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June 13, 2006

Mary Jo Kunkle, Executive Secretary
Michigan Public Service Commission
P.O. Box 30221
6545 Mercantile Way
Lansing, Michigan 48909-7721

RE: SEMCO Energy Gas Co., GCR, Case No. U-14718 (e-file/paperless)

Dear Secretary Kunkle:

Enclosed for filing is the Response of PAYS America, Inc. to the Motions of both the Michigan Public Service Commission Staff and SEMCO Energy Gas Co. to reject the Testimony of Nancy Brockway and the Testimony of Harlan Lachman.

Please contact one of us if there are any questions.

Respectfully,

 **Elizabeth Dahl
MacGregor**

Elizabeth Dahl MacGregor (P64386)
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 **Jerrold Oppenheim**

Jerrold Oppenheim
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STATE OF MICHIGAN
Before the
MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of)	
SEMCO ENERGY GAS COMPANY)	
for authority to implement a gas cost)	Case No. U-14718
recovery plan and factors for the 12-month)	(e-file/paperless)
period of April 2006 through March 2007.)	

PROOF OF SERVICE

I certify that I served a true copy of the Response Of Pays America, Inc. To The Motions of The Michigan Public Service Commission Staff and SEMCO Energy Gas Co. to Reject the Testimony Of Nancy Brockway and the Testimony Of Harlan Lachman for Pays America, Inc., upon the following parties by electronic mail (e-mail), which each has agreed to accept as valid service in this case, pursuant to allowance of the Commission, addressed as follows:

Administrative Law Judge:

Daniel E. Nickerson, Jr. (P36294), MPSC – ALJ’s Division
denicke@michigan.gov

MPSC Staff:

Patricia S. Barone (P29560), Assistant Attorney General, Public Service Division
baronep@michigan.gov

Attorney General

Michael Moody, Assistant Attorney General, Michigan Attorney General's Office
Tobacco and Special Litigation Division
moodyme@michigan.gov

SEMCO Energy Gas Co.:

Sherri A. Wellman, Miller, Canfield, Paddock, and Stone, P.C.
Wellmans@MillerCanfield.com

The Residential Ratepayers Consortium

David Shaltz
dshaltz@sbcglobal.net

Signed:

 **Jerrold Oppenheim**
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Illinois Attorney Registration No. 2114216

Dated: June 13, 2006

STATE OF MICHIGAN

Before the
MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of	)	
SEMCO ENERGY GAS COMPANY	)	
for authority to implement a gas cost	)	Case No. U-14718
recovery plan and factors for the 12-month	)	(e-file/paperless)
period of April 2006 through March 2007.	)	

**RESPONSE OF PAYS AMERICA, INC. TO THE MOTIONS OF THE
MICHIGAN PUBLIC SERVICE COMMISSION STAFF AND SEMCO ENERGY
GAS CO. TO REJECT THE TESTIMONY OF NANCY BROCKWAY AND THE
TESTIMONY OF HARLAN LACHMAN
FOR PAYS AMERICA, INC.**

Now comes PAYS America, Inc. and responds as follows to the Motions of the Michigan Public Service Commission Staff (Staff) and SEMCO Energy Gas Co. (SEMCO) to Reject the Testimony of Nancy Brockway and the Testimony of Harlan Lachman:

1. On February 16, 2006, PAYS America, Inc. petitioned to intervene in this proceeding. The Petition was denied on February 23 and PAYS America appealed that denial to the Commission on March 9. Staff and SEMCO opposed the appeal on March 23 and the appeal remains pending.
2. As PAYS America explained at the time, PAYS America filed the testimony of Nancy Brockway and Harlan Lachman on May 30 to avoid having its appeal become moot due to the passage of the deadline for the filing of testimony.
3. The testimony is faithful to the representations made in PAYS' petition to intervene and appeal of its denial. The Company's fear that PAYS intends to seek relief outside the scope of a GCR proceeding (e.g., for cost recovery) is thus unfounded.
4. Staff filed its motion to reject the testimony on June 1. The statement of facts in Staff's Motion omits the salient fact of PAYS America's appeal of the denial of PAYS' Petition to Intervene. SEMCO filed its motion on June 2.
5. The logic of Staff's and SEMCO's positions is that a Petitioner to Intervene with an appeal pending should wait until past a testimony deadline to see if its Appeal is granted, in which event the Appeal would be moot with respect to the right of filing testimony. In this way Petitioner would be denied a right, if the Appeal is granted, without process.

6. PAYS America is well within its rights to preserve its Appeal against mootness. Indeed, justice requires that PAYS be allowed the opportunity to do so.

7. Alternatively, PAYS America asks the ALJ to accept the filing as the statement of a participant without intervention, as permitted under Rule 207, R 460.17207.

Wherefore no admonition is appropriate and the filing of the PAYS America testimony should be allowed.

Respectfully submitted,

PAYS America, Inc., by its attorneys

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