STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of **CONSUMERS ENERGY COMPANY** for authority to establish an optional program designed to encourage the use of renewable resources.	)	Case No. U-13029
In the matter of the application of **MACKINAW POWER, LLC, and NORTH AMERICAN WIND ENERGY, LLC,** to amend and make permanent the Consumers Energy Company green power pilot program.	)	Case No. U-13843

At the December 22, 2004 meeting of the Michigan Public Service Commission in Lansing, Michigan.

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

ORDER

In an order issued on July 25, 2001 in Case No. U-13029, the Commission approved an application filed by Consumers Energy Company (Consumers) that established a voluntary green power pilot program (GPPP) designed to encourage the use of renewable resources. As approved, portions of the GPPP were to expire on December 31, 2004, while other portions were to remain in effect for up to 17 years.

On May 18, 2004, the Commission issued an order in Case No. U-13843 (May 18 order) to address, among other issues, how the next generation renewable resource program (RRP) should

be designed. In so doing, the Commission explicitly found that "Mackinaw Power, LLC, and North American Wind Energy, LLC, shall have the exclusive opportunity to develop new green power program projects until December 31, 2004 up to the amount specified in their existing contracts." Case No. U-13843 ordering paragraph "D," p. 27.

At the time the Commission issued the May 18 order, the Commission anticipated that it would issue another order in Case No. 13843 before the expiration of the provisions of the GPPP on December 31, 2004. However, due to circumstances beyond its control, the Commission has been unable to complete work on two related orders that were to be issued December 21, 2004 and that were to address the transition from the GPPP to the RRP. As it now appears that the Commission will not be able to resolve those issues before its January 25, 2005 meeting, and because the Commission does not wish to harm any of the GPPP customers or participants, and seeks to avoid confusing potential RRP customers and participants, the Commission finds that it should act sua sponte to preserve the status quo. Therefore, the Commission directs Consumers to extend all provisions of the GPPP tariffs and supplier contracts for 30 days beyond December 31, 2004, or until January 30, 2005. In addition, the Commission extends the exclusive opportunity to develop new green power program projects provided to Mackinaw Power, LLC, and North American Wind Energy, LLC, by ordering paragraph "D" of the May 18 order for an additional 30 days, or until January 30, 2005.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

b. Consumers should be ordered to extend all provisions of the GPPP tariffs and supplier contracts for 30 days beyond December 31, 2004, or until January 30, 2005.

c. The opportunity to develop new green power program projects provided to Mackinaw Power, LLC, and North American Wind Energy, LLC, by ordering paragraph "D" of the May 18, 2004 order in Case No. U-13843 should be extended for an additional 30 days, or until January 30, 2005.

THEREFORE, IT IS ORDERED that:

A. Consumers Energy Company shall extend all provisions of the green power pilot program tariffs approved by the July 25, 2001 order in Case No. U-13029 and related supplier contracts for 30 days beyond December 31, 2004, or until January 30, 2005.

B. The opportunity to develop new green power program projects provided to Mackinaw Power, LLC, and North American Wind Energy, LLC, by ordering paragraph "D" of the May 18, 2004 order in Case No. U-13843 is extended for an additional 30 days, or until January 30, 2005.

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 issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ J. Peter Lark
Chair

(S E A L)

/s/ Robert B. Nelson
Commissioner

/s/ Laura Chappelle
Commissioner

By its action of December 22, 2004.

/s/ Mary Jo Kunkle
Its Executive Secretary

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



Chair



Commissioner



Commissioner

By its action of December 22, 2004.



Its Executive Secretary

P R O O F O F S E R V I C E

STATE OF MICHIGAN)

Case No. U-13029

County of Ingham)

Patricia A. Fronta being duly sworn, deposes and says that on December 22nd 2004, A.D. she served a copy of the attached Commission orders by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.

Signature Not Verified

Patricia Fronta

Digitally signed by Patricia Fronta
DN: cn=Patricia Fronta, o=MPSC, c=US
Date: 2004.12.28 13:53:01 -05'00'

Patricia Fronta

Subscribed and sworn to before me
this 22nd day of December 2004

Gloria Pearl Jones

Digitally signed by Gloria Pearl Jones
DN: CN = Gloria Pearl Jones, C = US, O = MPSC, OU = DLEG
Date: 2004.12.28 12:56:12 -05'00'

Gloria Pearl Jones
Notary Public, Eaton County, Michigan
Acting in Ingham County
My Commission expires June 5, 2007

SERVICE LIST FOR DOCKET # U – 13029 - CASE #
DATE OF PREPARATION: 12/22/2004

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MR. THOMAS MCNISH
CONSUMERS ENERGY COMPANY
212 W. MICHIGAN AVENUE
JACKSON MI 49201

MR. JOHN C. SHEA
CONSUMERS ENERGY COMPANY
ONE ENERGY PLAZA
JACKSON MI 49201

SUBSCRIPTION LIST
ALL ELECTRIC ORDERS

MR. LARRY LEWIS
GENERAL SERVICES ADMINISTRATION
670 MORRISON ROAD, ROOM 209
COLUMBUS OH 43230

MR. PHILLIP CROSS
PUBLIC UTILITIES REPORTS, INC.
8229 BOONE BOULEVARD, SUITE 401
VIENNA VA 22182

MR. JOHN PESTLE
VARNUM, RIDDERING, SCHMIDT & HOWLETT
BRIDGEWATER PLACE
P.O. BOX 352
GRAND RAPIDS MI 49501 0352

MR. MICHAEL PETERS
MICHIGAN ELECTRIC COOPERATIVES
2859 W. JOLLY ROAD
OKEMOS MI 48864

MS. MONICA MARTINEZ
SENATE DEMOCRATIC STAFF
ROMNEY BUILDING
LANSING MI **ID MAIL**