

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the emergency application)	
of the Association of Businesses)	
Advocating Tariff Equity for a cease and)	
desist order or, in the alternative,)	Case No. U-12579
application for a declaratory ruling.)	
_____)	

ENERGY MICHIGAN PETITION FOR LEAVE TO INTERVENE

NOW COMES Energy Michigan, Inc. (Energy Michigan), by and through its counsel, Varnum, Riddering, Schmidt & Howlett, LLP and hereby petitions this Commission to authorize Energy Michigan to intervene in these proceedings pursuant to the Michigan Public Service Commission (Commission) Rules of Practice and Procedure and the Michigan Administrative Procedures Act MCL § 24.101, et seq. In support of this Petition, Energy Michigan states as follows:

1. Energy Michigan is a non-profit corporation which was formed to protect and promote the interests of producers and users of independent power. Its membership includes those interested in cogeneration, small power production, power marketing, independent power projects, users of electricity located in the Consumers, Edison and I&M electric service territories who would pay costs of proposed transmission rate increases and developers of the preceding technologies and others with interest therein.

2. As a trade association for independent power producers and those interested in this industry (equipment vendors, fuel suppliers, engineering firms, energy users and marketers, project developers, units of government) Energy Michigan has been and continues to be interested in electric utility rate and rate design issues. In particular, Energy Michigan intervened in and participated in recent Commission proceedings designed to establish electric direct access programs including Cases U-10143 and U-10176 (retail wheeling experiment).

Other dockets relating to retail wheeling including U-11451 and U-11452, U-10685 (Consumers Rate DA) and electric restructuring docket U-11290, et al which affected Consumers Energy Company (Consumers), Detroit Edison Company (Detroit Edison), American Electric Power Company (AEP) and Great Lakes Energy Cooperative (Great Lakes) as well as legislative efforts which culminated in PA 141 of 2000.

As an intervenor in and participant in those matters, Energy Michigan addressed implementation plans and the cost of direct access programs. Energy Michigan members as electric users, participants and providers of power under those programs therefore have a direct interest in the costs to be charged by Detroit Edison or its affiliates for transmission and distribution used in open access service.

3. On August 21, 2000 the Association of Businesses Advocating Tariff Equity (ABATE) requested a hearing to address the consequences of a transfer of transmission assets by Detroit Edison to its affiliate International Transmission Company.

4. On February 22, 2001, the Commission issues an Order in this matter setting a hearing to determine whether any of the forms of relief requested by ABATE should be granted.

5. As a participant in electric restructuring cases before the Commission, in legislative activities culminating in the passage of PA 141 of 2000 and by virtue of the fact that its members as marketers and end users will utilize and pay for cost of transmission and distribution services provided by Detroit Edison and its affiliates, Energy Michigan has a direct interest in the transmission and distribution rates charged by Detroit Edison and its affiliates. Energy Michigan intends to participate in these proceedings to the extent it is necessary to protect its interests and address the issues as set forth herein and specifically to ensure the transmission rate increases proposed by Edison affiliate ITC are offset by corresponding reductions in Detroit Edison retail rates or other rates.

WHEREFORE, Energy Michigan prays that the Commission:

- A. Grant the Energy Michigan Petition to Intervene; and
- B. Grant such other and further relief as is deemed lawful and appropriate.

Respectfully submitted,

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