

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of a Request for a Declaratory Ruling)
Regarding the Regulation of the Rates, Service)
and Facilities of Michigan Gas Storage Company)
_____)

Case No. U-12990

PETITION TO INTERVENE

The Association of Businesses Advocating Tariff Equity (“ABATE”), by its attorneys, Clark Hill P.L.C., hereby petitions the Michigan Public Service Commission (“Commission”) for leave to intervene in and become a party to the above-entitled proceedings, and in connection therewith, represents that the rights and interests of this Petitioner, the grounds of the proposed intervention, and Petitioner’s positions in the proceeding are as follows:

I.

ABATE is an association of industrial companies doing business in Michigan. ABATE members include: ABTco, Inc, a Louisiana-Pacific Company; ATOFINA Chemicals, Inc.; BASF Corporation; The Budd Company; Cargill; DaimlerChrysler Corporation; Eaton Corporation; Edward C. Levy Company; Escanaba Paper, A Mead Company; Ford Motor Company; General Motors Corporation; Martin Marietta Magnesia Specialties, Inc.; National Steel Corporation - Great Lakes Division; Pharmacia & Upjohn Company; Quanax Corporation; and Steelcase, Inc.

II.

In the production of a wide variety of products, raw materials and services, the individual members of ABATE consume vast quantities of gas and electricity, at a cost of many millions of

dollars, a significant portion of which is purchased from, or transported through the system of Consumers Energy Company (“Consumers”).

III.

ABATE has intervened in previous Consumers general rate and GCR cases. Any increase in Consumers’ rate base as a result of the switch to state jurisdiction of the facilities in Michigan Gas Storage Company will directly impact ABATE members.

IV.

It is ABATE’s position that the facilities of Michigan Gas Storage Company should remain regulated by the Federal Energy Regulatory Commission and not by the Commission. As evidenced by the proposed Exhibit filed in Consumers’ general rate case, U-13000, there will be an increase in rate base and therefore expenses on a net basis if the facilities Michigan Gas Storage become regulated by the Commission. See proposed Exhibit A-7, Case No. U-13000.

V.

This matter should be set for hearings and not decided on an *ex parte* basis because the effect of a decision in this case would be to lead to a rate increase as a result of Case No. U-13000 according to Consumers’ exhibits. Therefore, this case will have an impact on rates requiring a notice of hearing and contested case proceedings.

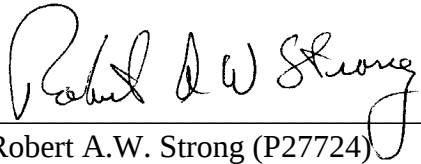
VI.

ABATE respectfully submits that because its members will be substantially affected by the outcome of this proceeding, ABATE should be permitted to intervene and be afforded the opportunity to cross-examine witnesses, to present witnesses and testimony, and generally to advocate its position with respect to all issues presented as a full party to the proceeding.

WHEREFORE, ABATE requests that this Petition to Intervene be granted and that ABATE be placed upon the Commission's record in this case as a full party.

Respectfully submitted,

CLARK HILL P.L.C.

By: 
Robert A.W. Strong (P27724)
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Advocating Tariff Equity
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Dated: July 20, 2001

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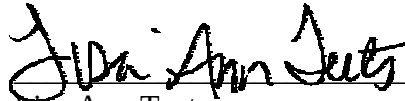
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PROOF OF SERVICE

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

Lisa Ann Teets, being first duly sworn, deposes and says that she filed electronically Petition to Intervene of the Association of Businesses Advocating Tariff Equity in the above docket on the people identified below by depositing the same on July 20, 2001, in the United States mail in the City of Birmingham, Michigan with first-class postage thereon fully paid.



Lisa Ann Teets



Notary Public, Oakland County, Michigan
My Commission Expires January 16, 2002

SERVICE LIST
MPSC CASE NO. U-12990

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