

CLARK HILL
PLC
ATTORNEYS AT LAW

255 South Old Woodward Avenue
3rd Floor
Birmingham, MI 48009-6179
Tel. (248) 642-9692 • Fax (248) 642-2174
www.clarkhill.com

Robert A. W. Strong
Phone: (248) 988-5861
E-Mail: rstrong@clarkhill.com

June 12, 2006

VIA ELECTRONIC CASE FILING

Ms. Mary Jo Kunkle
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way
Lansing, MI 48909-7721

Re: MPSC Case No. U-14838

Dear Ms. Kunkle:

Enclosed for filing is the Response of the Association of Businesses Advocating Tariff Equity to Reply of Energy Michigan, Inc. to Detroit Edison Request for Approval of Amended Notice of Hearing together with a Proof of Service in the above referenced matter.

Very truly yours,

CLARK HILL PLC

Robert A.W.
Strong

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= US, O = Clark Hill
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Robert A. W. Strong

cc w/enc: ALJ Hon. Daniel E. Nickerson, Jr.
Parties of Record

/ag

5275422v.1 07411/058110

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter on the Commission's own motion,	)	
ordering DETROIT EDISON COMPANY to show	)	Case No. U-14838
cause why its retail rates for the sale and distribution	)	
<u>of electric energy should not be decreased.</u>	)	

**RESPONSE OF THE ASSOCIATION OF BUSINESSES
ADVOCATING TARIFF EQUITY TO REPLY OF ENERGY
MICHIGAN, INC. TO DETROIT EDISON REQUEST FOR APPROVAL
OF AMENDED NOTICE OF HEARING**

The Association of Businesses Advocating Tariff Equity (ABATE) by its attorneys, Clark Hill PLC, files this Response to Energy Michigan's Reply to Detroit Edison's request for approval to re-notice this proceeding:

1. ABATE agrees with Energy Michigan's analysis that the scope of this hearing is established by the Michigan Public Service Commission ("Commission") in its Order and the Notice of Hearing that was attached thereto. This proceeding may only be a Show Cause hearing to determine whether Edison's retail rates for electricity should be reduced. It cannot result in a rate increase.

2. Edison is free to file whatever testimony it believes is necessary to show why its rates should not be reduced but any rate increase cannot be granted as a result of this proceeding given the scope established by the Commission.

3. The Commission has the ability pursuant to MCL 462.22 to establish the scope of the proceeding and the Commission may conduct proceedings in any lawful manner as long as they comply with the Michigan Administrative Procedures Act of 1969, as amended.

4. If Edison desires an increase in rates it is free to file an application with the Commission pursuant to MCL 460.6a. This must be a separate proceeding initiated by the utility which may contain the same or different testimony than was supplied by Edison in this

proceeding. The decision to file and the timing of that filing is solely within the control of Edison. Edison has not made such a filing.

5. The rate increases shown in Edison's testimony for Rate D3, D4, and D6 are extremely high when compared to the other increases and are chilling customer interest in the Choice program. Therefore, ABATE urges the Commission to issue an Order as expeditiously as possible stating that this proceeding may not result in a rate increase for these rates.

WHEREFORE, ABATE request the Commission to issue an Order as expeditiously as possible confirming that the scope of these proceedings is limited to whether or not Edison's retail rate should be reduced and confirm that retail rates cannot be increased from their present levels as a result of this proceeding.

Respectfully submitted,

CLARK HILL PLC

Robert A.W.
Strong

Digitally signed by Robert A.W.
Strong
DN: CN = Robert A.W. Strong, C
= US, O = Clark Hill
Date: 2006.06.12 12:50:26 -04'00'

ROBERT A.W. STRONG (P27724)
Attorneys for the Association of Businesses
Advocating Tariff Equity
255 S. Old Woodward Avenue, Third Floor
Birmingham, MI 48009
(248) 642-9692
rstrong@clarkhill.com

Dated: June 12, 2006

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter on the Commission's own motion,)
ordering DETROIT EDISON COMPANY to show)
cause why its retail rates for the sale and distribution)
of electric energy should not be decreased.)

Case No. U-14838

PROOF OF SERVICE

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

Robert A.W. Strong, being first duly sworn, deposes and says that he did cause to be filed electronically the Response of the Association of Businesses Advocating Tariff Equity to Reply of Energy Michigan, Inc. to Detroit Edison Request for Approval of Amended Notice of Hearing and Proof of Service in Case No. U-14838 on the persons identified on the attached service list on June 12, 2006.

Robert A.W.
Strong

Digitally signed by Robert A.W.
Strong
DN: CN = Robert A.W. Strong, C =
US, O = Clark Hill
Date: 2006.06.12 12:51:15 -04'00'

Robert A.W. Strong

Subscribed and sworn to before me
this 12th day of June 2006.

Audrey L. Gilliatt

Digitally signed by Audrey L. Gilliatt
DN: CN = Audrey L. Gilliatt, C = US,
O = ABATE
Date: 2006.06.12 12:51:39 -04'00'

Audrey Gilliatt, Notary Public
Oakland County, MI, acting in Oakland County, MI
My Commission expires: 7/06/06

SERVICE LIST
MPSC Case No. U-14838

Administrative Law Judge

Hon. Daniel E. Nickerson, Jr.
Michigan Public Service Commission
6545 Mercantile Way
Lansing, MI 48909
denicke@michigan.gov

Counsel for Attorney General Michael A. Cox

Michael Moody
Donald Erickson
Assistant Attorney General
Special Litigation Division
6th Floor, G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909
moodyme@michigan.gov
ericksond@michigan.gov

Counsel for MPSC Staff

Patricia Barone
Kristin Smith
Assistant Attorney General
Public Service Division
6545 Mercantile Way, Suite 15
Lansing, MI 48911
baronep@michigan.gov
smithkm@michigan.gov

Counsel for the Detroit Edison Company

Richard P. Middleton
John P. Christinidis
Bruce Maters
The Detroit Edison Company
2000 Second Avenue, 688 WCB
Detroit, MI 48226
middletonr@dteenergy.com
christinidisj@dteenergy.com
matersb@dteenergy.com
mpscfilings@dteenergy.com

Attorney for Energy Michigan, Inc.

Eric J. Schneidewind
Varnum Riddering Schmidt & Howlett
The Victor Center #810
201 N. Washington Square
Lansing, MI 48933
ejschneidewind@varnumlaw.com

DEAR ALLIANCE

Robert Foresta
13120 Orange St.
Southgate, MI 48195-1616
dearalliance@comcast.net

Counsel for National Energy Marketers Association

John M. Dempsey
DickinsonWright PLLC
301 East Liberty, Suite 500
Ann Arbor, MI 48104-2266
jfrye@dickinsonwright.com

Counsel for Constellation NewEnergy, Inc.

Jennifer L. Frye
Erin M. Stovel
215 S. Washington Square, Suite 200
Lansing, MI 48933
jdempsey@dickinsonwright.com
estovel@dickinsonwright.com

Counsel for Michigan Retailers Association

Stewart A. Binke
Dykema Gossett
800 Michigan National Tower
Lansing, MI 48933
sbinke@dykema.com

Counsel for the Kroger Co.

Michael L. Kurtz
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OH 45202
mkurtz@bklawfirm.com

Attorneys for UWUA Local 223

David R. Radtke
Klimist, McKnight, Sale, McClow &
Cananzo, P.C.
400 Galleria Office Centre, Suite 117
Southfield, MI 48034
dradtke@kmsmc.com