

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 recovery plan
and factors for the 12-month period of April 2006
through March 2007.

Case No. **U-14718**
(e-file paperless)

THE MICHIGAN PUBLIC SERVICE COMMISSION STAFF'S
MOTION TO REJECT FILING OF PAYS AMERICA, INC.

The Michigan Public Service Commission Staff ("Staff"), by its counsel, Patricia S. Barone, Assistant Attorney General, files the following motion to reject and remove the attempted filing of direct testimony by PAYS America, Inc.

1. On February 16, 2006, PAYS America, Inc. filed a Petition to Intervene in this case.
2. On February 23, 2006, the Administrative Law Judge ("ALJ") denied PAYS America, Inc. Petition to Intervene. TR 24-25.
3. On May 30, 2006, PAYS America, Inc. filed direct testimony.
4. As a non-party, PAYS America, Inc. is not entitled to submit testimony.
5. Staff submits that the ALJ should summarily reject this filing as it is made by a non-party. No need exists to ascertain whether the proffered testimony is relevant or in any other way admissible because as a non-party PAYS America, Inc. is not entitled to file testimony.
6. Staff further urges the ALJ to admonish PAYS America, Inc. that any further attempt to improperly file testimony in this case is highly improper. Such unauthorized filings

cause parties to this proceeding to expend resources to seek to have such improper filings removed from the records of this case.

7. Staff maintains that it is not necessary for a hearing to be held on this motion since the two salient facts, i.e., PAYS America, Inc. is not a party and PAYS America, Inc. filed testimony, are undisputed. Consequently, the ALJ can determine to reject the filing on this basis alone. However, if the ALJ does set this motion for hearing, Staff urges the ALJ to do so in the very near future so that Staff is not put in the position of having to respond to this testimony.

WHEREFORE, Staff moves the ALJ to reject and remove the attempted filing of direct testimony by PAYS America, Inc. and to admonish PAYS America that any further attempt by it as a non-party to file improper testimony or pleadings will subject it to imposition of appropriate sanctions.

Respectfully submitted,

**MICHIGAN PUBLIC SERVICE COMMISSION
STAFF**

A handwritten signature in black ink, reading "Patricia S. Barone". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Patricia S. Barone (P29560)
Assistant Attorney General
Public Service Division
6545 Mercantile Way, Suite 15
Lansing, MI 48911
Telephone: (517) 241-6680

Dated: June 1, 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 recovery plan
and factors for the 12-month period of April 2006
through March 2007.

Case No. **U-14718**
(e-file paperless)

PROOF OF SERVICE

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

Linda Andreas, being first duly sworn, deposes and says that on **June 1, 2006**, she served a true copy of **The Michigan Public Service Commission Staff's Motion to Reject Filing of PAYS America, Inc.** upon the following parties by depositing the same in a United States postal depository enclosed in an envelope bearing postage fully prepaid, plainly addressed as follows:

Sherri A. Wellman
Miller, Canfield, Paddock and Stone, P.L.C.
One Michigan Avenue, Suite 900
Lansing, MI 48933

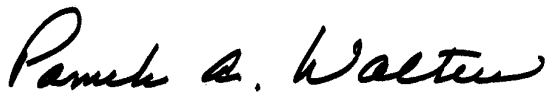
Michael E. Moody
Assistant Attorney General
Tobacco and Special Litigation Division
7th Floor, G. Mennen Williams Bldg.
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

David L. Shaltz
2379 Woodlake Drive, Suite 480B
Okemos, MI 48864



Linda Andreas

Subscribed and sworn to before me
this 1st day of June, 2006.



Pamela A. Walters, Notary Public
State of Michigan, County of Ionia
Acting in the County of Ingham
My Commission Expires: 02/04/2007