

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of	)	
CONSUMERS ENERGY COMPANY for a	)	
certificate of public convenience and necessity	)	Case No. U-12878
to serve a customer in the City of Zeeland,	)	
Ottawa County.	)	
_____	)	

At the May 15, 2001 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Laura Chappelle, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

ORDER APPROVING SETTLEMENT AGREEMENT

On March 26, 2001, Consumers Energy Company (Consumers) filed an application, pursuant to the requirements of 1929 PA 69, as amended, MCL 460.501 et seq.; MSA 22.141 et seq., requesting a certificate of public convenience and necessity to extend its facilities and to provide electric service in the City of Zeeland, Michigan.

Pursuant to due notice, a prehearing conference was held on May 11, 2001 before Administrative Law Judge James N. Rigas. Consumers, the City of Zeeland (Zeeland), and the Commission Staff (Staff) participated in the proceedings.

Subsequently, Consumers and the Staff submitted a settlement agreement, attached to this order as Exhibit A, resolving all issues in this case. Zeeland filed a letter of non-objection to the settlement agreement, which is attached as Exhibit B.

According to the terms of the settlement agreement, the parties agree that (1) Consumers currently holds a non-exclusive franchise to provide electric service to a single customer in the City of Zeeland, (2) the provision of electric service by Consumers to this customer will serve the public convenience and necessity, and (3) a certificate of public convenience and necessity should be granted to Consumers to provide that service.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1929 PA 69, as amended, MCL 460.501 et seq.; MSA 22.141 et seq.; 1909 PA 106, as amended, MCL 460.551 et seq.; MSA 22.151 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; MSA 22.1 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; MSA 22.13(1) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACCS, R 460.17101 et seq.

b. The settlement agreement, attached as Exhibit A, is approved.

THEREFORE, IT IS ORDERED that:

A. The settlement agreement, attached as Exhibit A, is approved.

B. Consumers Energy Company is granted a certificate of public convenience and necessity to construct facilities and to provide electric service to the identified customer located in the City of Zeeland, Ottawa County.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26; MSA 22.45.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ Laura Chappelle

Chairman

(S E A L)

/s/ David A. Svanda

Commissioner

/s/ Robert B. Nelson

Commissioner

By its action of May 15, 2001.

/s/ Dorothy Wideman

Its Executive Secretary

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26; MSA 22.45.

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

By its action of May 15, 2001.

Its Executive Secretary

In the matter of the application of)
CONSUMERS ENERGY COMPANY for a)
certificate of public convenience and necessity)
to serve a customer in the City of Zeeland,)
Ottawa County.)
_____)

Case No. U-12878

Suggested Minute:

“Adopt and issue order dated May 15, 2001 approving the settlement agreement and granting Consumers Energy Company a certificate of public convenience and necessity to construct facilities and provide electric service to a customer in Zeeland, Michigan, as set forth in the order.”