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May 1, 200l

Via Federal Express

Ms. Dorothy Wideman
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way
Lansing, Ml 489 11

RE: Case No. U-12655
1. Alpena Power Company's Response to MCAAA's Emergency Application For Leave to Appeal;
2. Alpena Power Company's Response to MEC's and PJRGJM's Joint Emergency Application For Leave to Appeal

Dear Ms. Wideman:

Enclosed for tiling are an original and four copies of Alpena Power Company's Response to Michigan Community Action Agency Association's Emergency Application For Leave to Appeal.

Also enclosed for riling are an original and four copies of Alpena Power Company's Response to Joint Emergency Application for Leave to Appeal of the Michigan Environment Council and the Public Interest Research Group In Michigan.

Also enclosed is a Proof of Service. These filings are also being made electronically.

Please call with any questions.

Very truly yours,

James D. Florip

JDF:jrm

Eric

cc: S. Mitchell
Parties of Record

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of **ALPENA POWER COMPANY** for approval of its plan to implement 2000 PA 141	)))))	**Case No. U-12655**

PROOF OF SERVICE

Janet R. Misiak, being first duly sworn, deposes and states that on the 1st day of May, 2001, she served a copy of

1. **Alpena Power Company's Response to Michigan Environmental Council and Public Interest Research Group in Michigan's Joint Application For Leave to Appeal; AND**

2. **Alpena Power Company's Response to Michigan Community Action Agency Association's Emergency Application For Leave To Appeal**

upon the following persons:

Larry Watterworth
Assistant Attorney General
Public Service Division
6545 Mercantile Way, Ste. 15
Lansing, MI 48911

Brian Coyer
Knaggs, Harter, Brake & Schneider, P.C.
1375 S. Washington Ave., Ste. 300
Lansing, MI 48910

Richard J. Aaron
Honigman, Miller, Schwartz & Cohn
222 N. Washington Sq., Ste. 400
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Harvey J. Messing
Sherri A. Wellman
Loomis, Ewert, Parsley, David & Gotting
232 S. Capitol Ave., Ste. 1000
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Dykema Gossett
800 Michigan National Tower
Lansing, MI 48933

Don L. Keskey
Knaggs, Harter, Brake & Schneider, P.C.
1375 S. Washington Ave., Ste. 300
Lansing, MI 48910

by First Class Mail with proper postage affixed thereto.

Janet R. Misiak

Janet R. Misiak

Subscribed and sworn to before me
this 1st day of May, 2001.

Patricia D Hiske

Patricia D. Hiske, Notary Public
Alpena County, Michigan
My commission expires: 06-28-2002

S T A T E O F M I C H I G A N

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of	)	
ALPENA POWER COMPANY	)	**Case No. U-12655**
for approval of its plan to	)	
implement 2000 PA 141	)	
	)	

ALPENA POWER COMPANY'S RESPONSE TO MICHIGAN ENVIRONMENTAL COUNCIL AND PUBLIC INTEREST RESEARCH GROUP IN MICHIGAN'S JOINT APPLICATION FOR LEAVE TO APPEAL

Alpena Power Company ("Alpena") by its attorney James D. Florip of the Law Firm of Gillard, Bauer, Mazrum, Florip, Smigelski and Gulden files this response to the Emergency Joint Application For Leave To Appeal of the Michigan Environmental Council ("MEC") and the Public Interest Research Group in Michigan ("PIRGIM").

Neither the MEC Nor PIRGIM Have Petitioned For Or Been Granted Intervenor Status in Alpena's Implementation Plan Case No. U-12655.

On March 19, 2001, the MEC and PIRGIM filed testimony of Martin G. Kushler in Alpena's Implementation Plan Case U-12655.

On March 30, 2001, the MEC and PIRGIM filed a response to the MPSC Staff's motion to strike testimony in Alpena's Implementation Plan Case U-12655.

On April 18,2001, the MEC and PIRGIM filed its emergency application for leave to appeal in Alpena's Implementation Plan Case U-12655.

However, neither the MEC nor PIRGIM filed any petition to intervene in Alpena's case. This fact is supported by a review of the docket in this case. This fact of non-intervention is also supported by a review of the transcript of the prehearing conference conducted on December 20, 2000.

"JUDGE NICKERSON: That petition is granted.

I believe all that remains then are the petitions to intervene filed by MCAAA, Michigan Environmental Council and PIRGM in all five matters; is that correct?

MR. AARON: I believe that's correct, Your Honor.

MR. WATTERWORTH: That's my understanding.

JUDGE NICKERSON: All right.

MR. FLORIP: Your Honor, in the Alpena case, I think it was just MCAAA that wanted to intervene.

JUDGE NICKERSON: I stand corrected. You're absolutely right. I had a note on that earlier and I just forgot all about it. Thank you."

Transcript, Volume II; Cases U-12649; U-12650, U-12651, U-12652, U-12655, pages 22,23.

Relief Reuuested.

In its deliberations on MEC's and PJRGIM's joint emergency application, Alpena would request that the Commission be mindful of the fact that neither the MEC nor PIRGIM are intervening parties in Alpena's Implementation Plan Case U-12655.

Dated: May I, 2001

Respectfully submitted,

James D. Florip (P26861)
Attorney for Alpena Power Company
Gillard, Bauer, Mazmm, Florip, Smigelski and Gulden
109 E. Chisholm
Alpena, Michigan 49707
(989) 356-3444

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of **ALPENA POWER COMPANY** for approval of its plan to implement 2000 PA 141	)))))	**Case No. U-12655**

ALPENA POWER COMPANY'S RESPONSE TO MICHIGAN COMMUNITY ACTION AGENCY ASSOCIATION'S EMERGENCY APPLICATION FOR LEAVE TO APPEAL

Alpena Power Company ("Alpena") by its attorney James D. Florip of the Law Firm of Gillard, Bauer, Mazrum, Florip, Smigelski and Gulden files this response to the Michigan Community Action Agency Association's ("MCAAA") Emergency Application For Leave To Appeal.

I. MCAAA Did Not File Testimony of Alpena's Implementation Plan Case, U-12655.

Although MCAAA filed its emergency application for leave to appeal in Alpena's Implementation Plan proceeding Case No. U-12655, Alpena would like to point out that MCAAA did not file any testimony in Case No. U-12655.

Although that fact (of non-filing of testimony) is apparent from the list of docket entries, it is not apparent from MCAAA's application. Although to be fair to MCAAA, it does not state in its application that it filed testimony in Alpena's case, nonetheless, the application for leave to appeal was filed in Alpena's case.

Relief Reauested.

In its deliberations on MCAAA's application, Alpena would request that the commission be mindful of the fact, that as to Alpena, nothing has to be addressed as no testimony of MCAAA exists in the Alpena docket.

Dated: May 1, 200l

Respectfully submitted,



James D. Florip (P26861)
Attorney for Alpena Power Company
Gillard, Bauer, Mazmm, Florip, Smigelski and Gulden
109 E. Chisholm
Alpena, Michigan 49707
(989) 356-3444