STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of
CLOVERLAND ELECTRIC COOPERATIVE Case No. **U-12656**
for approval of its plan to implement
2000 PA 141**.**
_____/

MICHIGAN PUBLIC SERVICE COMMISSION STAFF
RESPONSE IN OPPOSITION TO CLOVERLAND'S REQUEST FOR
EXTENSION REGARDING RESTRUCTURING PLAN

On October 2, 2000, Cloverland Electric Cooperative (Cloverland) filed with the Michigan Public Service Commission (Commission) a Request for Extension Re Restructuring Plan. For the reasons set forth below, the Michigan Public Service Commission Staff (Staff) files the instant Response in Opposition to that request.

In *In the matter, on the Commission's own motion, of the implementation of 2000 PA 141*, Case No. 12464, the Michigan Public Service Commission entered an Order intended to assist the Commission in the implementation of certain provisions of 2000 PA 141. Specifically, the Commission ordered:

> To implement these provisions of the act, each investor owned electric utility, other than Consumers Energy Company and The Detroit Edison Company, shall file, no later than October 2, 2000, a restructuring plan in compliance with the act that permits all of its retail customers to choose an alternative electric supplier no later than January 1, 2002. Each filing shall begin a new docket, and will be subject to contested case proceedings. Each cooperative electric utility with any customer having a peak load of one megawatt or more shall do likewise.

Rather than file the restructuring plan as ordered by the Commission, Cloverland instead filed a request for extension of time, requesting an additional three months for the filing of its plan. In its request, Cloverland acknowledges that it has three (3) customers having a peak load

of one megawatt, thus bringing it squarely within the requirements for the tiling of a restructuring plan ordered in Case No. 12464. One of the reasons advanced by Cloverland to justify the three-months of additional time is its own assertion that the Commission does not need the time envisioned by the Commission's Order in Case No. U-12464 to evaluate the restructuring plans of a cooperative with three 1 MW customers. Staff would submit that Cloverland cannot unilaterally determine the time the Commission needs to evaluate the plans ordered in Case No. U-12464 or to implement certain provisions of 2000 PA 141. Clearly, the Commission already addressed such considerations when it included the language in its Order in Case No. U-12464 requiring that cooperatives with at least one 1 MW customer file its restructuring plans "no later than October 2, 2000".

Wherefore, Staff respectfully requests that the Commission deny Cloverland's request for additional time; order Cloverland to file its restructuring plan within two (2) weeks; and notice a hearing to determine if Cloverland is in violation of the Commission's Order in Case No. U-12464 and whether the Commission should assess a penalty of $1 ,OOO.OO against Cloverland pursuant to Section 10c(l)(a) of 2000 PA 141.

Respectfully submitted,

MICHIGAN PUBLIC SERVICE COMMISSION STAFF

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Dated: October 31, 2000

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PROOF OF SERVICE

STATE OF MICHIGAN)
)
COUNTY OF INGHAM)

Linda Andreas, being first duly sworn, deposes and says that on **October 31, 2000**, she served a true copy of **Michigan Public Service Commission Staff Response in Opposition to Cloverland's Request for Extension Regarding Restructuring Plan** upon the following parties by depositing the same in a United States postal depository enclosed in an envelope bearing postage fully prepaid, plainly addressed as follows:

Albert Ernst
Dykema Gossett PLLC
800 Michigan National Tower
Lansing, MI 48933

Linda Andreas

Subscribed and sworn to before me
this 3 1 st day of October, 2000.

Tina L. Bibbs, Notary Public
Ingham County, Michigan
My Commission Expires: 1 l/13/2003