
9 Energy Company for a certificate of public convenience and
10 necessity to render natural gas service in Martin
11 Township, Allegan County, Michigan, Case No. U-12430.

12 Could I have the appearances, please.

13 MR. McQUILLAN: Your Honor, I am Raymond
14 McQuillan on behalf of Consumers Energy Company.

15 JUDGE STUMP: Thank you.

16 MR. AARON: Richard J. Aaron of Honigman
17 Miller Schwartz & Cohn appearing on behalf of Michigan Gas
18 Utilities.

19 MR. DERENGOSKI: Assistant Attorney
20 General William W. Derengoski for the staff.

21 JUDGE STUMP: All right. Thank you.
22 First of all, I don't have the docket file, but have the
23 appropriate affidavits of publication been filed?

24 MR. McQUILLAN: Your Honor, we were not
25 obliged to publish in this matter. We are obliged to send

1 copies to the appropriate parties.

2 I have submitted a proof of service. I
3 think it was filed with the Commission on May 30th.
4 That's an extra copy. I have given one to staff to
5 review, as well.

6 JUDGE STUMP: All right. Thank you.

7 I assume there are no intervenors.

8 MR. AARON: Your Honor, we filed a
9 petition to participate as a respondent under the rules,
10 or in the alternative, as an intervenor.

11 JUDGE STUMP: As a respondent?

12 MR. AARON: The Commission Rules of
13 Practice and Procedure give the utility incumbent in the
14 area and serving the right to participate as a respondent.

15 I think normally we treat them as
16 intervention, so I don't want to assume anything.

17 JUDGE STUMP: That's what I thought. I
18 assume there's no objection to that.

19 MR. McQUILLAN: Your Honor, Mr. Aaron is
20 correct that under the rules the respondent need not file
21 a petition to intervene. I have no objection to whatever
22 we label the participation.

23 MR. DERENGOSKI: No objection from staff.

24 JUDGE STUMP: All right. Then I will grant
25 the intervention.

1 MR. AARON: Intervention.

2 JUDGE STUMP: Next I have been presented
3 with a proposed schedule for this case. I assume that's
4 how you want to proceed this morning.

5 MR. McQUILLAN: The schedule is acceptable
6 to the applicant.

7 MR. AARON: The schedule is acceptable to
8 MGU, your Honor.

9 MR. DERENGOSKI: It's acceptable to staff,
10 which proposed it.

11 JUDGE STUMP: You proposed it. O.K.

12 And I see you have a hearing scheduled for
13 September 13th.

14 MR. DERENGOSKI: That's correct.

15 JUDGE STUMP: That's fine with my
16 schedule. I'm sure there's a room available. That's far
17 enough ahead of time at this point.

18 So I will just put this on the record.

19 The company will file its testimony on
20 July 26th. The staff and intervenor will file their
21 testimony on August 23rd. Rebuttal testimony will be due
22 September 6th. Cross-examination of all parties will be
23 September 13th. Briefs will be due September 27th. Reply
24 briefs will be due October 6th. Target date for proposal
25 for decision will be November 11th. Exceptions will be

1 due -- actually, what I prefer to do in my PFD's is set
2 the date. Typically, it's my understanding it's 14 days
3 for exceptions.

4 MR. McQUILLAN: That's usual procedure,
5 your Honor.

6 JUDGE STUMP: Right. All right. That
7 way, if I have it done early, it doesn't give everybody
8 too long a period of time, and then, you know, cramps the
9 Commission at the end. It gives them a little more time.
10 So I will set the date in the PFD.

11 Is there anything else you need to
12 discuss?

13 MR. McQUILLAN: Your Honor, typically we
14 agree to discovery in two weeks, if that's acceptable.

15 MR. AARON: That's acceptable to the
16 company.

17 MR. DERENGOSKI: That's fine with staff.

18 JUDGE STUMP: All right. That will be
19 fine.

20 MR. AARON: Motions to strike testimony
21 seven days before the hearing.

22 MR. McQUILLAN: Well, their rebuttal
23 testimony is due seven days from the hearing. This will
24 not give anybody much time.

25 MR. AARON: I guess it doesn't.

1 MR. McQUILLAN: Either the 8th or the
2 11th, which is a Friday or a Monday. In September. The
3 13th is a Wednesday.

4 Doesn't make any difference to us.
5 Whatever you want to do.

6 MR. AARON: I am hoping we don't get that
7 far.

8 Let's make it the 11th.

9 MR. McQUILLAN: That's fine.

10 JUDGE STUMP: What date is that again?

11 MR. McQUILLAN: September 11th for motions
12 to strike.

13 JUDGE STUMP: All right.

14 MR. McQUILLAN: Then such motions to be
15 argued before the witness testifies.

16 JUDGE STUMP: Right.

17 All right. Is there anything further?

18 MR. McQUILLAN: Nothing further from
19 applicant, your Honor.

20 MR. AARON: Nothing from the company, your
21 Honor.

22 MR. DERENGOSKI: Nothing from staff.

23 JUDGE STUMP: All right. Thank you.

24 (At 9:05 A.M., an adjournment was taken
25 until Wednesday, September 13, 2000, at 9:00 A.M.)

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19 Dated: July 10, 2000

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