

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the emergency application
of the ASSOCIATION OF BUSINESSES ADVOCATING Case No. U-12579
TARIFF EQUITY for a cease and desist order
or, in the alternative, application for SECOND
declaratory ruling regarding The Detroit PREHEARING
Edison Company's proposed transfer of assets CONFERENCE
to International Transmission Company.

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, commencing on Thursday,
April 5, 2001.

SESSION OF THURSDAY, OCTOBER 4, 2001

VOLUME 2

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APPEARANCES:

CLARK HILL, PLC
By ROBERT A. W. STRONG, J. D. (P27724)
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Birmingham, Michigan 48009

Appearing on behalf of the Association of Businesses
Advocating Tariff Equity (ABATE)

THE DETROIT EDISON COMPANY
By BRUCE R. MATERS, J. D. (P28080)
2000 Second Avenue, 688 WCB
Detroit, Michigan 48226-1297

Appearing on behalf of The Detroit Edison Company

APPEARANCES: (Continued)

VARNUM, RIDDERING, SCHMIDT & HOWLETT, LLP
ERIC J. SCHNEIDEWIND, J. D. (P20037)
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Lansing, Michigan 48933

Appearing on behalf of Energy Michigan

MICHAEL A. NICKERSON, J. D. (P25138)
Assistant Attorney General
6545 Mercantile Way, Suite 15
Lansing, Michigan 48911

Appearing on behalf of the Commission Staff

1 behalf of The Detroit Edison Company.

2 JUDGE STUMP: All right. Thank you.

3 Just by way of background and for the
4 record, we had a first prehearing conference in this case
5 on April 5th of this year. At that time the parties
6 agreed that this case should be consolidated with Detroit
7 Edison's upcoming unbundling case. So basically we put
8 the case on hold at that time.

9 Detroit Edison did in fact file its
10 unbundling case at the beginning of June; however,
11 thereafter, a motion to dismiss that application was filed
12 and oral argument was heard on that, after which I granted
13 the motion to dismiss and issued a PFD to that effect.
14 That currently is pending before the Commission.

15 As a result there is nothing, there is no
16 other case with which we can now consolidate this case,
17 and I was quite concerned about this case just
18 languishing. And so I decided, and the parties agreed,
19 that we would proceed with this case on its own.

20 So, that was the purpose for setting this
21 second prehearing conference, so at this point, we need to
22 establish a schedule for the case.

23 Mr. Strong.

24 MR. STRONG: Yes, your honor.

25 ABATE has issued two discovery requests to

1 Detroit Edison in connection with this case, and once we
2 receive the answers to both of those discovery requests,
3 we are prepared to file testimony within 45 days of that
4 time.

5 So consequently I would assume that, you
6 know, 60 days from now, or depending on what Detroit
7 Edison is prepared to do, in connection with responding to
8 those discovery requests, that would set at least the
9 initial schedule with respect to our filing of testimony.

10 JUDGE STUMP: Well, would you like to go
11 off the record so we can talk about a schedule and work
12 out some dates?

13 MR. STRONG: That would be fine.

14 MR. MATERS: That's fine with us.

15 (A discussion was held off the record.)

16 JUDGE STUMP: Let's go back on the record.
17 The parties have agreed to the following
18 schedule for this case:

19 ABATE will file its testimony December 3,
20 2001.

21 Intervenors, the staff, and Detroit Edison
22 will file its testimony January 14, 2002.

23 Rebuttal testimony will be due February
24 14, 2002;

25 Motions to strike March 5, 2002.

1 Cross of all witnesses will be held on
2 March 19 and 20, 2002.

3 Initial briefs will be due May 1, 2002;
4 And reply briefs will be due May 16, 2002.

5 MR. STRONG: Judge, the schedule is
6 contingent upon a 14-day turnaround for discovery?

7 JUDGE STUMP: Yes.

8 Is there anything else today?

9 MR. MATERS: Just one point, your Honor,
10 that is that there is another party to this case, ITC.

11 International Transmission Company filed
12 an appearance. They are not represented today. They may
13 not participate in this case. If they do, they will
14 accept the schedule that you have just set.

15 JUDGE STUMP: O.K.

16 MR. MATERS: But they may be filing
17 testimony along with Detroit Edison on the 14th. I just
18 don't know, because they don't have counsel here today.

19 JUDGE STUMP: All right. Anything else?

20 MR. NICKERSON: Nothing.

21 JUDGE STUMP: All right. Thank you.

22 MR. NICKERSON: Thank you, your Honor.

23 (At 9:14 A.M., the hearing was adjourned
24 until 9:00 A.M., Tuesday, March 19, 2002.)

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I, Allan J. Strong (CSR-2197), do hereby certify that I reported in stenotypy the foregoing proceedings had in the within-entitled matter, being Case No. U-12579, before Barbara A. Stump, J.D., Administrative Law Judge, at the Mercantile Building, Lansing, Michigan, on Thursday, October 4, 2001; and that the foregoing constitutes a true and correct transcript of my stenotype notes.

A handwritten signature in cursive script, reading "Allan J. Strong", is written over a horizontal line.

Dated: October 8, 2001