

1 STATE OF MICHIGAN
2 DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
3 BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

4 In the matter of the
5 Application of Consumers
6 Energy Company for a
7 Certificate of public
8 convenience and necessity to
9 serve a customer in the City
10 of Zeeland, Ottawa County,
11 Michigan.

Case No. U-12878
Pre-Hearing

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11 Proceedings had in the
12 above-entitled matter came on for a hearing before
13 Administrative Law Judge JAMES N. RIGAS, at the Michigan
14 Public Service Commission, 6545 Mercantile Way, Lansing,
15 Michigan, on Friday, May 11, 2001, commencing at or about
16 9:00 a.m.

17 APPEARANCES:

18 Consumers Energy Company
19 BY: RAYMOND E. McQUILLAN, ESQUIRE (P24100)
20 212 West Michigan Avenue, M-1082
21 Jackson, Michigan 49201

21 Appearing on behalf of Applicant Consumers Energy
22 Company,

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1 APPEARANCES (Continued):

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Assistant Attorney General

3 BY: PATRICIA S. BARONE, ESQUIRE (P29560)

6545 Mercantile Way, Suite 15

4 Lansing, Michigan 48911

5 Appearing on behalf of the Michigan Public Service
6 Commission Staff.

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1 Lansing, Michigan

2 Friday, May 11, 2001

3 9:00 a.m.

4 P R O C E E D I N G S

5 JUDGE RIGAS: We'll go on the
6 record.

7 Good morning. This is a hearing
8 before the Michigan Public Service Commission in MPSC
9 Case Number U-12878, Docket Number 2001-427, pursuant
10 to due notice of prehearing conference in this matter
11 was set for this time and place.

12 I am James N. Rigas. I'm an
13 administrative law judge for the Bureau of Hearings.

14 May I have the appearances, please.

15 MR. McQUILLAN: Your Honor, I'm
16 Raymond McQuillan on behalf of Consumers Energy
17 Company.

18 MS. BARONE: Patricia S. Barone,
19 Assistant Attorney General, appearing on behalf of the
20 Michigan Public Service Commission Staff.

21 JUDGE RIGAS: Thank you.

22 Are there other appearances? I
23 hear none.

24 Would you address please then, Mr.
25 McQuillan, the notice requirements here.

1 MR. McQUILLAN: Yes, Your Honor.

2 The Commission directed that a
3 Notice of Hearing be sent to, in addition, the usual
4 municipalities in which application was filed, all
5 alternate electric providers -- competitive electric
6 service providers that have received Act 69
7 certificates to render similar service to customers in
8 the proposed service territory.

9 Because we weren't sure what
10 exactly that might mean, because I'm not sure that
11 alternate electric service providers are required to
12 get Act 69 certificates anymore, we sent it to every
13 licensed competitive electric service provider in the
14 Commission's records. So if no one is here today, it's
15 not for a lack of notice. We did the mailing in a
16 timely fashion and have the Proof of Service that I
17 presented a copy to you to demonstrate that it was
18 filed in a timely fashion. I also presented that to
19 Staff for review.

20 JUDGE RIGAS: Thank you. What's
21 the status of this case, Mr. McQuillan.

22 MR. McQUILLAN: Your Honor, we've
23 had discussions with the Staff. We've had discussions
24 with the City of Zeeland. And even though the City of
25 Zeeland did not choose to participate formally in the

1 proceedings, I received a fax yesterday afternoon from
2 the Zeeland City Attorney indicating their approval and
3 consent to the granting of the certificate providing
4 the services requested in this application. It is
5 limited to the construction of specific facilities that
6 were designated in our franchise. And our settlement
7 agreement and order would provide that. So I don't
8 think it would be necessary to prepare a schedule for
9 docket on this one.

10 MS. BARONE: Yes. And Staff has
11 reached a settlement. And also received a copy of the
12 letter from the counsel for the City of Zeeland. And
13 we would like that to present a settlement as well.

14 JUDGE RIGAS: Then no further
15 proceedings will be required; is that true?

16 MR. McQUILLAN: That's correct.

17 JUDGE RIGAS: All right. Then upon
18 the submission of the executed settlement document and
19 proposed order, I'll forward the matter for the
20 Commission's consideration.

21 What do the parties desire with
22 regard to Section 81.

23 MR. McQUILLAN: We would waive
24 Section 81.

25 MS. BARONE: We waive Section 81.

1 JUDGE RIGAS: Okay. Section 81
2 being waive, there will be nothing further.
3 This matter is concluded then.
4 Thank you.
5 MS. BARONE: Thank you.
6 (Hearing adjourned at 9:12 a.m.)

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1 CERTIFICATE OF REPORTER

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3 STATE OF MICHIGAN)
4) SS
5 COUNTY OF EATON)

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7 I hereby certify that on the date
8 and at the place hereinbefore set forth, I reported
9 stenographically the proceedings held in the matter
10 hereinbefore set forth, and that the testimony so recorded
11 was subsequently transcribed under my direction and
12 supervision, and that the foregoing is a full, true and
13 accurate transcription of my original stenotype notes.

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15 Dated: May 23rd, 2001

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17 Leah D. Boroski, RPR/CSR-5877

18 My Commission Expires:

19 May 7, 2005

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