

A CMS Energy Company

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H Richard Chambers
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Catherine M Reynolds
John C Shea
P Leni Staley
Charlotte A Wallis
Michael G Wilson
Attorney

August 2, 2000

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

**Case No. U-12512: In the matter of the application of SEMCO Energy Gas Company
For a certificate of public convenience and necessity to construct
facilities in and render gas services in Akron, Columbia Elmwood and
Almer Townships, Tuscola County, Michigan**

Dear Ms. Wideman:

Enclosed for filing in the above referenced case are an original and four copies of the "**Petition to Intervene by Consumers Energy Company**". An original proof of service is also enclosed. In addition, a copy of the filing is being made electronically. Thank you for your attention to this matter.

Sincerely,



Raymond E. McQuillan

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of)
SEMCO ENERGY GAS COMPANY)
for a certificate of public convenience)
and necessity to construct facilities in and)
render gas service in Akron, Columbia,)
Elmwood and Almer Townships, Tuscola)
County, Michigan)
_____)

Case No. U-12512

PETITION TO INTERVENE
BY CONSUMERS ENERGY COMPANY

Consumers Energy Company ("Consumers Energy") petitions to intervene by right in this action for the following reasons:

1. Consumers Energy is a public utility engaged, among other things, in distribution and sale of natural gas to more than 1,300,000 residential, commercial and industrial customers in 45 counties in the Lower Peninsula of the State of Michigan.

2. Consumers Energy has a franchise from Almer, Columbia, Elmwood and Tuscola Townships, Tuscola County, Michigan and provides natural gas service to residents of that township. A copy of the most recent franchises from Akron, Almer, Columbia and Elmwood Townships is attached. Consumers Energy has a substantial interest in the outcome of this matter since it has invested in facilities to provide service to these townships. Consumers Energy does not contest the granting of an Act 69 certificate to allow Semco Energy Gas Company to serve those customers identified on the map attached to its application.

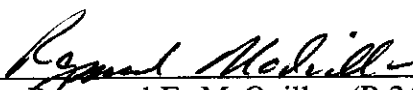
3. Consumers Energy seeks to intervene in this action as a party with full rights to engage in discovery, submit testimony, cross-examine witnesses, file motions and briefs, and otherwise fully participate in this action.

4. Consumers Energy has a statutory right to appear and be heard with reference to this application filed by Semco Energy Gas Company in this docket pursuant to Section 4 of 1929 PA 69, MCL 460.504; MSA 22.144.

WHEREFORE, Consumers Energy Company respectfully requests that its petition to intervene be granted and that the Commission grant such other relief and further relief as it deems just and proper.

Respectfully Submitted,

Dated: August 2, 2000

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

ORDINANCE NO. 3

CONSUMERS POWER COMPANY GAS FRANCHISE ORDINANCE

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 the TOWNSHIP OF AKRON, TUSCOLA COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF AKRON ORDAINS:

SECTION 1. GRANT. TERM. The Township of Akron, Tuscola County, Michigan, hereby grants to the Consumers Power 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 and other public places, and to do a local gas business in the Township of Akron, Tuscola 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 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. Either manufactured or natural gas may be furnished hereunder.

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. 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.

CLERK'S CERTIFICATE OF PUBLICATION

The foregoing ordinance was duly adopted and passed by the Township Board of Akron Township, Tuscola County, Michigan, on the 14th day of January, 1993, by the following vote:

W. C. Bus. Smith yes
Supervisor (Yes or No)

Pauline Kainforth yes
Township Clerk

Robert Rae yes
Township Treasurer

Jeanette McHaren yes
Township Trustee

Gene Harrington yes
Township Trustee

I further certify that the foregoing ordinance was published in the Akron-Fairgrove Community News, a newspaper of general circulation in the above Township, on the 10 day of February, 1993.

Pauline Kainforth
Township Clerk

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF AKRON, TUSCOLA COUNTY, MICHIGAN:

The Consumers Power Company hereby accepts the franchise granted to it by your Board, on the 14 day of January, 1993, which said franchise is entitled as follows:

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 the TOWNSHIP OF AKRON, TUSCOLA COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS POWER COMPANY

By /s/Carl L. English
Vice President,
Energy Distribution Services

Dated: January 14, 1993.

I hereby certify that the acceptance, of which the foregoing is a true copy, was filed with me as Township Clerk, on the 14 day of January, 1993.

Pauline Mordeth
Township Clerk

Dated: January 14, 1993.

STATE OF MICHIGAN)
 : SS
COUNTY OF TUSCOLA)

I, Pauline Gierforth, Township Clerk of the Township of Akron, Tuscola County, Michigan, do hereby certify that the annexed is a true and correct copy of all of the proceedings of the Township Board of said Township, with reference to the granting of a franchise to Consumers Power Company.

I further certify that the within acceptance of said franchise is a true and correct copy of the acceptance duly filed in my office; that I have compared the within copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I further certify that the franchise ordinance was duly published, as appears by proof thereof on file in my office and that all of said proceedings were regular and in accordance with all legal requirements.

Pauline Gierforth
Township Clerk

Witness
March 14, 1993.

ORDINANCE NO. 9301

CONSUMERS POWER COMPANY GAS FRANCHISE ORDINANCE

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 the TOWNSHIP OF COLUMBIA, TUSCOLA COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF COLUMBIA ORDAINS:

SECTION 1. GRANT. TERM. The Township of Columbia, Tuscola County, Michigan, hereby grants to the Consumers Power 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 and other public places, and to do a local gas business in the Township of Columbia, Tuscola 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 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. Either manufactured or natural gas may be furnished hereunder.

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 the ordinance adopted by the township board on June 5, 1963 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 the TOWNSHIP OF COLUMBIA, TUSCOLA 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.

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.

CLERK'S CERTIFICATE OF PUBLICATION

The foregoing ordinance was duly adopted and passed by the Township Board of Columbia Township, Tuscola County, Michigan, on the 19th day of April, 1993, by the following vote:

<u>Edward Spannagel</u> Supervisor	<u>Yes</u> (Yes or No)
<u>Janice Vogel</u> Township Clerk	<u>Yes</u>
<u>Barry Hedley</u> Township Treasurer	<u>Yes</u>
<u>William Laundra</u> Township Trustee	<u>Yes</u>
<u>Richard Dehmel</u> Township Trustee	<u>Absent</u>

I further certify that the foregoing ordinance was published in The Newsweekly, a newspaper of general circulation in the above Township, on the 27th day of April, 1993.

Janice Vogel
Township Clerk

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF COLUMBIA, TUSCOLA COUNTY, MICHIGAN:

The Consumers Power Company hereby accepts the franchise granted to it by your Board, on the 19th day of April, 1993, which said franchise is entitled as follows:

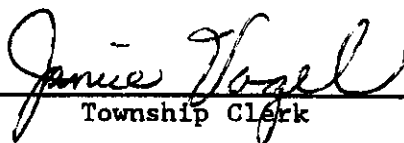
AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in the TOWNSHIP OF COLUMBIA, TUSCOLA COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS POWER COMPANY

By /s/Carl L. English
Vice President,
Energy Distribution Services

Dated: April 19, 1993.

I hereby certify that the acceptance, of which the foregoing is a true copy, was filed with me as Township Clerk, on the 19th day of April, 1993.



Township Clerk

Dated: April 19, 1993.

STATE OF MICHIGAN)
 : SS
COUNTY OF TUSCOLA)

I, Janice Vogel, Township Clerk of the Township of Columbia, Tuscola County, Michigan, do hereby certify that the annexed is a true and correct copy of all of the proceedings of the Township Board of said Township, with reference to the granting of a franchise to Consumers Power Company.

I further certify that the within acceptance of said franchise is a true and correct copy of the acceptance duly filed in my office; that I have compared the within copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I further certify that the franchise ordinance was duly published, as appears by proof thereof on file in my office and that all of said proceedings were regular and in accordance with all legal requirements.

Janice Vogel
Township Clerk

April 19, 1993.

ORDINANCE NO. 19-94

CONSUMERS POWER COMPANY GAS FRANCHISE ORDINANCE

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, waterways and other public places, and to do a local gas business in the TOWNSHIP OF ELMWOOD, TUSCOLA COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF ELMWOOD ORDAINS:

SECTION 1. GRANT. TERM. The Township of Elmwood, Tuscola County, Michigan, hereby grants to the Consumers Power 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 Elmwood, Tuscola 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. Either manufactured or natural gas may be furnished hereunder.

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 January 27, 1964 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, waterways and other public places, and to do a local gas business in the TOWNSHIP OF ELMWOOD, TUSCOLA 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.

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.

CLERK'S CERTIFICATE OF PUBLICATION

The foregoing ordinance was duly adopted and passed by the Township Board of Elmwood Township, Tuscola County, Michigan, on the 19th day of January, 1994, by the following vote:

<u>James C Turner</u> Supervisor	<u>Yes</u> (Yes or No)
<u>Elaine N. Seibel</u> Township Clerk	<u>Yes</u>
<u>Mary Marker</u> Township Treasurer	<u>Yes</u>
<u>Joan Sattelberg</u> Township Trustee	<u>Yes</u>
<u>Kenneth Blue</u> Township Trustee	<u>Yes</u>

I further certify that the foregoing ordinance was published in the Tuscola County Advertiser, a newspaper of general circulation in the above Township, on the 26th day of January, 1994.

Elaine N. Seibel
Township Clerk

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF ELMWOOD, TUSCOLA COUNTY, MICHIGAN:

The Consumers Power Company hereby accepts the franchise granted to it by your Board, on the 19th day of January, 1994, which said franchise is entitled as follows:

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, waterway and other public places, and to do a local gas business in the TOWNSHIP OF ELMWOOD, TUSCOLA COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS POWER COMPANY

By /s/Carl L. English
Vice President,
Energy Distribution Services

Dated: January 19, 1994.

I hereby certify that the acceptance, of which the foregoing is a true copy, was filed with me as Township Clerk, on the 19th day of January, 1994.

Elaine N. Seibel
Township Clerk

Dated: January 19, 1994.

STATE OF MICHIGAN)
 : SS
COUNTY OF TUSCOLA)

I, Elaine N. Seibel, Township Clerk of the Township of Elmwood, Tuscola County, Michigan, do hereby certify that the annexed is a true and correct copy of all of the proceedings of the Township Board of said Township, with reference to the granting of a franchise to Consumers Power Company.

I further certify that the within acceptance of said franchise is a true and correct copy of the acceptance duly filed in my office; that I have compared the within copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I further certify that the franchise ordinance was duly published, as appears by proof thereof on file in my office and that all of said proceedings were regular and in accordance with all legal requirements.

Elaine N. Seibel
Township Clerk

Mar. 4, 1994.

ORDINANCE NO. 94-101

CONSUMERS POWER COMPANY GAS FRANCHISE ORDINANCE

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, waterways, and other public places, and to do a local gas business in the TOWNSHIP OF ALMER, TUSCOLA COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF ALMER ORDAINS:

SECTION 1. GRANT TERM. The Township of Almer, Tuscola County, Michigan, hereby grants to the Consumers Power 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 Almer, Tuscola 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. Either manufactured or natural gas may be furnished hereunder.

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 February 17, 1964 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 the TOWNSHIP OF ALMER, TUSCOLA 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.

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.

CLERK'S CERTIFICATE OF PUBLICATION

The foregoing ordinance was duly adopted and passed by the Township Board of Almer Township, Tuscola County, Michigan, on the 8th day of February, 1994, by the following vote:

_____ Supervisor	_____ (Yes or No)
<u>William Reavey</u> Township Clerk	<u>yes</u>
<u>Patricia Witkowski</u> Township Treasurer	<u>yes</u>
<u>Karl Keinath</u> Township Trustee	<u>yes</u>
<u>Jim Mintey</u> Township Trustee	<u>yes</u>

I further certify that the foregoing ordinance was published in the Tuscola County Advertiser, a newspaper of general circulation in the above Township, on the 16 day of February, 1994.

W. Dan A. Feavey
Township Clerk

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF ALMER, TUSCOLA COUNTY, MICHIGAN:

The Consumers Power Company hereby accepts the franchise granted to it by your Board, on the 8th day of February, 1994, which said franchise is entitled as follows:

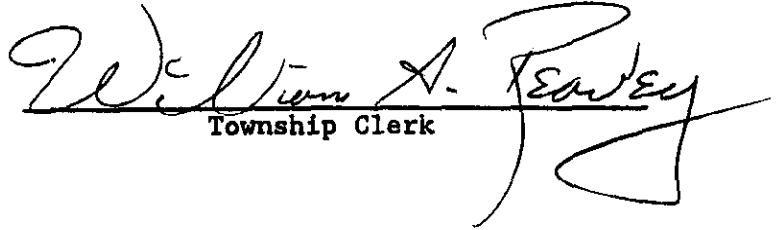
AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the TOWNSHIP OF ALMER, TUSCOLA COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS POWER COMPANY

By /s/Carl L. English
Vice President,
Energy Distribution Services

Dated: February 8, 1994.

I hereby certify that the acceptance, of which the foregoing is a true copy, was filed with me as Township Clerk, on the 16th day of February, 1994.


Township Clerk

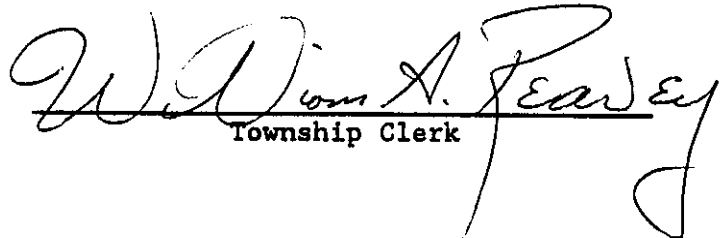
Dated: February 16, 1994.

STATE OF MICHIGAN)
 : SS
COUNTY OF TUSCOLA)

I, William A. Reavey, Township Clerk of the Township of Almer, Tuscola County, Michigan, do hereby certify that the annexed is a true and correct copy of all of the proceedings of the Township Board of said Township, with reference to the granting of a franchise to Consumers Power Company.

I further certify that the within acceptance of said franchise is a true and correct copy of the acceptance duly filed in my office; that I have compared the within copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I further certify that the franchise ordinance was duly published, as appears by proof thereof on file in my office and that all of said proceedings were regular and in accordance with all legal requirements.


Township Clerk

Feb 16, 1994.

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of)
SEMCO ENERGY GAS COMPANY)
for a certificate of public convenience)
and necessity to construct facilities in and)
render gas service in Akron, Columbia,)
Elmwood and Almer Townships, Tuscola)
County, Michigan)
_____)

Case No. U12512

PROOF OF SERVICE

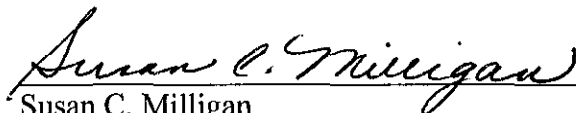
STATE OF MICHIGAN)
) SS
COUNTY OF JACKSON)

Carolyn S. Hinton, being first duly sworn, deposes and says that she is employed in the Legal Department of Consumers Energy Company; that she served a copy of the "Petition to Intervene" upon Mr. Ronald W. Bloomberg, Esq., Attorney for Semco Energy Gas Company, Loomis, Ewert, Parsley, Davis & Gotting, 232 S. Capital Avenue, Suite 1000, Lansing, Michigan 48933, by depositing the same on August 2, 2000 in the United States mail in the City of Jackson, Michigan with first-class postage thereon fully paid.



Carolyn S. Hinton

Subscribed and sworn to before me this 2nd day of August, 2000.



Susan C. Milligan
Notary Public, Jackson County, Michigan
My Commission Expires: 5-18-2004