

1 STATE OF MICHIGAN
2 STATE OFFICE OF ADMINISTRATIVE HEARINGS & RULES
3 BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION
4

5 In the matter of the complaint
6 of Indiana Michigan Power Company
7 against Midwest Energy Cooperative, Case No. U-14782
8 regarding electric service in Ontwa Prehearing
Township, Cass County, Michigan. /

9
10
11 Proceedings held and testimony taken in
12 the above-entitled matter before Administrative Law Judge
13 Sharon L. Feldman, at the Public Service Commission,
14 Hearing Room C, 6545 Mercantile Way, Lansing, Michigan,
15 on Tuesday, May 16, 2006, commencing at about 9:00 a.m.

16
17
18
19
20
21
22
23
24
25

P. A. L. Court Reporters
(517) 622-4674

1 APPEARANCES:

2

3 MICHAEL ORRIS, ESQ.

4 Department of Attorney General

5 6545 Mercantile Way, Suite 15

6 Lansing, Michigan 48911

7

8 Appearing on Behalf of the Michigan Public

9 Service Commission Staff.

10

11 RICHARD AARON, ESQ.

12 Honigman, Miller, Schwartz & Cohn, LLP

13 222 North Washington Square, Suite 400

14 Lansing, Michigan 48933-1800

15

16 Appearing on Behalf of the Complainant.

17

18 CHRISTINE MASON SONERAL, ESQ.

19 Dykema Gossett, P.L.L.C.

20 124 Michigan National Tower

21 Lansing, Michigan 48933

22

23 Appearing on Behalf of the Respondent.

24

25

P. A. L. Court Reporters
(517) 622-4674

1 Lansing, Michigan
2 Tuesday, May 16, 2006

3
4 P R O C E E D I N G S

5
6 JUDGE FELDMAN: On the record. Good
7 morning.

8 This is the time and place set for a
9 prehearing conference in Case No. U-14782, in the
10 matter of the complaint of Indiana Michigan Power
11 Company against Midwest Energy Cooperative,
12 regarding electric service in Ontwa Township, Cass
13 County, Michigan.

14 My name is Sharon Feldman. I have been
15 assigned to be the presiding officer.

16 I note, for the record, that this matter
17 was adjourned once from the original date
18 established for a prehearing conference on the
19 agreement of the parties to give them an opportunity
20 to pursue settlement.

21 I am going to ask counsel to place their
22 appearances on the record, please, beginning with
23 Mr. Aaron.

24 MR. AARON: Thank you, Your Honor. Good
25 morning. Richard J. Aaron, of Honigman, Miller,

 P. A. L. Court Reporters
 (517) 622-4674

1 Schwartz & Cohn, appearing on behalf of Indiana
2 Michigan Power.

3 MS. MASON-SONERAL: Christine
4 Mason-Soneral of Dykema Gossett on behalf of Midwest
5 Energy Cooperative.

6 MR. ORRIS: Michael Orris on behalf of the
7 Staff of the Michigan Public Service Commission.

8 JUDGE FELDMAN: Thank you. Mr. Aaron, how
9 would you like to proceed this morning?

10 MR. AARON: Your Honor, we have had an
11 off-the-record discussion concerning the schedule.
12 We would like to propose a schedule on the record
13 for your approval.

14 JUDGE FELDMAN: Do the parties agree to
15 the schedule?

16 MS. MASON-SONERAL: Yes.

17 MR. ORRIS: Yes.

18 JUDGE FELDMAN: Mr. Aaron.

19 MR. AARON: If I don't get the dates
20 correct, I will ask counsel to jump in and tell me I
21 am wrong and I will note that they generally are
22 capable of doing that otherwise too.

23 Under the schedule, I & M would file their
24 direct case June 6. Midwest would file its direct
25 case July 5. Staff would file its case July 26.

1 Can we go off the record?

2 JUDGE FELDMAN: Yes.

3 (Discussion off the record.)

4 JUDGE FELDMAN: Back on the record.

5 Mr. Aaron.

6 MR. AARON: Thank you, Your Honor. I
7 believe the last date of Staff's filing was July
8 26. Then we are providing for rebuttal due on
9 August 9. Motions to Strike would be due August 14,
10 and we are setting August 16 as a date for
11 cross-examination of all parties. The parties have
12 agreed to return discovery responses in ten days on
13 a best effort's basis and accelerate that turnaround
14 time after the Staff filing on July 26 to a five-day
15 best effort's turnaround of discovery.

16 JUDGE FELDMAN: Thank you. Do the parties
17 agree to a briefing schedule?

18 MR. AARON: The parties do, Your Honor.

19 MS. MASON-SONERAL: The initial briefs we
20 anticipate doing September 16 and reply briefs
21 September 28.

22 JUDGE FELDMAN: Understanding that you
23 have other commitments during that time period and
24 Ms. Mason-Soneral, in particular, has some
25 constraints in June in terms of expediting the

1 briefing, again, in August, that schedule is
2 acceptable, and it will be the schedule that is set
3 in this matter. I will do the usual scheduling
4 memo.

5 Is there anything else?

6 MR. ORRIS: Just a second. I thought the
7 initial brief was due on September 6, not the 16th.

8 MS. MASON-SONERAL: Oh, sorry.

9 MR. AARON: I have the 6th as well.

10 MR. ORRIS: I just wanted to make sure of
11 that before we wandered out of here.

12 JUDGE FELDMAN: I will run through the
13 schedule just to make sure that there is no
14 confusion. I & M's direct testimony is due not
15 later than June 6, 2006. Midwest's direct testimony
16 is due not later than July 5, 2006. Staff testimony
17 would be due not later than July 26, 2006. Rebuttal
18 testimony is due August 9, 2006. Motions to Strike
19 to be filed not later than August 14, 2006.
20 Cross-examination of all parties, all witnesses,
21 will take place on August 16, 2006. Initial briefs
22 will be due September 6, 2006, and reply briefs will
23 be due September 28, 2006.

24 Is there anything else we need to take up
25 on the record this morning?

1 MS. MASON-SONERAL: No, Your Honor.

2 MR. AARON: No, Your Honor.

3 JUDGE FELDMAN: Then we are adjourned

4 until August 16. Thank you all.

5 (Prehearing concluded at about 10:15 a.m.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF REPORTER

2

3 STATE OF MICHIGAN)
4 COUNTY OF INGHAM) SS

5

6

7 I hereby certify that on the date and at
8 the place hereinbefore set forth, I reported
9 stenographically the proceedings held in the matter
10 hereinbefore set forth, and that the testimony so recorded
11 was subsequently transcribed by me with the use of
12 computer-aided transcription under my direction and
13 supervision, and that the foregoing is a full, true and
14 accurate transcript of my original stenotype notes.

15

16

17 DATE:

18 **Pat Lutza**

19 Patricia A. Lutza
20 (CSR-2493)
21 Certified Shorthand Reporter

22

23

24 Notary Public:
25 County of Eaton
My Commission Expires:
June 6, 2006.

P. A. L. Court Reporters
(517) 622-4674