

**STATE OF MICHIGAN
Bureau of Hearings
Utilities and Financial Services Division**

INTEROFFICE COMMUNICATION

TO: The Commission

FROM: Barbara A. Stump
Administrative Law Judge

DATE: April 5, 2001

RE: In the matter of the application of ABATE for a cease and desist order or,
in the alternative, a declaratory ruling
Case No. U-12579

On February 22, 2001, the Commission issued an order in Case No. U-12579, in which it held that a contested case hearing should be held regarding ABATE's application.

On March 2, 2001, ABATE filed a Motion to Consolidate, in which it pointed out that Section 10b(2) of 2000 PA 141 requires electric utilities, including Detroit Edison, to file an application with the Commission to unbundle their commercial and industrial rates. According to ABATE, Detroit Edison must make such a filing one year after the effective date of Act 141, which was June 5, 2000. Because that filing is due no later than June 5, 2001, and the issues raised in Case No. U-12579 can and should be addressed in the unbundling case instead of on a stand alone basis, ABATE requests that this proceeding be consolidated with the upcoming case.

On March 14 and 20, 2001, respectively, Detroit Edison and Energy Michigan filed a response to ABATE's motion, indicating that they do not oppose consolidation.

On April 5, 2001, a prehearing conference was held in this case, at which time ABATE, Detroit Edison, International Transmission Company, and the Staff appeared. Robert Strong, on behalf of ABATE, requested that I recommend that this case and the upcoming unbundling case be consolidated. No one objected to this request.

Because Detroit Edison has not as yet filed its unbundling case, these matters cannot be consolidated at this point in time. As a result, I adjourned the prehearing conference in this case without date, and I recommend that, when Detroit Edison files its unbundling case, the Commission consolidate the cases. At that time, another prehearing conference can be held for the purpose of establishing a schedule for these cases.

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