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July 25, 2001

JOHN M. DEMPSEY  
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**Via Hand Delivery  
and Electronic Case Filing**

Dorothy Wideman  
Executive Secretary  
Michigan Public Service Commission  
6545 Mercantile Way  
Lansing, MI 48911

**Re: In the matter of the application of the Detroit Edison Company to  
unbundle its retail electric rates  
Case No. U-12966  
BOH No. 2001-1172**

Dear Ms. Wideman:

Enclosed for filing regarding the above-captioned matter please find the original and four copies of the *National Energy Marketers Association's Petition For Leave to Intervene* and *Motion to Practice Pro Hac Vice*. Also enclosed is the original *Proof of Service*.

If you have any questions, please contact me. Thank you for your assistance.

Very truly yours,

John M. Dempsey

JMD/mds  
Enclosure  
cc: Counsel of Record, w/enc.

C o u n s e l l o r s   A t   L a w

D E T R O I T   B L O O M F I E L D   H I L L S   L A N S I N G   G R A N D   R A P I D S   A N N   A R B O R  
W A S H I N G T O N ,   D . C .

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application )  
THE DETROIT EDISON COMPANY )  
to unbundle its retail electric rates )  
\_\_\_\_\_)

Case No. U-12966  
BOH No. 2001-1172

PROOF OF SERVICE

STATE OF MICHIGAN )  
 )  
COUNTY OF INGHAM )

Mindy D. Smith, being first duly sworn, deposes and says she is employed as a secretary at Dickinson Wright PLLC, that she caused a copy of ***National Energy Marketers Association's Petition For Leave to Intervene and Motion to Practice Pro Hac*** to be delivered upon the parties listed on the attached service list by placing same in envelopes addressed to said counsel at their respective addresses, with proper first-class postage affixed thereto, and by causing the same to be deposited in a mail receptacle maintained by the United States Government in Lansing, Michigan on the 25th day of July, 2001.



\_\_\_\_\_  
Mindy D. Smith

Subscribed and sworn to before me,  
a Notary Public in and for said County,  
this 25th day of July, 2001.



\_\_\_\_\_  
Nicole A. Thom, Notary Public  
Ingham County, MI  
My Commission Expires: 06/10/05

**SERVICE LIST**  
**MPSC CASE NO. U-12966**

**Administrative Law Judge**

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## STATE OF MICHIGAN

In the matter of the application )  
THE DETROIT EDISON COMPANY )  
to unbundle its retail electric rates )  
\_\_\_\_\_ )

Case No. U-12966  
BOH No. 2001-1172

**MOTION TO PRACTICE PRO HAC VICE**

John M. Dempsey, on behalf of the National Energy Marketers Association ("NEM"), moves that Craig G. Goodman and Stacey L. Rantala of NEM be granted permission to participate in this case as counsel of record on behalf of NEM and, in support of this motion, states as follows:

1. Rule 309(2) of the Rules of Practice and Procedure Before the Michigan Public Service Commission, being R460.17309(2) states:

An attorney who is duly licensed to practice law in another state or in the courts of the United States may be permitted to practice before the commission on the same basis as in the circuit courts of this state.

2. Rule 15, § 2 of the Rules Concerning the State Bar of Michigan states:

Any person who is duly licensed to practice law in another state or territory, or in the District of Columbia, of the United States of America, or in any foreign country, may be permitted to engage in the trial of a specific case in a court or before an administrative tribunal in this State when associated with and on motion of an active member of the State Bar of Michigan who appears of record in the case.

3. Craig G. Goodman is president of and counsel for NEM. Mr. Goodman is an attorney in good standing and is duly licensed and admitted to practice law in the states of Florida and Texas, as well as with the District of Columbia.

4. Stacey L. Rantala is counsel for NEM. Ms. Rantala is an attorney in good standing and is duly licensed and admitted to practice law in the states of New York and New Jersey.

WHEREFORE, John M. Dempsey respectfully requests that Craig G. Goodman and Stacey Rantala be granted permission to appear on behalf of and represent NEM in this proceeding.

Respectfully submitted,

DICKINSON WRIGHT PLLC

By: 

John M. Dempsey (P30987)

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Lansing, Michigan 48933

Telephone: (517) 371-1730

Dated: July 25, 2001

LANSING 34351-5 283959

In the matter of the application )  
THE DETROIT EDISON COMPANY )  
to unbundle its retail electric rates )  
\_\_\_\_\_ )

## NATIONAL ENERGY MARKETERS ASSOCIATION'S PETITION FOR LEAVE TO INTERVENE

The National Energy Marketers Association ("NEM"), by its counsel, petitions to intervene in this case pursuant to Rule 201(1) of the Commission's Rules of Practice and Procedure, 1992 ACS, R460.17201(1).<sup>1</sup> In support of its petition, NEM states as follows:

1. NEM is a national, non-profit trade association representing both wholesale and retail marketers of energy and energy-related products, services, information and technologies throughout the United States. NEM's membership includes: small regional marketers, large traditional international wholesale and retail energy suppliers (as well as wind and solar power), billing and metering firms, Internet energy providers, energy-related software developers, risk managers, energy brokerage firms, information technology providers and manufacturers and suppliers of advanced distributed generation. Membership includes both affiliated and unaffiliated companies.

2. This regionally diverse, broad-based coalition of energy and technology firms has come together under the NEM auspices to forge consensus and to help eliminate as many issues

1 Rule 201(1) states that "[a] person who is not a complainant, respondent, protestant, applicant, or staff, as defined in these rules, and who claims an interest in a proceeding may petition for leave to intervene."

as possible that would delay competition. NEM is committed to working with representatives of state and federal governments, large and small consumer groups and utilities to devise fair and effective ways to implement the competitive restructuring of natural gas and electricity markets. NEM and its members appear before state Public Utility Commissions, the Federal Energy Regulatory Commission and legislative bodies throughout the nation.

3. Section 10b(2) of Act 141 of the Public Acts of 2000 requires the filing, no later than one year from its effective date, by electric utilities of an application to unbundle their existing commercial and industrial rate schedules. Further, section 10b(2) calls for the unbundling of existing residential rate schedules. On June 4, 2001, The Detroit Edison Company filed its "Application" in this docket pursuant to section 10b(2). Consequently, this case will deal with the important public policy objective of adjudicating the unbundling of Detroit Edison's electricity rates and services.

4. NEM, as a representative of a regionally diverse group of providers of energy and energy-related services, has an interest to advocate the implementation of rates, tariffs, operating procedures, standards of conduct, rules, and policies that will ensure the development and maintenance of an efficient, reliable and price competitive electricity market on the system of Detroit Edison and in Michigan generally. As electricity marketers and providers of energy-related services and technologies, various NEM members are serving and intend to serve customers in the Michigan electricity market, including the residential, commercial, and industrial customer segments in all of the utilities' service territories. The ability of NEM's members to fairly compete in the restructured electricity industry and thus bring the benefits of additional competition to Michigan electricity consumers will be affected by the outcome of this proceeding.

5. NEM meets the Commission's criteria for grant of permissive intervention as well as intervention of right. Intervention in this proceeding is appropriate because NEM, as a national trade organization, representing a diverse cross-section of market participants, will be able to bring a wide range of experiences, as well as a broad perspective, to this proceeding. NEM's participation in these proceedings will aid the Commission by enhancing the quality of the record developed here. NEM and its membership will be directly and specifically affected by the outcome of these proceedings, and its interests in these proceedings cannot be adequately represented or protected by any other party. NEM has not yet determined what positions it may take in this proceeding.

6. NEM filed a petition and was granted intervention in Case No. U-11916. In addition, NEM has filed comments and participated in a number of MPSC proceedings involving competitive energy issues. See, e.g. Comments of The National Energy Marketers Association On Standards For Disclosures, Explanations, and Sales Information For Retail Electric Service, filed on July 20, 2001 in Case No. U-12487.

WHEREFORE, NEM hereby respectfully requests that this Petition for Leave to Intervene in the above-entitled proceedings be granted and that NEM be granted status as a full party of record.

Respectfully submitted,

DICKINSON WRIGHT PLLC

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Dated: July 25, 2001

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