

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the request of	)	
THE DETROIT EDISON COMPANY for a	)	
declaratory order regarding MPSC jurisdiction	)	Case No. U-12979
associated with the "Rouge Complex" and	)	
Dearborn Industrial Generation, L.L.C.	)	
_____	)	

At the October 11, 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

OPINION AND ORDER

On June 12, 2001, The Detroit Edison Company (Detroit Edison) filed a request for a declaratory ruling related to the Commission's jurisdiction over the interconnection of distribution equipment owned by the utility and Dearborn Industrial Generation, L.L.C., and the treatment of retail power consumption at the Ford Motor Company Rouge industrial complex.

The decision to grant a declaratory ruling is discretionary. MCL 24.263 and 1992 AAC, R 460.17701. The Commission concludes, in light of the importance and complexity of the issues, that the questions raised by the request would be better addressed in a contested case proceeding, such as the complaint filed by Ford Motor Company and Rouge Steel Company against Detroit Edison in Case No. U-12980 or a contested case that Detroit Edison commences by the filing of an application or complaint.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACCS, R 460.17101 et seq.
- b. The request for declaratory ruling should be denied without prejudice.

THEREFORE, IT IS ORDERED that the request for declaratory ruling filed by The Detroit Edison Company is denied without prejudice to raising the issues in a contested case proceeding.

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.

MICHIGAN PUBLIC SERVICE COMMISSION

(S E A L)

/s/ Laura Chappelle
Chairman

By its action of October 11, 2001.

/s/ David A. Svanda
Commissioner

/s/ Dorothy Wideman
Its Executive Secretary

/s/ Robert B. Nelson
Commissioner

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACCS, R 460.17101 et seq.
- b. The request for declaratory ruling should be denied without prejudice.

THEREFORE, IT IS ORDERED that the request for declaratory ruling filed by The Detroit Edison Company is denied without prejudice to raising the issues in a contested case proceeding.

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.

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

By its action of October 11, 2001.

Commissioner

Its Executive Secretary

Commissioner

In the matter of the request of)
THE DETROIT EDISON COMPANY for a)
declaratory order regarding MPSC jurisdiction)
associated with the “Rouge Complex” and)
Dearborn Industrial Generation, L.L.C.)
_____)

Case No. U-12979

Suggested Minute:

“Adopt and issue order dated October 11, 2001 denying without prejudice the request for declaratory ruling filed by The Detroit Edison Company, as set forth in the order.”