

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 Case No. U-12579
or, in the alternative, application for
declaratory ruling regarding The Detroit
Edison Company's proposed transfer of assets PREHEARING
to International Transmission Company. CONFERENCE

Proceedings had in the above-entitled matter
before Barbara A. Stump, J.D., Administrative Law Judge,
at the Michigan Public Service Commission, 6545 Mercantile
Way, Lansing, Michigan, on Thursday, April 5, 2001.

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APPEARANCES:

THE DETROIT EDISON COMPANY
By BRUCE R. MATERS, J.D.
2000 Second Avenue, 688 WCB
Detroit, Michigan 48226-1297

Appearing on behalf of the Detroit Edison Company

INTERNATIONAL TRANSMISSION COMPANY
By JOHN H. FLYNN, J.D.
2000 2nd Avenue, 688 WCB
Detroit, Michigan 48226-1297

Appearing on behalf of International Transmission
Company

APPEARANCES: (Continued)

CLARK HILL, PLC
By ROBERT A.W. STRONG, J.D.
255 Old South Woodward Avenue, 3rd Floor
Birmingham, Michigan 48009

Appearing on behalf of the Association of
Business Advocating Tariff Equity

DAVID A. VOGES, J.D.
Assistant Attorney General
6545 Mercantile Way, Suite 15
Lansing, Michigan 48911

Appearing on behalf of the Commission Staff

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1 Lansing, Michigan
2 Thursday, April 5, 2001
3 9:00 A.M.

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5 JUDGE STUMP: We're on the record in the
6 matter of the application of the Association of Businesses
7 Advocating Tariff Equity for a cease and desist order or,
8 in the alternative, application for a declaratory ruling,
9 Case No. U-12579.

10 This is the time for a prehearing
11 conference in this matter.

12 Could I have the appearances, please.

13 MR. STRONG: Robert A.W. Strong appearing
14 on behalf of the Association of Businesses Advocating
15 Tariff Equity.

16 MR. MATERS: Good morning, your Honor.

17 Bruce Maters appearing on behalf of the
18 Detroit Edison Company.

19 MR. FLYNN: John Flynn appearing on
20 behalf of the International Transmission Company.

21 MR. VOGES: David Voges, Assistant
22 Attorney General, representing Michigan Public Service
23 Commission staff.

24 I would like to note on the record that
25 the attorney of record in this case will be Steven Hughey,

1 also Assistant Attorney General.

2 JUDGE STUMP: Thank you. Mr. Strong.

3 MR. STRONG: Your Honor, ABATE has filed
4 a motion in connection with this case to have it
5 consolidated with a case that is yet to be filed by
6 Detroit Edison.

7 Act 141, which was passed in 2000,
8 amended PA 3. And it requires Detroit Edison to file a
9 case to unbundle its bundled rates on or before June 5th
10 of this year.

11 In terms of looking at this case and the
12 case yet to be filed, we made a decision that this case
13 should be consolidated with the case yet to be filed, so
14 that the, I guess, judicial and administrative and, I
15 guess, participant resources can be, I guess, minimized in
16 terms of having to try to address the same issues in this
17 case that are going to be addressed in this case that is
18 yet to be filed.

19 Plus, we believe that the information
20 that is going to be really pertinent to this case will
21 have to be filed by Detroit Edison in this unbundling
22 case. And we think that for purposes of judicial economy
23 that the two cases should be consolidated.

24 In that regard, in terms of the motion, I
25 guess, what we would like to see happen is that you send a

1 recommendation to the Commission to issue an order
2 consolidating this case with the case yet to be filed, and
3 would request that as the relief or as a result of our
4 filing the motion.

5 If you want, I can get into further
6 detail. But I think it's fairly apparent that it makes
7 sense to consolidate the two cases together so that the
8 issues can be easily and more readily determined and a
9 decision made that will basically address the issues that
10 we have raised in the application that we filed that the
11 Commission has now set for hearing.

12 That being said, I would rest.

13 MR. MATERS: Your Honor, Detroit Edison
14 is a respondent in this case.

15 We do not oppose consolidation and have
16 filed a response to Mr. Strong's motion accordingly. We
17 concur that it would probably be a better use of resources
18 to hear the issues that he has raised in his application
19 in the unbundling case, as it will be known, when it's
20 filed.

21 JUDGE STUMP: Mr. Flynn.

22 MR. FLYNN: We would echo the position of
23 Detroit Edison that we have no objection to this
24 consolidation.

25 JUDGE STUMP: Staff have any objection?

1 MR. VOGES: Staff has no objection.

2 JUDGE STUMP: Okay. Well, it makes sense
3 to me.

4 I wondered how I was going to consolidate
5 this case with a case that doesn't exist yet. So I like
6 your idea of sending a recommendation to the Commission to
7 consolidate the cases.

8 So as to this proceeding, though, I would
9 think that we would just adjourn this proceeding.

10 MR. STRONG: Your Honor, I think that
11 from a procedural standpoint this case has to remain open,
12 given the Commission's order, until such time as the
13 Commission issues another order.

14 JUDGE STUMP: Right.

15 MR. STRONG: And that's why I was
16 recommending that you send a recommendation to the
17 Commission for further action.

18 So I would agree that this case ought to
19 be adjourned, subject to having another prehearing
20 conference, if the Commission does not accept your
21 recommendation with respect to the consolidation issue.

22 JUDGE STUMP: All right. We'll handle it
23 that way.

24 I will adjourn this proceeding without
25 date and then send a recommendation to the Commission to

1 consolidate the cases when Detroit Edison files its case.

2 And you anticipate doing that in early
3 June?

4 MR. MATERS: By statute we have to have
5 the case filed by June 5th. I think it's a year after the
6 enactment of the Act. All intentions are to have it filed
7 in early June.

8 JUDGE STUMP: Okay. Good. We'll handle
9 it that way then.

10 Is there anything further?

11 MR. STRONG: Nothing, your Honor.

12 JUDGE STUMP: All right. Thank you.

13 (At 9:15 A.M., the hearing was adjourned
14 to an unspecified date.)

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I, Donna-Christine Sell, do hereby

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certify that I reported stenographically the foregoing

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proceedings had in the within-entitled matter, being Case

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No. U-12579, before Barbara A. Stump, J.D.,

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Administrative Law Judge, at the Mercantile Building,

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Lansing, Michigan, on Thursday, April 5, 2001;

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and that the foregoing transcript constitutes a true and

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correct transcript of my said stenographic notes.

13 Dated: April 8, 2001