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STATE OF MICHIGAN

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BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of
Thunder Bay Gathering Company for
authority to increase transportation
rates on its Thunder Bay pipeline.

Case No. U-14672

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Volume No. 2

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MOTION HEARING

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Proceedings held in the above-entitled matter

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before Daniel E. Nickerson, Jr., J.D., Administrative

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Law Judge with SOAHR, at the Michigan Public Service

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Commission, 6545 Mercantile Way, Room D, Lansing,

13

Michigan, on Tuesday, May 16, 2006, at 9:04 a.m.

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APPEARANCES:

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On behalf of Thunder Bay Gathering Company

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On behalf of Dominion Midwest Energy, Inc.,
Dominion Reserves, Inc., HRF Exploration and
Petroleum Development Corporation, Quicksilver
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Continued

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REPORTED BY: Marie T. Schroeder, CSR-2183

1 Lansing, Michigan
 2 Tuesday, May 16, 2006
 3 At 9:04 a.m.

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5 (Hearing resumed after prehearing held on Tuesday,
 6 February 14, 2006.)

7 JUDGE NICKERSON: On the record. Good
 8 morning, everyone. This is the date and time set for a
 9 motion to compel in Docket No. U-14672. That involves
 10 the application by Thunder Bay Gathering Company.

11 My name is Daniel Nickerson. I'm the
 12 Administrative Law Judge with SOAHR assigned on this
 13 case. Let's take appearances of counsel for the record,
 14 please.

15 MR. MIDDLETON: Good morning, your Honor,
 16 Richard P. Middleton appearing on behalf of Thunder Bay
 17 Gathering Company.

18 MR. OLIVA: Michael G. Oliva and Anna
 19 Rose Stern of Loomis, Ewert, Parsley, Davis & Gotting,
 20 appearing on behalf of intervenors.

21 MS. SMITH: Good morning, your Honor.
 22 Kristin M. Smith representing staff.

23 JUDGE NICKERSON: All right. Thank you.
 24 For the record there was a motion filed, a written
 25 motion, and there was a written response to the motion

1 that was filed. I had an opportunity to review the
2 motion and the response. Was there anything else that
3 was filed?

4 MR. OLIVA: No, your Honor.

5 JUDGE NICKERSON: All right. Mr. Oliva,
6 your motion, sir, please proceed.

7 MR. OLIVA: Yes, your Honor. Before I
8 do, just one preliminary matter. One of the intervenors,
9 this is Samson Resources Company, has authorized me to
10 make their withdrawal as an intervenor on the record. I
11 don't believe there's any -- if your Honor wants some
12 written withdrawal we could provide one, but I think that
13 making the withdrawal on the record should be sufficient.

14 JUDGE NICKERSON: All right. There
15 wouldn't be any objection, would there, Mr. Middleton, to
16 the withdrawal by Samson?

17 MR. MIDDLETON: We would not object to
18 any withdrawal.

19 (Laughter.)

20 JUDGE NICKERSON: All right.

21 MS. SMITH: No objection from staff, your
22 Honor.

23 JUDGE NICKERSON: All right. It's duly
24 noted on the record of the withdrawal. Thank you, Mr.
25 Oliva.

1 MR. OLIVA: Thank you, your Honor. As
2 your Honor noted, we filed a motion to compel Thunder Bay
3 Gathering Company to respond to discovery on May 4, 2006.
4 This relates to our first interrogatories and request for
5 production of documents, an excerpt of which is attached
6 as Attachment A, and in particular Interrogatory No. 4.
7 In Interrogatory No. 4 we requested that Thunder Bay
8 describe any studies, investigations, or analysis
9 undertaken by Applicant or its affiliates or agents in
10 the past five years of the Antrim Reserves in the
11 territory dedicated to the Thunder Bay pipeline.

12 On March 15, 2006, Thunder Bay Gathering
13 Company filed a response to our interrogatories and
14 document request, and their answer to Question No. 4 is
15 attached as Exhibit B. And their answer is: The only
16 analysis undertaken of the Antrim Reserves in the area of
17 the Thunder Bay pipeline were performed in connection
18 with the filing of this application. And then there is a
19 reference to Mr. Dereniewski's testimony and exhibits.

20 In the answer there is no objection to
21 the question. There is no claim that Thunder Bay does
22 not have possession or does not have access, does not
23 have the right to obtain analysis of Antrim Reserves in
24 the area. There is no claim of confidentiality, no claim
25 of privilege, simply the bald statement that the

1 testimony filed in the case is the only analysis that was
2 undertaken.

3 Clearly that statement is false because
4 as shown in our Exhibit C, DTE Energy Company, the
5 ultimate parent of Thunder Bay pipeline, files its annual
6 report, a Form 10K, with the United States Securities and
7 Exchange Commission which contains, among other things,
8 again it's the attachment to our motion, Exhibit C, a
9 description of its Unconventional Gas Production in which
10 DTE, as the ultimate parent referring now to one of its
11 other subsidiaries, DTE Gas and Oil, has proven reserves
12 in Antrim shale in Michigan and Barnett shale in Texas,
13 and estimates of the total reserves from those resources.

14 Now it is not humanly possible for DTE to
15 be filing such a report with the SEC absent it having an
16 analysis of its Antrim Reserves here in Michigan,
17 including the reserves in the Thunder Bay pipeline area.

18 Now this is also relevant to the case
19 because the premise, the entire premise of Thunder Bay's
20 application in this case starts out at the very beginning
21 of their application, is that they assert that the
22 reserves in the area of the Thunder Bay pipeline are
23 substantially less than were originally estimated at the
24 time the pipeline was certificated. And therefore,
25 estimates of reserves performed by the applicant's

1 affiliate, which we believe are going to show that
2 applicant's testimony and exhibits in this case about
3 reserves are going to contradict them, are clearly
4 relevant to the case and should be produced on discovery.

5 Now in the settlement conference that all
6 of the parties had here in the commission's offices about
7 a month ago, I specifically pointed this out to Mr.
8 Middleton, and everyone at this table was present. And
9 Mr. Middleton responded: Well, we can't answer that. We
10 can't answer that because the commission's code of
11 conduct prohibits us from obtaining those documents from
12 DTE Oil and Gas.

13 And I said that I did not believe that
14 was an accurate interpretation of the commission's code
15 of conduct. And if necessary, I can call to the stand
16 everyone around this table to testify to that discussion.
17 Staff counsel was present, Ms. Stern was present, there
18 were a dozen more people.

19 So for Mr. Middleton in his response to
20 claim that we made no effort to informally resolve this
21 is just astonishing to me. So we believe we more than
22 fulfilled the requirement that Mr. Middleton cites in his
23 response to attempt to informally resolve this issue
24 prior to filing a motion in this case. It was only after
25 that refusal that we filed our motion.

1 Now the bulk of Thunder Bay's argument as
2 to why it should not be required to obtain and turn over
3 this document is various variations on the argument that
4 they don't have possession or control of the documents
5 that we're requesting. Well, there are two fatal flaws
6 in that argument.

7 First, it depends upon a
8 misinterpretation of the court rule that is cited. Rule
9 2.309 (b)(1) says, "Each interrogatory must be answered
10 separately and fully in writing under oath. The answer
11 must include such information as is available to the
12 parties served or that party could obtain from his or her
13 employees, agents, representatives, suretees or
14 indemnitors." So actual possession is not the rule, it's
15 whether or not the party could obtain it.

16 And secondly -- and this is extremely
17 important -- pursuant to the commission's code of
18 conduct, as applicable to MichCon and its subsidiaries,
19 affiliates, and also to DTE, not only does the code of
20 conduct not preclude them obtaining such documents, it
21 requires that they make such documents available to the
22 commission. The commission's authority to compel the
23 production of affiliate books and records as established
24 in its guideline of affiliate transactions and as those
25 have been modified by the various court orders, including

1 the MCV case, are absolutely clear in that regard.

2 If you look at the guidelines for
3 affiliate transactions, beginning on page 125 of the
4 commission's order in U-10149 and 10150, number one, that
5 the utility ensure that the commission has access to
6 books and records of the holding company and each of its
7 affiliates and their joint ventures. Any objections to
8 not providing all books and records must be raised before
9 the commission, and the burden of showing the request is
10 unreasonable or unrelated to the proceeding is on the
11 respondents.

12 So this is not the case of -- This is not
13 a case of an unregulated company that may or may not have
14 the ability or obligation to get information from sister
15 company affiliates. This is an instance where under the
16 commission's order and the code of conduct applicable to
17 DTE, to MichCon, to all of their subsidiaries and
18 affiliates, they are required to make their affiliate
19 books and records available.

20 So it is -- it is absolutely false for
21 Thunder Bay pipeline now to assert that it can't obtain
22 or it has no right to obtain or it can't be compelled to
23 produce the records of DTE Oil and Gas relating to
24 estimates of Antrim Reserves here.

25 Now finally, Thunder Bay asserts that

1 well, we're using the wrong procedure here. Instead of
2 sending interrogatories in a motion to compel, we ought
3 to be using a subpoena to obtain discovery from
4 nonparties, and they cite the Taylor case.

5 Well, if your Honor looks at the Taylor
6 case, that is absolutely inapplicable because the ruling
7 in that case first involved attempting to obtain
8 discovery from unrelated third parties, where these are
9 clearly related parties. I mean notwithstanding the
10 dissertation about the convoluted corporate structure of
11 DTE and its subsidiaries here. Two, in Taylor, the
12 discovery being sought was outside the scope of the
13 matter at issue. Here the discovery that's being sought
14 goes directly to the matter at issue. So we think this
15 objection is just absolutely, absolutely baseless.

16 Therefore, we would request that your
17 Honor order Thunder Bay Gathering Company to produce
18 the -- to obtain and produce the estimates of Antrim
19 Reserves which its affiliate, DTE Oil and Gas, has for
20 the last five years for the area of Thunder Bay. That
21 concludes my argument.

22 JUDGE NICKERSON: All right. Thank you.
23 Does staff have anything?

24 MS. SMITH: No, your Honor.

25 JUDGE NICKERSON: All right. Mr.

1 Middleton.

2 MR. MIDDLETON: Thank you, your Honor. I
3 have to admit I'm -- I guess on one part I'm happy that
4 counsel has decided that accusatory comments and
5 discussions made during compromised negotiations should
6 become part of his case and disclosed to everyone. I
7 always thought those were confidential conversations, and
8 I appreciate now knowing that that's how counsel and the
9 intervenors in this case wish to behave. I'll take that
10 under consideration. Thank you very much.

11 It absolutely and positively was never a
12 discussion about discovery, but simply accusations by
13 counsel that we had something that we simply don't have.
14 I think it's clear on its face, we have already provided
15 a full and complete answer. We have no other documents.
16 There is absolutely no connection, they haven't proven
17 one, they haven't argued for one, between Thunder Bay and
18 DTE Oil and Gas other than the fact that at the very top
19 of this organization, DTE Energy Company, they have a
20 common owner, which has no employees, which has nothing.
21 They're on completely separate tracks, we have an
22 unregulated business that is owned by DTE Energy. It has
23 no corporate connection, no common control whatsoever
24 beyond perhaps our chairman or some extremely senior
25 management people at DTE Energy.

1 Now let's see what the basis for this
2 motion to compel is. Apparently it's DTE Energy, not DTE
3 Oil and Gas, not Thunder Bay, not MichCon, not the three
4 or four other companies that own DTE Oil and Gas, it is
5 DTE Energy Company. And it says, and I quote on page
6 15 -- trust me, this is an accurate representation of the
7 document, I have no doubt that it is -- resulting in a
8 year end total proved reserves of 97 Bcf. Now where are
9 those? It says in Antrim and Barnett shales. There are
10 no Barnett shales in Michigan. No such thing. We have
11 no idea what DTE Energy's statement means with respect to
12 Thunder Bay. It makes no indication.

13 There is absolutely not one shred of
14 evidence that there is anything here in a document, a
15 study, an analysis, like the one that we already
16 provided, that the intervenors already have, that is in
17 the possession of any party. Counsel hasn't provided any
18 affidavit, he hasn't shown any facts whatsoever to
19 support his allegation that there's a document. I have
20 no idea if there's a document. I don't represent DTE Oil
21 and Gas; I represent Thunder Bay.

22 If counsel wants to have a nonparty
23 produce documents, he has a perfect right to request such
24 documents, as we pointed out, under the Michigan Court
25 Rules. Request to a nonparty, a request to a nonparty

1 may be served at any time except if leave of the Court is
2 required, if the plaintiff seeks to serve a request
3 before the occurrence of one of the events stated in MCR
4 2.306 (A)(1).

5 Now counsel has told you this morning
6 that that's nonsense, I don't have to do that. I can
7 simply move under 2.309 (B). Well, (B) says that a party
8 has to provide such information as is available to it,
9 its employees, agents, representatives, suretees or
10 indemnitors. DTE Oil and Gas is none of those things.
11 They're neither employees, agents, representatives,
12 suretees, or indemnitors. There's no relationship here.
13 And we have provided everything we have.

14 What is most suspicious, harassing, and
15 quite frankly abusive, your Honor, about this motion to
16 compel is that they filed testimony in this case. There
17 is no study. There are no reserves. Counsel is making
18 accusations and stuff about that there are X number of
19 reserves that he has. We don't know what they are. We
20 have one statement in the testimony that says Dominion
21 has -- I don't remember the number, I believe it's 180
22 Bcf. I don't know what that is. I don't know if that's
23 reserves, I don't know if it's proven. I don't know what
24 it is. And we'll find that out during the course of this
25 trial.

1 Now mind you, this all comes after we
2 filed testimony in this case, your Honor, that
3 specifically points out the fact that we had detailed
4 meetings with every single shipper on Thunder Bay. We
5 showed every shipper a number of what we believed their
6 reserves to be. Every shipper had an opportunity and,
7 quite frankly, a vested interest to tell us that that
8 number was wrong. Because all else being equal, if the
9 reserves are greater, the rate per Mcf goes down; it
10 would be less than what we filed. Not one intervenor,
11 not one party who is not an intervenor, including DTE Oil
12 and Gas said: Your number is incorrect, your reserve
13 number is wrong. That's all we have.

14 We showed them what we believed the
15 number was, we put that in our application, it supports
16 the transportation rate that we are asking the commission
17 to approve. We have no other information.

18 This is -- your Honor, this is really,
19 clearly, the most abusive motion to compel I've
20 experienced from anyone. And as we point out in our
21 response, we believe sanctions are totally appropriate
22 here. There is no basis whatsoever. There was no
23 conversation from Mr. Oliva to me on the phone saying:
24 Can we work this out? Is there a way we can get some
25 information that we think is out there?

1 There was no discussion like that. There
2 were accusations made an in a negotiation settlement.
3 Period. No other contact on this subject was made by
4 counsel. None.

5 And in closing, your Honor, we believe
6 that our response, which you've already had an
7 opportunity to review, covers the law correctly.
8 Misstatements by counsel -- I would just have one other
9 point here.

10 There's no support in any commission
11 order or court decision that says what counsel said this
12 morning about the code of conduct. First of all, the
13 commission has no right to compel production of books and
14 records from affiliates, none. They can ask for them,
15 and they're all subject to objection because that's the
16 first affiliate transaction guideline. And it has to do,
17 interestingly enough, with affiliate transactions.

18 There's no affiliate transaction here.
19 There is nothing going on. That rule is designed to look
20 at whether or not there are cross subsidies. The entire
21 affiliate transaction guideline body -- and they are
22 guidelines, not rules, they are not statutory law -- is
23 designed to look at whether or not there is cross
24 subsidization between a utility and its affiliate. There
25 is no issue like that in this case. That is not

1 applicable.

2 What is applicable, however, is that we
3 take very seriously possession of reserve information
4 from all the shippers on Thunder Bay's pipeline. We
5 don't believe that we should be in the business of
6 disclosing between competitors their special and
7 particular business interests.

8 We understand that one could make an
9 argument, whether we agree with it or not, that documents
10 in our possession would have to be contemporaneously
11 provided to other competitors, so we scrupulously avoid
12 that. We do not go out and seek information like that,
13 whether it exists or not. Because we don't want to be be
14 placed in a position where we would have to provide that
15 information contemporaneously, based on an argument and
16 based on a court decision or perhaps your Honor or some
17 other ALJ's decision that we had to do so. So we avoid
18 that to make sure that we don't run afoul of any question
19 as to whether or not we have any information that should
20 have been contemporaneously provided to anyone else.

21 Now in this case, just to close, I would
22 say again, your Honor, they haven't provided a study.
23 They provided a single statement in their testimony. Yet
24 they claim that based on this document, DTE Energy
25 document that talks about shale all over the country,

1 that somehow there is a study out there and there's a
2 document. They have to demonstrate at a bare minimum,
3 through affidavit, through some sort of explanation here
4 beyond the bald accusations of counsel here and the ones
5 that he made during settlement discussions, that such a
6 document exists. And he's talking to the wrong party.
7 Serve the request, if he wishes, if he believes it exists
8 and if he believes it's relevant, on DTE Oil and Gas.

9 His remedy isn't here this morning, your
10 Honor. His remedy to follow the Michigan Court Rules.
11 We believe that his motion should be denied. Thank you.

12 JUDGE NICKERSON: Thank you, Mr.
13 Middleton.

14 Mr. Oliva, anything further, sir?

15 MR. OLIVA: Just one, just very briefly,
16 your Honor. First, with respect to affiliate
17 transactions and the commission's statutory power to
18 require production of affiliate transactions, first there
19 is obviously an affiliate transaction here. DTE Gas and
20 Oil is the largest single customer of Thunder Bay
21 pipeline. Approximately a third of the -- 30 percent of
22 thru-put on the pipeline is by the regulated company's
23 affiliate.

24 And the assertion by Mr. Middleton as to
25 the state of the law and the commission's authority just

1 astonishes me. In the MCV case, 199 Mich Ap 286, the
2 Court of Appeals stated, "The statutory grant and
3 authority and all of the other rights, powers, and duties
4 of the former public utility's commission were
5 transferred to the PSC under Section 4 of the Public
6 Service Commission Act. We find that the statutory
7 language quoted above authorizes the PSC to require a
8 regulated utility to provide information regarding the
9 utility's parent corporation and nonregulated affiliates
10 where such information is reasonably necessary for the
11 proper performance of the PSC's duties."

12 Commission statutory power and
13 authority to require the production of affiliate books
14 and records is unquestioned. Thank you.

15 JUDGE NICKERSON: All right.

16 MR. MIDDLETON: I'd like to respond, your
17 Honor, just to Mr. Oliva's statement. His quote from the
18 MCV case proves my point. To the extent the PSC requires
19 it, the only extent that they require that information is
20 to look at whether or not there is a cross subsidy
21 between a utility and an unregulated affiliate, period.
22 That's the only authority under which they would have the
23 right to look at that. It's been -- well, enough said.

24 MR. OLIVA: Your Honor, if I could just
25 briefly respond. That is not what the language says.

1 The language says if reasonably necessary for proper
2 performance of the PSC duties. In this case, fundamental
3 issue in the case is: What are the reserves? And it's
4 clear that Thunder Bay's affiliate has its own estimate
5 of reserves for the area.

6 JUDGE NICKERSON: Thank you. All right.
7 Taking first the provision provided in MCR 2.309
8 subparagraph (C), which was asserted by Mr. Middleton as
9 a hurdle for the motion to compel, the relevant portion
10 of that court rule states that the motion must state that
11 the movant has in good faith conferred or has attempted
12 to confer with the party not making the disclosure in an
13 effort to disclose without court action. The staff
14 comment with regard to that particular section indicates
15 that that section was added in July of 2002, effective
16 January 1, 2003.

17 Now, does the motion to compel comply
18 with this provision? It does not. It does not
19 specifically state that there has been a good faith
20 effort or attempt to confer with the party not making the
21 disclosure. There's nowhere in the motion that that's
22 contained.

23 However, this morning Mr. Oliva has
24 indicated to the commission that there was this
25 discussion at the settlement conference. Now, as much as

1 I'd like to bring counsel up and have them sworn and
2 cross-examine them, that would be a very interesting
3 exercise with regard to everyone's knowledge about what
4 did happen at the settlement conference, we're not going
5 to go there.

6 I'm going to take Mr. Oliva's
7 representation that this was something that he
8 represented at the settlement conference to Mr. Middleton
9 or to Thunder Bay, and that by doing so substantively
10 complied with this provision of the court rule. The
11 intent of this particular provision is that there be this
12 effort made to resolve this matter or these discovery
13 issues prior to filing in court, or in this case in the
14 commission.

15 Recognizing that it's relatively new,
16 this was really the first time I saw this, and after
17 seeing it I went directly to the court rules to pull out
18 the book to see if it was in there. To my surprise, it
19 was.

20 So can the movant in this case be excused
21 for the technical failure to file in the motion? I think
22 so. I think so. I think they made representations this
23 morning that satisfies the substance of that particular
24 court rule. And I go to great lengths because this is a
25 significant amendment to the court rule. I think it's

1 something that in the future is going to be relied on,
2 and it's going to be something that's going to have to be
3 pleaded right in the motion.

4 But due to the relatively new nature of
5 it -- and in fact this is my first time seeing it -- and
6 the fact that I think Mr. Oliva complied by making the
7 representations at the settlement conference, we're going
8 to go beyond that at this particular point.

9 All right. So looking at the request,
10 it's Interrogatory No. 4, and it says, "Describe all
11 studies, investigation or analysis taken by Applicant or
12 its affiliates or agents in the last five years of the
13 Antrim Reserves in its territory dedicated to the Thunder
14 Bay pipeline."

15 Now, the court rule governing this says
16 that -- and this is MCR 2.309 (B)(1), each interrogatory
17 must be answered separately and fully in writing under
18 oath. The answer must include such information as is
19 available to the party served or that the party could
20 obtain from his or her employees, agents,
21 representatives, sureties or indemnitors. And Mr.
22 Middleton is correct, this court rule does not say
23 affiliates.

24 So then we go to the case cited by Mr.
25 Oliva, the MCV case, whether or not that's applicable in

1 this case, which allows the commission to require the
2 company to include reports of affiliates. And I think
3 that it does.

4 Now having said that, we look to the Form
5 10 K which was submitted in the motion, and at page 15 it
6 specifically states, and I quote, "During 2005 we
7 invested 144 million acquiring, testing, developing, and
8 producing our Antrim and Barnett shale acreage. In 2005
9 we added proven reserves of 76 Bcfe in both the Antrim
10 and Barnett shales, resulting in year end total proved
11 reserves of 397 Bcfe."

12 Now Mr. Middleton alluded to this in his
13 argument, but this statement is broader in nature than
14 what Mr. Middleton set forth in his argument. It says,
15 "...acquiring, testing, and developing." And so that
16 would lead one to believe that there is something in the
17 form of this test of the reserves that leads to the
18 motion to compel in Interrogatory No. 4. So for these
19 reasons, I am going to grant the motion to compel.

20 All right. Anything else?

21 MR. MIDDLETON: Yes, your Honor. We'll
22 be filing an appeal of your ruling, and I'm assuming that
23 we'll keep that on the MPSC's court rule schedule? I
24 believe it's 14 days; is that right?

25 JUDGE NICKERSON: Right. Well, I know we

1 have a schedule in this case that we might need a -- Off
2 the record.

3 (Discussion was held off the record.)

4 JUDGE NICKERSON: On the record.

5 MR. MIDDLETON: Yes, your Honor. I had
6 one question with respect to clarification of your order.
7 Is it your decision this morning that the Michigan Court
8 Rule that provides for discovery on a nonparty is not
9 applicable and does not have to be followed by
10 intervenors in this proceeding?

11 JUDGE NICKERSON: I didn't think that my
12 ruling was that broad. It was more a recognition of the
13 authority set forth in the MCV case with regard to the
14 commission being allowed to require these records and
15 documents of the affiliates. And so with that in mind,
16 it really doesn't get us to the provision in the court
17 rules dealing with nonparties. Because I think this is
18 broad enough to cover the purpose of the motion this
19 morning.

20 MR. MIDDLETON: So it's my understanding
21 that, just for clarification, that you're considering DTE
22 Oil and Gas a party in the context of the MCV case?

23 JUDGE NICKERSON: Absolutely not. I
24 never said that; I never represented that at all.

25 MR. MIDDLETON: O.K.

1 JUDGE NICKERSON: All right. Anything
2 else for the record?

3 MR. MIDDLETON: Nothing, your Honor.

4 JUDGE NICKERSON: All right. We're
5 adjourned. Thank you very much.

6 (At 9:40 a.m., the hearing was adjourned.)

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C E R T I F I C A T E

I, Marie T. Schroeder, CSR-2183, do hereby certify that I reported in stenotype the proceedings had in the above-entitled matter, that being Case No. U-14672, before Daniel E. Nickerson, Jr., J.D., Administrative Law Judge with SOAHR, at the Michigan Public Service Commission, 6545 Mercantile Way, Lansing, Michigan, on Tuesday, May 16, 2006; and do further certify that the foregoing transcript constitutes a true and correct transcript of my stenotype notes.

Marie T.
Schroeder

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Dated: May 18, 2006