

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



MIKE COX
ATTORNEY GENERAL

FILED

P.O. Box 30755
LANSING, MICHIGAN 48909

APR 29 2005

MICHIGAN PUBLIC
SERVICE COMMISSION

April 27, 2005

Ms. Sandra Schultz Mengel, Chief Clerk
Michigan Court of Appeals
925 W. Ottawa Street
Michigan Hall of Justice - Second Floor
P. O. Box 30022
Lansing, MI 48909-7522

Dear Ms. Schultz Mengel:

Re: Attorney General v MPSC
Court of Appeals No. 262351
MPSC Case No. U-12999

I am enclosing for filing a jurisdictional checklist, a proof of service, the Attorney General's claim of appeal, a copy of the order being appealed from, the Public Service Commission's electronic list of docket entries, and an attorney's statement regarding transcripts.

Sincerely,

Donald E. Erickson

Donald E. Erickson
Assistant Attorney General

c All Parties

STATE OF MICHIGAN MPSC JUDICIAL CIRCUIT MPSC COUNTY	JURISDICTIONAL CHECKLIST FOR COURT OF APPEALS	CASE NO. Trial Court/Tribunal: MPSC No. U-12999 Court of Appeals: _____
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Plaintiff Name Appellant Attorney General Michael A. Cox	v	Defendant Name Appellee Michigan Public Service Commission
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INSTRUCTIONS: This checklist must be completed and filed with your claim of appeal.

Required Documents (All items 1. through 6. must be filed. Check each box as you confirm each document and appropriate filing fee(s) are being filed.)

- ☒ 1. The claim of appeal, with original signature and correct lower court number. [MCR 7.204(B)(1)]
- ☒ 2. A filing fee of \$250.00. [MCR 7.204(B)(2)] (Where multiple lower court or tribunal numbers are involved, Court policy will dictate whether a multiple fee is required. Appellants will be advised of any insufficiency in the filing fee.)
- ☒ 3. A copy of the order you are appealing (the order deciding the merits and not an order denying rehearing or reconsideration). [MCR 7.204(C)(1)]
- ☒ 4. Evidence that the necessary transcript has been ordered (check only one box from a. through e. below). [MCR 7.204(C)(2)]
 - ☒ a. The complete transcript has been ordered and has been filed with the Commission. [MCR 7.210(B)(1)(a)]
 - ☐ b. This appeal is from a probate court proceeding which does not require a complete transcript. [MCR 7.210(B)(1)(b)]
 - ☐ c. A motion has been filed in the lower court or tribunal for submission of the appeal on less than the complete transcript. [MCR 7.210(B)(1)(c)]
 - ☐ d. The parties have stipulated to submission of the appeal on less than the complete transcript. [MCR 7.210(B)(1)(d)]
 - ☐ e. The parties have stipulated to a statement of fact. [MCR 7.210(B)(1)(e)]
- ☒ 5. Proof of service demonstrating that all other parties have been served. Even if a party is not an appellee, they must be served. [MCR 7.204(C)(3)]
- ☒ 6. Docket or calendar entries from the lower court or tribunal. [MCR 7.204(C)(5)]

Finality of Order Being Appealed (Check the box that demonstrates your claim of appeal is by right. If none apply, you do not have an appeal by right.)

- ☐ The claim of appeal is from a final order which, alone or with other orders already entered, disposes of all claims as to all parties.
- ☐ The claim of appeal is from a post-judgment order which by law is designated as a final order. The statute, court rule, or case law establishing appeal by right as to this order is: (Citation to MCR 7.203 alone is insufficient.)
- ☒ The claim of appeal is from an order which is designated by statute, court rule or case law as an order appealable by right to the Court of Appeals. The statute, court rule, or case law establishing appeal by right as to this order is:

MCL 462.26

April 27, 2005
Date filed

Donald E. Erickson
Preparer's name (type or print)
517-373-1123
Telephone no.

STATE OF MICHIGAN
IN THE COURT OF APPEALS

ATTORNEY GENERAL MICHAEL A. COX,

Appellant,

Court of Appeals No. _____

v

Michigan Public Service Commission
Case No. U-12999

MICHIGAN PUBLIC SERVICE COMMISSION and
CONSUMERS ENERGY COMPANY

Appellee.

Proof of Service

State of Michigan)
Ingham County)

Janet A. Schafer being duly sworn says:

I certify that on the 27th day of April 2005, I served a copy of a jurisdictional checklist, the Attorney General's claim of appeal, a copy of the order being appealed from, the Public Service Commission's electronic list of docket entries, and an attorney's statement regarding transcripts upon the following parties by mailing the same to them at their respective addresses with first class postage fully prepaid thereon.

MPSC:

Mr. Steven D. Hughey (P32230)
Assistant Attorney General
Public Service Division
6545 Mercantile Way, Suite 15
Lansing, MI 48911

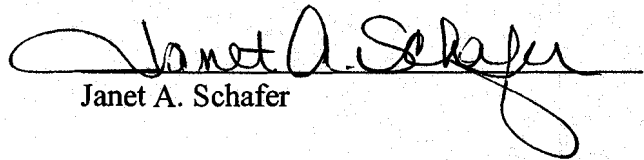
Ms. Mary Jo Kunkle
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way, Suite 15
Lansing, MI 48911

Consumers Energy Company:

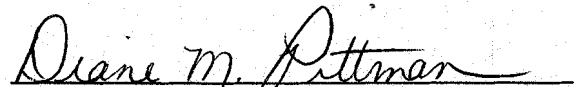
Mr. Jon R. Robinson (P27953)
Mr. H. Richard Chambers (P34139)
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201

ABATE:

Mr. Robert A. W. Strong (P27724)
Clark Hill, P.L.C.
255 S. Old Woodward Ave., Third Floor
Birmingham, MI 48009


Janet A. Schafer

Subscribed and sworn to before me this 27th day of April 2005


Diane M. Pittman, Notary Public
Ingham County
My Comm. Expires: 2/21/07

STATE OF MICHIGAN
IN THE COURT OF APPEALS

ATTORNEY GENERAL MICHAEL A. COX,

Appellant,

Court of Appeals No. _____

v

MICHIGAN PUBLIC SERVICE COMMISSION and
CONSUMERS ENERGY COMPANY

Michigan Public Service Commission
Case No. U-12999

Appellees.

CLAIM OF APPEAL

Attorney General Michael A. Cox claims an appeal from the Order Granting Waiver entered on March 29, 2005, in the Michigan Public Service Commission, by Chair J. Peter Lark and Commissioners Robert B. Nelson and Laura Chappelle.

Respectfully submitted,

Attorney General
Michael A. Cox

Donald E. Erickson

Donald E. Erickson (P13212)
Assistant Attorney General

Consumer Protection Division
Sixth Floor G. Mennen Williams Bldg.
525 W. Ottawa Street
P. O. Box 30755
Lansing, Michigan 48909

April 27, 2005

(517) 373-1123

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of)
CONSUMERS ENERGY COMPANY for)
accounting and ratemaking approval of)
depreciation rates for gas utility plants.)
_____)

Case No. U-12999

At the March 29, 2005 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. J. Peter Lark, Chairman
Hon. Robert B. Nelson, Commissioner
Hon. Laura Chappelle, Commissioner

ORDER GRANTING WAIVER

On October 14, 2004, the Commission issued its order in this docket, Consumers Energy Company's (Consumers) application for accounting and ratemaking approval of revised depreciation rates for its gas utility plant, Case No. U-12999 (October 14 order). That order established the filing date for Consumers' next gas depreciation case as well as the appropriate year-end natural gas utility plant balance data to be used within that future filing. On December 2, 2004, the Commission issued its order on rehearing, which did not change either of these two requirements. On February 14, 2005, Consumers filed its petition for waiver of the October 14 order's two filing requirements. On February 17, 2005, the Association of Businesses Advocating Tariff Equity (ABATE) filed its answer opposing Consumers' request. On March 7, 2005, Attorney General Michael A. Cox (Attorney General) filed his answer opposing Consumers' request.