

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of MIDWEST ENERGY
COOPERATIVE'S compliance filing
relative to the restructuring plan
required by 2000 PA 141 and the
Commission's June 19, 2000 opinion
and order in Case No. U-12464.

Case No. U-12657

PREHEARING CONFERENCE

Proceedings had in the above-entitled matter
before Daniel E. Nickerson, Jr., J.D., Administrative
Law Judge, at the Michigan Public Service Commission,
6545 Mercantile Way, Lansing, Michigan on Monday,
January 29, 2001.

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APPEARANCES:

DYKEMA GOSSETT PLLC
By ALBERT ERNST, J.D and
CHRISTINE MASON SONERAL, J.D.
800 Michigan National Tower
Lansing, Michigan 48933-1707

Appearing on behalf of Midwest Energy Cooperative
LOOMIS, EWERT, PARSLEY, DAVIS & GOTTING
By RONALD W. BLOOMBERG, J.D.
232 South Capitol Avenue, Suite 1000
Lansing, Michigan 48933-1525

Appearing on behalf of Wabash Valley Power

MICHIGAN PUBLIC SERVICE
COMMISSION
FILED

FEB 2 2001

COMMISSION

1 APPEARANCES: (Continued)

2 MICHAEL A. NICKERSON, J.D.
3 Assistant Attorney General
4 6545 Mercantile Way, Suite 15
Lansing, Michigan 48911

5 Appearing on behalf of the Commission Staff

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Lansing, Michigan

Monday, January 29, 2001

9:41 A.M.

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JUDGE NICKERSON: On the record.

This is the date and time set for a prehearing conference before the Michigan Public Service Commission in Docket No. U-12657 on the application by Midwest Energy Cooperative for approval of its plan to implement Public Act 141, year 2000.

My name is Daniel Nickerson. I'm an Administrative Law Judge with the Commission.

May I have appearances, please.

MS. MASON SONERAL: Christine Mason Soneral and Albert Ernst of Dykema Gossett PLLC on behalf of Midwest Energy Cooperative.

MR. NICKERSON: Michael Nickerson, Assistant Attorney General, on behalf of the Michigan Public Service Commission staff.

MR. BLOOMBERG: Ronald Bloomberg on behalf of proposed intervenor Wabash Valley Power Association.

JUDGE NICKERSON: Thank you for your appearances.

Notice requirements.

MERRILL & ASSOCIATES, INC.

(248) 353-9595 • (517) 887-1708

SOUTHFIELD, MICHIGAN LANSING, MICHIGAN

1 MS. MASON SONERAL: Yes, your Honor.

2 Those requirements have been met. I'm
3 submitting an affidavit which demonstrates that the notice
4 of hearing was published in Country Lines which is a
5 quarterly magazine of the electric cooperative association
6 and I'm also submitting an affidavit of mailing which
7 demonstrates that on the 28th of November the notice of
8 hearing was mailed to all cities, townships and villages
9 in Midwest's service territory.

10 Mr. Nickerson has reviewed these
11 affidavits.

12 JUDGE NICKERSON: Thank you, Ms. Soneral.
13 Any comments?

14 MR. NICKERSON: No. We've seen them,
15 your Honor.

16 JUDGE NICKERSON: The notices are
17 accepted for filing.

18 Other preliminary matters?

19 MR. BLOOMBERG: Your Honor, if I could
20 make a statement regarding Wabash.

21 Wabash Valley filed a petition to
22 intervene in this case. Wabash will be withdrawing its
23 petition.

24 Just by way of background, Wabash's
25 position in this case is that it's the generation and

1 transmission cooperative of which Midwest is a member.
2 Wabash believes there will be significant cooperation in
3 connection with designing and implementing Midwest's
4 restructuring program between Midwest and Wabash.

5 Wabash had contacted the staff and
6 counsel for Midwest prior to filing the petition to
7 intervene to indicate their desire to facilitate the
8 designing and implementation of that program and expressed
9 an interest in intervening. I understood there would not
10 be an objection to that intervention.

11 Subsequent to the filing of the petition
12 to intervene, an objection was received from Midwest. And
13 in light of that objection, Wabash believes it's in its
14 best interests to try to work this out informally.

15 I apologize for not being able to respond
16 to the informal objection at an earlier time so as to
17 avoid the necessity of having them file a written
18 objection and taking additional time here. But it was
19 just a logistic situation that I was not able to do that.

20 Thank you very much.

21 JUDGE NICKERSON: Thank you, Mr.
22 Bloomberg.

23 Any comments?

24 MR. ERNST: I think Mr. Bloomberg has
25 acted appropriately at all times in this matter. We will

1 continue to work with Wabash Valley as a transmission
2 provider to make sure that it all works and they will be
3 an integral part of this process.

4 JUDGE NICKERSON: Thank you.

5 MR. NICKERSON: Nothing, your Honor.

6 JUDGE NICKERSON: All right. So you will
7 be sending me something in writing, Mr. Bloomberg, on the
8 withdrawal?

9 MR. BLOOMBERG: Yes, sir.

10 JUDGE NICKERSON: Thank you, sir.

11 I understand that there's a proposed
12 schedule. Would you like to state it for the record.

13 MS. MASON SONERAL: I can state it, your
14 Honor.

15 To begin with, the parties have met and
16 discussed and we will be filing cross motions for summary
17 disposition limited to an aggregation issue. The parties
18 will meet informally to discuss the precise issue and we
19 believe we can come to agreement.

20 We'd go forward and set some dates for
21 our cross motions for summary disposition.

22 Our initial briefs due February 14, 2001.
23 Reply briefs due February 26, 2001.

24 We also set another schedule with the
25 Midwest filing on March 21, 2001.

1 Motions to strike will be due April 13,
2 2001.

3 Cross-examination of Midwest will occur
4 on April 16, 2001.

5 Staff and intervenors, if any, will file
6 on May 2, 2001.

7 Rebuttal will be due May 14, 2001.

8 Motions to strike will be due May 18,
9 2001.

10 Cross-examination of staff and
11 intervenor, if any, will occur on May 30, 2001.

12 Briefs will be due June 5, 2001. Reply
13 briefs will you due June 18, 2001.

14 Proposal for decision will be due on July
15 16, 2001.

16 The parties have agreed to a seven-day or
17 best efforts turnaround on discovery.

18 JUDGE NICKERSON: All right. And the
19 date again for filing of briefs, Ms. Soneral, was what
20 date?

21 MS. MASON SONERAL: That was June 5,
22 2001.

23 JUDGE NICKERSON: Any comments with
24 regard to schedule?

25 MR. NICKERSON: Nothing, your Honor.

1 JUDGE NICKERSON: All right. The
2 schedule as indicated by Ms. Soneral is adopted.

3 Anything else for the record?

4 We are adjourned.

5 (At 9:50 A.M., the hearing was adjourned
6 to 9:00 A.M., Monday, April 16, 2001.)

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C E R T I F I C A T E

I, Donna-Christine Sell, do hereby
certify that I reported stenographically the foregoing
proceedings had in the within-entitled matter, being Case
No. U-12657, before Daniel E. Nickerson, Jr., J.D.,
Administrative Law Judge, at the Mercantile Building,
Lansing, Michigan, on Monday, January 29, 2001;
and that the foregoing transcript constitutes a true and
correct transcript of my said stenographic notes.

Donna-Christine Sell

Dated: January 30, 2001