

FEB 16 2001

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

FILED

In the matter of the application of Michigan)
Consolidated Gas Company to terminate)
the suspension of its Gas Cost Recovery)
Clause and establish a cashout mechanism)
_____)

Case No. U-12762

In the matter of the Application of)
MICHIGAN CONSOLIDATED GAS COMPANY)
for approval of Gas Cost Recovery)
Plan, 5-Year Forecast and monthly)
GCR Factor for the period April 1)
to December 31, 2001.)
_____)

Case No. U-12766

**THE RESIDENTIAL RATEPAYER CONSORTIUM'S
MOTION TO DISMISS
THE APPLICATIONS OF
MICHIGAN CONSOLIDATED GAS COMPANY**

Pursuant to Rule 323 of the Michigan Public Service Commission's Rules of Practice and Procedure, R 460.17323, the Residential Ratepayer Consortium (RRC) moves for dismissal of: (1) that part Michigan Consolidated Gas Company's Application in Case No. U-12762 that seeks the Commission's approval of a one-time, nine-month GCR plan period starting April 1, 2001, and (2) all of the Company's Application in Case No. U-12766. In support of this motion the RRC says:

1. On December 15, 2000 MichCon filed with the Commission its Application in Case No. U-12762.

2. Part of the relief MichCon seeks in its Application is approval of a one-time, nine-month GCR plan period starting April 1, 2001.
3. On December 21, 2000 MichCon filed its Application, Testimony and Exhibits in Case No. U-12766.
4. MichCon's Application in Case No. U-12766 seeks approval of a Gas Cost Recovery (GCR) Plan covering the 9-month period April 1, 2001 thru December 31, 2001.
5. MichCon's Application seeks approval of 9 monthly GCR factors to be applied to customer bills in the period covered by its GCR Plan.
6. MichCon's Application contains a forecast of customer requirements, anticipated sources of supply and projections of costs that covers the 4 year, 9 month period April 1, 2001 thru December 31, 2005.
7. That part of MichCon's Application in Case No. U-12762 which proposes a nine-month GCR plan period violates MCL 460.6h(3) because it does not cover a 12-month period.
8. MichCon's proposed GCR Plan in Case No. U-12766 violates MCL 460.6h(3) because it does not cover a 12-month period.
9. MichCon's GCR factors in Case No. U-12766 violate MCL 460.6h(3) because they do not cover 12 months.
10. MichCon's forecast of customer requirements, anticipated sources of supply and projections of costs in Case No. U-12766 violates MCL.460.6h(4) because it does not cover a 5-year period.

11. For reasons set forth more fully in the RRC's Brief in support of this motion, that part of MichCon's Application in Case No. U-12762 which seeks approval of a one-time, 9-month GCR plan period and all of the Company's Application in Case No. U-12766 should be dismissed because:

- a. there is no genuine issue of the material facts set forth in paragraphs 1-6, above;
and
- b. MichCon's Applications fail to state a claim for which relief can be granted because MCL 460.6h requires that:
 - i. a GCR plan cover a 12-month period and contain 12 GCR factors; and
 - ii. a forecast of customer requirements, anticipated sources of supply and projection of costs cover a 5-year period.

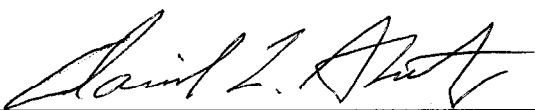
The RRC requests that the Commission dismiss:

- 1. That part of MichCon's Application in Case No. U-12762 which seeks approval of a one-time, nine-month GCR plan period starting April 1, 2001; and
- 2. All of MichCon's Application in Case No. U-12766.

THE RESIDENTIAL RATEPAYER CONSORTIUM

February 16, 2001

By:



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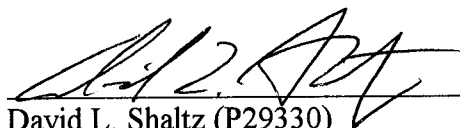
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NOTICE OF HEARING

To: ALJ Barbara Stump
All Parties Of Record

The Residential Ratepayer Consortium's Motion to Dismiss the Applications of Michigan Consolidated Gas Company will be heard at **1:30 p.m. on Tuesday, November 27, 2001** at the offices of the Michigan Public Service Commission, 6545 Mercantile Way, Lansing, Michigan 48911.

February 16, 2001

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MPSC CASE NOS. U-12762 & U-12766

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