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June 23, 2006

Mary Jo Kunkle
Executive Secretary
Michigan Public Service Commission
PO Box 30221
Lansing, MI 48909-7721

Re: Case No. U-14703
ESEC 2006 PSCR Plan Proceeding
ESEC Motion to Strike Lorden Testimony

Dear Ms. Kunkle:

Enclosed for paperless filing is Edison Sault Electric Company's Motion to Strike Pre-Filed Direct Testimony of Thomas P. Lorden and Proof of Service in the above-referenced matter.

If you have any questions, please contact me.

Sincerely,

DYKEMA GOSSETT PLLC

Christine

Mason Soneral

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c=US, o=Dykema Gossett PLLC
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Christine Mason Soneral

CMMA:jmb

cc: Don Sawruk
Lee Baatz
Parties of Record

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STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of	)	
EDISON SAULT ELECTRIC COMPANY for	)	
authority to implement a power supply cost	)	Case No. U-14703
recovery plan for the 12 month period ending	)	
December 31, 2006.	)	
	)	

**EDISON SAULT ELECTRIC COMPANY’S MOTION TO STRIKE
PRE-FILED DIRECT TESTIMONY OF THOMAS P. LORDEN**

Edison Sault Electric Company (Edison Sault) moves, pursuant to R 460.17335, for the Michigan Public Service Commission to strike the “Prefiled Testimony of Intervenor” in its entirety. In support of its motion, Edison Sault states:

1. On May 19, 2006, the City of Mackinac Island (Mackinac) filed the “Prefiled Testimony of Intervenor, City of Mackinac Island.” Mackinac’s filing consists of select portions of direct testimony provided by Thomas P. Lorden, a Senior Project Specialist in the Regulatory Affairs and Policy Department at Wisconsin Electric Power Company d/b/a We Energies (Wisconsin Electric), in Wisconsin Electric’s 2006 PSCR plan case No. U-14707.

2. The subject matter of the selected Lorden testimony is Wisconsin Electric’s “Power The Future” (PTF) proposal to the Public Service Commission of Wisconsin. The Wisconsin PTF proposal apparently uses “leased generation contracts” rather than traditional power purchase agreements and entails the construction of additional baseload plant to provide power to its customers.

3. Mr. Lorden's testimony in Wisconsin Electric's PSCR plan case regarding the PTF program should be stricken since it has no apparent or explained relevance to this proceeding.

4. MRE 401 defines "relevant evidence" as "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would without the evidence." The aspects of Wisconsin Electric's PTF program would not provide any information or insight that is of any consequence to the subject matter of the instant case, namely the reasonableness and prudence of Edison Sault's projected PSCR plan for 2006. Because Mr. Lorden's testimony is not relevant, it is inadmissible as evidence and must be stricken. MRE 402.

5. To the extent that Mr. Lorden's discussion of the Wisconsin PTF program for Wisconsin Electric's customers has any relevance (and it does not) to Edison Sault's proposed 2006 PSCR plan, the proffered testimony should still be stricken under MRE 403 since any probative value the testimony might have is substantially outweighed by the confusion such testimony would have on the issues involved in the instant case and the undue delay and utter waste of time such testimony would have in this proceeding. At issue in this case is Edison Sault's 2006 PSCR plan, including the reasonableness and prudence of its projected power purchases. Testimony on Wisconsin Electric's PTF program vis-à-vis that utility's PSCR plan and the effect on that utility's customers will merely muddy the evidentiary record in this proceeding regarding Edison Sault's PSCR plan.

6. Edison Sault also notes that the testimony is hearsay under MRE 801(c), and that Mackinac submitted the Lorden testimony without Mr. Lorden's knowledge or agreement. Neither Mr. Lorden nor Wisconsin Electric are parties to this case. If the testimony is not stricken because of its lack of relevance or its prejudicial nature, however, Edison Sault reluctantly will agree to bind in the limited portions of the Lorden testimony only so Mr. Lorden—who resides and works out of state (Milwaukee, Wisconsin)—does not incur the burden of defending against attempts to make him an involuntary participant at a proceeding in which neither he nor his company has any interest.

WHEREFORE, Edison Sault respectfully requests that the Michigan Public Service Commission strike the "Prefiled Testimony of Intervenor, City of Mackinac Island" in its entirety.

Respectfully submitted,

Edison Sault Electric Company

Christine

Mason Soneral

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Dated: June 23, 2006

By:

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STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of)
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authority to implement a power supply cost)
recovery plan for the 12 month period ending)
December 31, 2006.)
_____)

Case No. U-14703

PROOF OF SERVICE

STATE OF MICHIGAN)
)
) SS.
COUNTY OF INGHAM)

Jeanne M. Beachnau, an employee of Dykema Gossett PLLC, being first duly sworn, deposes and says that on the 23rd day of June, 2006, she served a copy of Edison Sault Electric Company's Motion to Strike Pre-filed Direct Testimony of Thomas P. Lorden upon persons listed in the attached Service List at their respective addresses, by enclosing copies of the same in an envelope properly addressed, and by depositing said envelope in the United States Mail with postage thereon having been fully prepaid and by electronic mail.

**Jeanne
Beachnau**

Digitally signed by Jeanne Beachnau
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Jeanne M. Beachnau

Subscribed and sworn before
me this 23rd day of June, 2006.

**Carolyn Ann
Priest**

Digitally signed by Carolyn Ann Priest
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Carolyn Ann Priest, Notary Public, Ingham Co., MI
Acting in Ingham County, Michigan
My Commission Expires: 07/01/12

SERVICE LIST

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Hon. Sharon Feldman
Administrative Law Judge
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