

STATE OF MICHIGAN
Michigan Public Service Commission

I, Mary Jo Kunkle, Executive Secretary of the Michigan Public Service Commission, certify, with the Michigan Public Service Commission seal, that the attached formal complaint in Case No. U-14898,

in the matter of the application of Great Lakes Energy Cooperative to discontinue/terminate electric service to David and MaDonna Princer, 19707 Cutler Road, Morley, Michigan or, in the alternative, for a declaratory ruling that service should be discontinued/terminated.

is a true and complete copy of the original.

Sealed and signed at Lansing,
Michigan, on June 8, 2006,

**Mary Jo
Kunkle**
Executive Secretary

Digitally signed by Mary Jo Kunkle
DN: cn=Mary Jo Kunkle, c=US, o=DLEG, ou=Executive Secretary,
email=cbower@michigan.gov
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May 24, 2006

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

Re: Case No. U-14898 (Paperless)
Great Lakes Energy Cooperative
To Discontinue/Terminate Electric Service to David and MaDonna Princer

Dear Ms. Kunkle:

Enclosed please find the Application for Authority to Discontinue/Terminate Service or, in the Alternative, Request for Declaratory Ruling that Service Should be Discontinued/Terminated, filed on behalf of Great Lakes Energy Cooperative.

If there are any questions or comments, do not hesitate to contact me

Sincerely,

DYKEMA GOSSETT PLLC

Albert Ernst

Cc: Steve Boeckman
Pat Anzell
Bill Scott
Michael Peters
Gary Villas
David Princer
MaDonna Princer

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STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of)
GREAT LAKES ENERGY COOPERATIVE)
to discontinue/terminate electric service to)
David and MaDonna Princer, 19707 Cutler)
Road, Morley, Michigan or, in the alternative,)
for a declaratory ruling that service should be)
discontinued/terminated.)
_____)

Case No. U-14898

APPLICATION
FOR AUTHORITY TO DISCONTINUE/TERMINATE SERVICE
OR, IN THE ALTERNATIVE,
REQUEST
FOR DECLARATORY RULING
THAT SERVICE SHOULD BE DISCONTINUED/TERMINATED

Great Lakes Energy Cooperative (“Great Lakes”) respectfully submits this application requesting that this Honorable Commission issue its order authorizing the discontinuation/termination of electric service to David and MaDonna Princer (“the Princers”), 19707 Cutler Road, Morley, Michigan (“the premises”) or, in the alternative, for a declaratory ruling that electric service should be discontinued/terminated to the Princers’ premises.

1. Great Lakes is a Michigan corporation with principal offices located in Boyne City, Michigan, Michigan, engaged in the purchase, distribution and sale of electric energy to approximately 120,000 member-customers in the Counties of Allegan, Antrim, Barry, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Grand Traverse, Kalkaska Kent, Lake, Manistee, Mason, Mecosta, Missaukee, Montcalm, Montmorency, Muskegon, Newaygo, Oceana, Osceola, Oscoda, Otsego, Ottawa and Wexford.

2. Great Lakes and its predecessor corporations have been under the regulatory jurisdiction of this Honorable Commission since December 22, 1965.

3. The Princers are residential member-consumers of Great Lakes taking electric service at the premises.

4. Applicable statutory and administrative provisions include the following:

A. Per 1939 PA 6, §6, MCL 460.6, the Commission is vested with jurisdiction to regulate Great Lakes' services, rules and conditions of service:

(1) The public service commission is vested with complete power and jurisdiction to regulate all public utilities in the state . . . The public service commission is vested with the power and jurisdiction to regulate all . . . services, rules, conditions of service, and all other matters pertaining to the . . . operation, or direction of public utilities. The public service commission is further granted the power and jurisdiction to hear and pass upon all matters pertaining to, necessary, or incident to the regulation of public utilities, including electric light and power companies, whether private, corporate, or cooperative . . .

B. Per 1969 PA 306, §63, MCL 24.263, the Commission may issue a declaratory ruling as to the applicability to an actual state of facts of a statute administered by the Commission:

On request of an interested person, an agency may issue a declaratory ruling as to the applicability to an actual state of facts of a statute administered by the agency or of a rule or order of the agency. . . . A declaratory ruling is binding on the agency and the person requesting it unless it is altered or set aside by any court. . . .

C. Per Rule 701 of the Commission's Rules of Practice and Procedure, the Commission may issue a declaratory ruling as to the applicability to an actual state of facts of a statute administered by the Commission:

460.17701 Declaratory rulings.

Rule 701.

(1) Any person may request a declaratory ruling as to the applicability to an actual state of facts of a statute administered by the commission or of a rule or order of the commission

A request for a declaratory ruling shall contain, or by attached exhibits show, all of the following:

- (a) A complete, accurate, and concise statement of the facts or situation upon which the request is based.
 - (b) A concise statement of the issues presented.
 - (c) Specific reference to all statutes, rules, and orders to which the request relates.
 - (d) An analysis by the person's legal counsel of the issues presented and a proposed conclusion, or the person's analysis of the issues presented and a proposed conclusion.
- (2) The commission may require that notice of the request for declaratory ruling be provided and may require a contested case proceeding instead of issuing a declaratory ruling.
- (3) The decision to issue a declaratory ruling is within the discretion of the commission.

D. With respect to applicable MPSC Rules and Regulations, Great Lakes' Tariff Sections I.A and II.B.1, being MPSC No. 1 – Electric – Original Sheet No. 5.00, provide, in pertinent part, as follows:

These Rules and Regulations set forth the terms and conditions under which electric service will be provided by the Cooperative.

They shall apply to all classes of service and shall govern the terms of all contracts for such service . . .

Access to Premises – . . . Authorized agents of the Cooperative shall have access to the premises at all reasonable times for construction, operation, maintenance, removal or inspection of the Cooperative's facilities, or to inspect the member's facilities or measure the member's load. . . . *Failure to provide access for any of the above reasons may result in termination of service.* (emphasis added in letter).

It should be noted that the cited portion of these Rules and Regulations were approved by the MPSC in Case No. U-13163, effective for service rendered on and after August 20, 2002.

E. R 460.3801 requires Great Lakes to exercise reasonable care to reduce hazards to the general public:

R 460.3801 Protective measures

Each utility shall exercise reasonable care to reduce the hazards to which its employees, its customers, and the general public may be subjected.

F. R 460.803 requires Great Lakes to refuse to energize service if an unsafe condition is observed:

R 460.3803 Energizing services.

When energizing services, each utility shall comply with the provisions of all applicable codes and statutory requirements, unless otherwise specified by the commission. The utility may refuse to energize a service if an unsafe condition is observed.

G. R 460.3505 requires Great Lakes to adopt a program of maintaining adequate line clearance, including tree trimming:

R 460.3505 Utility line clearance program.

Each utility shall adopt a program of maintaining adequate line clearance through the use of industry-recognized guidelines. The program shall include tree trimming.

H. R 460.2161 permits Great Lakes to terminate electric service for the purpose of maintenance or to protect public safety or the integrity of Great Lakes' system:

460.2161 Shutoff permitted.

Subject to the requirements of these rules, *a utility may shut off or terminate service to a residential customer for any of the following reasons:* . . .

(e) *The customer has refused to arrange access at reasonable times for the purpose of inspection, meter reading, maintenance, or the replacement of equipment that is installed upon the premises.* .

(g) The customer has violated any rules of the utility approved by the commission so as to *adversely affect the safety of the customer or other persons or the integrity of the utility system.* [emphasis added].

5. Great Lakes' bylaws, Art I, §6(c), provides that member consumers must allow access to their premises for system maintenance purposes:

Each member shall . . . permit the Cooperative's authorized employees, agents and independent contractors *to have access* thereto safely and without interference from any hostile source for . . . inspection, maintenance, replacement, relocation, repair or disconnection of such facilities at all reasonable times. [emphasis added].

6. Great Lakes' bylaws, Art I, §8(a), provides that the member consumer must grant Great Lakes necessary easements and rights of way for system maintenance purposes:

Each member shall grant to the Cooperative, without compensation therefor, all easements or rights of way over, on and under such lands owned or leased by or mortgaged by the member

in accordance with such reasonable terms and conditions as the Cooperative shall require for the furnishing of electric service for the member and for the construction, operation, maintenance or relocation of the Cooperative's electric facilities. [emphasis added].

7. There is a history of disputes and misunderstandings between Great Lakes and the Princers as relates to access to the premises. For a number of years, the Princers have refused to allow Great Lakes access to the premises for tree and brush re-clearing as well as access to Great Lakes' distribution system.

8. By Great Lakes' October 4, 2004 letter to the Princers (copy attached as Exhibit A), Great Lakes advised the Princers as follows:

We are advised that the distribution facilities on your property are in dire need of re-clearing – and you have refused to provide access to Great Lakes' re-clearing crews claiming that neither Great Lakes' employees nor its agent have rights of access. The purpose of this letter is two-fold – (i) to advise that your position is inconsistent with Great Lakes' bylaws and applicable Rules and Regulations of the Michigan Public Service Commission (MPSC) and (ii) to advise that Great Lakes will be installing a fuse on the distribution facilities serving your premises that will isolate your service, to protect other Great Lakes' consumers from faults which result from inability to properly maintain these distribution facilities.

9. Great Lakes' October 4, 2004 letter to the Princers cited a number of applicable Great Lakes bylaw provisions and MPSC Rules and Regulations.

10. Great Lakes' October 4, 2004 letter to the Princers was shared with the Commission Staff prior to its mailing and the Commission Staff was copied on the mailing.

11. Great Lakes' October 4, 2004 letter to the Princers concluded with the following conclusion with respect to actions that Great Lakes was forced to take in view of the Princers' refusal to allow Great Lakes access to the premises:

You have refused access to Great Lakes' employee or its authorized agents. Accordingly, per applicable MPSC Rules and Regulations, Great Lakes may terminate electric service to your premises. Instead, Great Lakes will be installing a fuse on the distribution facilities serving your premises that will isolate your service. This will protect other Great Lakes' consumers from faults which result from inability to properly maintain the distribution facilities on your premises. Great Lakes will not restore full service to the distribution facilities on your premises until you (i) fully comply with applicable bylaws and MPSC Rules and Regulations, (ii) allow Great Lakes to fully re-clear the distribution facilities on your premises in accordance with the Cooperative's standard practices, (iii) allow all other maintenance that may be necessary and (iv) provide a fully executed easement or other appropriate document allowing Great Lakes all necessary access.

In other words, Great Lakes could have simply terminated service but, instead, it installed an isolating fuse on the distribution facilities serving the premises.

12. In the time period following Great Lakes' October 4, 2004 letter, the Princers refused to respond.

13. On February 17, 2006, the situation took a turn following an ice storm. A Great Lakes employee was sent to the site and *the Princers refused to allow clearing necessary to restore service to the premises*. The Great Lakes employee determined that power could not be restored safely without first removing ice laden branches and trees that were heavily weighted due to the ice and which were resting on the line. *Mr. Princer insisted that power could be restored, i.e., that the fuse could be closed in without first removing the branches that were on the wire*. The Great Lakes employee gave Mr. Princer several opportunities to allow removal of

the branches and, each time, Mr. Princer refused. During the attempted restoration, Mr. Princer continually followed the Great Lakes crew and even jumped on the running board of the truck to make his point. According to a written report completed approximately one week after the restoration attempt, the Great Lakes crew reported that “the limbs were laying heavy on the wire”. Great Lakes represents that its crew acted appropriately in refusing to restore service in an unsafe way. Following the incident at the Princer residence , Great Lakes advised that it would require the same access it has *vis a vis* other consumers, *i.e.*, an easement, before service could be restored.

14. What followed was a *David versus Goliath* series of articles in the media. Without reviewing the true and complete facts, the media painted Great Lakes as being cruel, exhibiting a mob mentality, etc. Copies of representative press reports is attached as Exhibit B.

15. Upon review of the press reports, the Commission Staff, while recognizing Great Lakes’ public safety and system reliability responsibilities, urged Great Lakes to restore service to the Princers – and allow the Commission Staff an opportunity to assist Great Lakes and the Princers in reaching an amicable access or easement agreement. Following is an excerpt from the exchange of e mails between Great Lakes and the Commission Staff:

A. The first February 22, 2006 e mail is from Great Lakes to the Commission Staff, and states as follows:

Ms. Devon -- Per our telephone conference call this morning, Great Lakes Energy will immediately re-energize service to the Princers.

However, recognizing the need to assure adequate access to the Princers' property -- and to assure Great Lakes Energy's ability to protect its utility infrastructure -- the MPSC Staff will use its good

offices to assist Great Lakes Energy and the Princers in reaching an acceptable access/easement agreement.

In the interim, and until such access/easement agreement is concluded, Great Lakes will install a fuse protector on the Princers' service facilities so that the Great Lakes Energy utility infrastructure may be protected.

In the event progress is not made on an acceptable access/easement agreement within two weeks of the date of this e mail, Great Lakes Energy reserves the right to reconsider its position. However, Great Lakes Energy will not take any action to discontinue service to the Princers without touching base with your offices.

B. The response e mail from the Commission Staff, received six minutes later consisted of three words: "Let's do it."

16. Service was thereupon restored to the Princers on February 22, 2006. In such restoration, Great Lakes crews performed only minimal tree trimming *under the supervision of Mr. Princer*. Many of the branches that had been on the line after the ice storm had cleared the line after the ice melted.

17. With assistance from the Commission Staff's George Stojic and Peter Derkos, a meeting was eventually scheduled at the Princers' premises on March 3, 2006. In attendance were the Princers, their counsel, the Commission Staff's Peter Derkos and Ron Choura, representatives of Great Lakes and Great Lakes' counsel. Prior the meeting, Great Lakes shared pictures of the tree-and-limb situation with the Commission Staff. These pictures are attached as Exhibit C. The meeting provided an opportunity for the Commission Staff to conduct an actual visual inspection of the property.

18. Following the March 3, 2006 meeting, it was agreed that Great Lakes would provide a cost options analysis to resolve the problem. On March 10, 2006, Great Lakes

provided the Princers and the MPSC Staff the analysis suggested by the Commission Staff. That analysis is attached as Exhibit D.

19. There is some disagreement as to when you the Princers committed to responding to Great Lakes' March 10, 2006 analysis. Great Lakes believes that the responses were due April 3, 2006; and the MPSC Staff believes the responses were due April 10, 2006. In any event, the disagreement is moot because the *Princers and their counsel have failed and refused to respond*. On several occasions, Great Lakes' counsel called the offices of Princers' counsel – and when the receptionist asked who was calling, the Princers' counsel was suddenly not available. On the two occasions when Great Lakes' counsel was able to get a hold of the Princers' counsel, he made specific commitments to get back to Great Lakes' counsel – and each such commitment was broken.

20. The Commission Staff has similarly been unable to get a response from the Princers of their counsel. By e mail dated April 12, 2006, at 10:11 a.m., the MPSC Staff's Mr. Derkos sent the following e mail to Mrs. Princer:

Dear Mrs. Princer:

I have kept your complaint with Great Lakes Energy (GLE) open pending a decision from you and your husband on a proposed line route and draft easement language. I had hoped that by this time you and your husband would have reached a resolution of these matters with Great Lakes Energy, but I understand that this has not occurred. In order to assure that no misunderstanding occur that might affect your service or the reliability of Great Lake's distribution system, I would like to schedule a meeting with you, your husband, and representatives of Great Lakes to resolve differences, arrive at a line route, and agree to an easement. I can reserve a meeting room here in Lansing at Michigan Public Service Commission's offices or we can meet at another location if you prefer. Mr. Ernst has offered his office for a meeting or, perhaps,

Mr. Villas' office could be another choice. Please let me know if we can schedule a meeting next week and if one of the sites that I have recommended is agreeable. If there is another site, please let me know. I can be reached either by email or at 517.241.6080.

Respectfully,

Pete Derkos

Great Lakes is advised that Mr. Derkos has not received a response to his e mail – even though it was sent nearly six weeks ago.

21. As recently as May 4, 2006, the MPSC Staff's George Stojic sent the Princers a similar letter. Mr. Stojic's letter, attached as Exhibit E, stated that the Commission Staff has tried to contact Princers or their counsel – and every attempt has been rebuffed. The specific reference to safety issues in Mr. Stojic's letter should be noted.

22. Great Lakes is under a number of pressures in this matter. First, the Commission Staff has *strongly* suggested that service be maintained until access/easement issues could be resolved – and Staff committed to assisting this resolution. Second, if Great Lakes were to terminate service – absent a Commission order – the *David versus Goliath* press reports would be repeated. Third, all the while, Great Lakes has serious concerns about public safety and system integrity.

23. In this context, the Commission is requested to issue an order either authorizing the discontinuation/termination of service until such time as the Princers adequately respond to the entreaties of the Commission Staff or Great Lakes or until such time as Great Lakes is satisfied that the public safety and system integrity are adequately protected.

24. Great Lakes represents that the Commission Staff's Peter Derkos and George Stojic will confirm references to them in this application.¹

25. Great Lakes cannot stress enough the safety concerns that exist on the Princers' premises. They have a two year old, tree limbs are dangerously close to power lines (Mr. Derkos will attest to this), Great Lakes desperately needs to trim the limbs and/or remove trees – and, all the while, Great Lakes has been “holding back” at the Commission Staff's urging until the matter is resolved. All this time, the Princers and their counsel have been totally non-responsive to Great Lakes' requests and the Commission Staff's requests for some type of answer. Great Lakes' fear is that we have a ticking time bomb here, *i.e.*, what happens if the tree limbs come in contact with the power lines, someone is injured or worse and Great Lakes/the Princers/the Commission all delayed waiting for the Princers or their counsel to respond?

26. Just as this application was being finalized, on May 18, 2006, Great Lakes' counsel received a phone call from the Princers' counsel's office – not the attorney (we were advised he was out of the country for a month) but his assistant – seeking to schedule the long-delayed meeting for June 15, 2006, *i.e.*, nearly a month away and more than three months after the Princers were to have responded to Great Lakes' March 10, 2006 options analysis. When concerns relative to public safety and system integrity were raised, Princers' counsel (actually, the partner of his counsel) agreed to move up the meeting by only one day, *i.e.*, June 14, 2006, and said that that was the earliest such meeting could be held. When asked if Great Lakes could visit the premises for the purpose of minimum tree and brush clearing, Princers' counsel advised

¹ It should be noted that the Commission Staff's Sue Devon, George Stojic and Peter Derkos have conducted themselves in a most professional manner during this entire ordeal.

that *the Princers had determined that no further tree and brush clearing was required* for the time being.

27. The recitation set forth in paragraph 26 best summarizes Great Lakes dilemma. We now have a customer telling the utility whether tree and brush trimming is required, when it is required, and to what extent it is required. In the event of a storm or other comparable outage, we are told that we have to ask permission to come on to the premises – otherwise, we are accused of trespassing. Again, this is 1 of 120,000 customers. Great Lakes has deferred taking action because the Commission Staff has asked Great Lakes to defer while the Commission Staff assists the parties in reaching a resolution. The Commission Staff has sent e mails which have been ignored (*e.g.*, Derkos April 12, 2006 e mail, referenced in paragraph 20; Stojic May 4 letter referenced in paragraph 21 and attached as Exhibit E) and phone calls from the Commission Staff have been ignored by both the Princers and their counsel. Great Lakes is convinced that the Princers' strategy is to simply delay, *i.e.*, just refuse to respond and no tree and brush will proceed. Then, to the extent that Great Lakes takes any affirmative action, the Princers and their counsel will simply notify the media and the David versus Goliath angle will be played to the hilt. In this environment, the Commission should issue its order authorizing the discontinuation/termination of electric service to the Princers or, in the alternative, a declaratory ruling that electric service should be discontinued/terminated to the Princers' premises.

28. We believe this is an issue that should be resolved between the electric cooperative and one of its member-owners, and we had hoped we could do that. We know this to be an isolated case as we know of no other similar situation throughout the rest of Great Lakes' service area, which includes over 120,000 services. We do not see this as an issue that should be

negotiated in the press, but resolved at the Commission, which is the goal of this filing. We respectfully request that the Commission expedite this matter.

29. Accordingly, Great Lakes respectfully requests that this Honorable Commission issue its order authorizing the termination of electric service to the Princers' premises or, in the alternative, that this Honorable Commission issue a declaratory ruling that electric service should be terminated to the Princers' premises.

30. Great Lakes respectfully submits that an emergency situation exists and the Commission should act on this matter as expeditiously as possible.

31. A copy of this filing is being served on the Princers and their counsel.

WHEREFORE, Great Lakes Energy Cooperative respectfully requests that this Honorable Commission issue its order authorizing the termination of electric service to the Princers' premises or, in the alternative, that this Honorable Commission issue a declaratory ruling that electric service should be terminated to the Princers' premises.

Respectfully submitted,

DYKEMA GOSSETT

Attorneys for

Great Lakes Energy Cooperative

Dated: May 24, 2006

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October 4, 2004

David and Madonna Princer
19707 Cutler Road
Morely, Michigan 49336

Re: Great Lakes Energy Cooperative
Your Refusal to Allow Access to Property

Dear Mr. and Mrs. Princer:

Be advised that Dykema Gossett PLLC is counsel to Great Lakes Energy Cooperative (Great Lakes), the public utility which provides electric service to your premises at 1907 Cutler Road Morely, Michigan 49336. We are advised that the distribution facilities on your property are in dire need of re-clearing – and you have refused to provide access to Great Lakes' re-clearing crews claiming that neither Great Lakes' employees nor its agent have rights of access. The purpose of this letter is two-fold – (i) to advise that your position is inconsistent with Great Lakes' bylaws and applicable Rules and Regulations of the Michigan Public Service Commission (MPSC) and (ii) to advise that Great Lakes will be installing a fuse on the distribution facilities serving your premises that will isolate your service, to protect other Great Lakes' consumers from faults which result from inability to properly maintain these distribution facilities.

With respect to Great Lakes' bylaws, be advised that Article I, §6(c) provides, in pertinent part, as follows with respect to "Members' Responsibilities":

Each member shall . . . permit the Cooperative's authorized employees, agents and independent contractors to have access thereto safely and without interference from any hostile source for . . . inspection, maintenance, replacement, relocation, repair or disconnection of such facilities at all reasonable times.

Furthermore, Article I, §8(a) of Great Lakes' bylaws provides, in pertinent part, as follows with respect to "Right of Way Easements":

Each member shall grant to the Cooperative, without compensation therefor, all easements or rights of way over, on and under such lands owned or leased by or mortgaged by the member in accordance with such reasonable terms and conditions as the

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David and Madonna Princer
October 4, 2004
Page 2

Cooperative shall require for the furnishing of electric service for the member and for the construction, operation, maintenance or relocation of the Cooperative's electric facilities.

With respect to applicable MPSC Rules and Regulations, be advised that Section I.A, being MPSC No. 1 – Electric – Original Sheet No. 5.00 provides, in pertinent part, as follows:

These Rules and Regulations set forth the terms and conditions under which electric service will be provided by the Cooperative. They shall apply to all classes of service and shall govern the terms of all contracts for such service . . .

Furthermore, Section II.B.1.a. of Great Lakes Rules and Regulations, being MPSC No. 1 – Electric – Original Sheet No. 5.00 provides, in pertinent part, as follows:

Access to Premises – . . . Authorized agents of the Cooperative shall have access to the premises at all reasonable times for construction, operation, maintenance, removal or inspection of the Cooperative's facilities, or to inspect the member's facilities or measure the member's load. . . . Failure to provide access for any of the above reasons may result in termination of service. (emphasis added)

It should be noted that the cited portion of the MPSC's Rules and Regulations were approved by the MPSC in Case No. U-13163, effective for service rendered on and after August 20, 2002. For convenience, I have attached a copy of the cited MPSC Rules and Regulations tariff.

You have refused access to Great Lakes' employee or its authorized agents. Accordingly, per applicable MPSC Rules and Regulations, Great Lakes may terminate electric service to your premises. Instead, Great Lakes will be installing a fuse on the distribution facilities serving your premises that will isolate your service. This will protect other Great Lakes' consumers from faults which result from inability to properly maintain the distribution facilities on your premises. Great Lakes will not restore full service to the distribution facilities on your premises until you (i) fully comply with applicable bylaws and MPSC Rules and Regulations, (ii) allow Great Lakes to fully re-clear the distribution facilities on your premises in accordance with the Cooperative's standard practices, (iii) allow all other maintenance that may be necessary and (iv) provide a fully executed easement or other appropriate document allowing Great Lakes all necessary access.

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DYKEMA GOSSETT PLLC

David and Madonna Princer
October 4, 2004
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I am providing a copy of this correspondence to the MPSC Director of the Engineering and Service Quality Division. If you have questions or comments, do not hesitate to contact me.

Sincerely,

DYKEMA GOSSETT PLLC



Albert Ernst

cc: Dan Nelson, Great Lakes Energy Cooperative
George Stojic, Michigan Public Service Commission

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STANDARD RULES AND REGULATIONS

SECTION I - INTRODUCTION

- A. These rules and regulations set forth the terms and conditions under which electric service will be provided by the Cooperative. They shall apply to all classes of service and shall govern the terms of all contracts for such service except that the Cooperative reserves the right to enter into special contracts subject to the general regulations of the Michigan Public Service Commission. Failure of the Cooperative to enforce any of the terms of the rules and regulations shall not be deemed as a waiver of the right to do so.
- B. Any promises or agreements made by agents or employees of the Cooperative which are not in conformance with these rules and regulations, nor with the terms of special contracts executed by authorized representatives of the Cooperative shall not have binding effect on the Cooperative.
- C. No ownership rights in any facilities provided by the Cooperative shall pass to any person as a result of any contribution or deposit made under these rules. No deposits or contributions made by members shall be refundable unless expressly so provided in these rules.
- D. Copies of the Cooperative's Rules and Regulations and Rate Schedules for electric service, as filed with the Michigan Public Service Commission, are open to public inspection at the Cooperative's offices and are available upon request.

SECTION II - TERMS AND CONDITIONS OF SERVICE

A. Membership and Electric Service

Each applicant for electric service may be required to sign the Cooperative "Application for Membership and For Electric Service". Acceptance of service, with or without a signed application, shall be subject to compliance with the terms of the Standard Rules and Regulations and Rate Schedules as filed with the Commission.

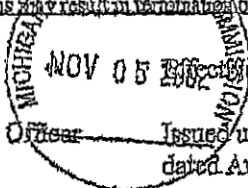
B. Ownership and Responsibility

- I. Cooperative Owned Facilities - The Cooperative will normally install, own, operate and maintain all distribution facilities on the supply side of the point of attachment as shown on the Cooperative's Standard Drawings, including metering equipment. All service entrance conductor wiring from a point of connection to the Cooperative's service line at a location satisfactory to the Cooperative shall be the responsibility of the member. If building modifications hinder access to metering facilities, create a hazardous condition, or cause a violation of code, the member will be responsible for all costs incurred by the Cooperative to correct these conditions.
- a. Access to Premises - The member shall provide at no expense to the Cooperative suitable space with provisions for installation and maintenance of the Cooperative's facilities on the member's premises. Authorized agents of the Cooperative shall have access to the premises at all reasonable times for construction, operation, maintenance, removal or inspection of the Cooperative's facilities, or to inspect the member's facilities or measure the member's load. Authorized employees and agents shall carry identification furnished by the Cooperative and shall display it upon request. Failure to provide access for any of the above reasons may result in termination of service.

Issued: October 1, 2002

By: Steven L. Boeckman

President and Chief Executive Officer



Effective for service on and after August 20, 2002

Issued under the authority of the M.P.S.C.
dated August 20, 2002 in Case No. U-13163

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» More From The Grand Rapids Press

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of criticism**

Wednesday, February 22, 2006

By Jennifer Ackerman-Haywood
The Grand Rapids Press

MORLEY — After purposely leaving a family without electricity for five days, Great Lakes Energy executives relented today after being hit with a wave of criticism.

"We've sent a crew to restore power," Great Lakes CEO Steve Boeckman said this morning.

The company since Friday refused to turn on Dave Princer's power after an ice storm unless he signed an easement agreement granting the utility access to the power poles on his 200-acre farm in Morley.

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ANN ARBOR

(3)

Boeckman today said he changed his mind after working with utility regulators at the Michigan Public Service Commission.

"We do not have a final agreement with (the Prncers). But the fact that the MPSC has agreed to help us get to a workable agreement is enough re-energize them."

The company's actions were criticized by state Rep. Judy Emmons, R-Sheridan, among others. The couple said they received many sympathetic calls after a Tuesday Press story on their plight.

"I think it has a lot to do with public pressure," said his wife, Madonna.

Emmons on Tuesday announced her plan to prevent utilities from "using coercive tactics" and "withholding services for anything other than a lapse in payment."

"It's really disconcerting that (the utility) would withhold repairs to force them into negotiations," Emmons said. "We don't use those tactics in a civilized society."

"This shouldn't be happening. To me, it's unethical to withhold electricity."

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They got the power, but storm isn't over

Thursday, February 23, 2006

By Jennifer Ackerman-Haywood
The Grand Rapids Press

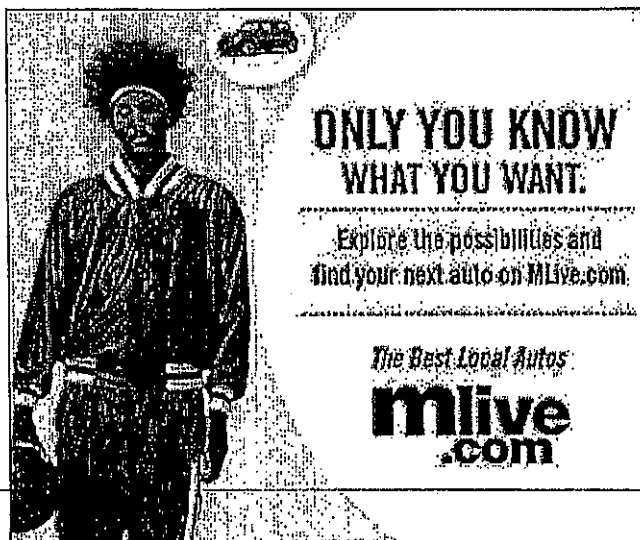
MORLEY -- The power is back on at Dave and Madonna Princer's Montcalm County farm, but an easement dispute between the couple and Great Lakes Energy Cooperative is far from over.

After spending six days in a darkened home without running water with their 2-year-old son, the Princers remain resolute.

"We will not grant them a full access, blanket easement," Madonna Princer said. "That will never happen. That would be ridiculous."

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Great Lakes officials told the Princers they would not restore power to their

farm following last week's ice storm unless the couple signed an easement agreement granting the utility access to the power poles on their 200-acre farm. The Princers refused.

"Basically, they just let me and my family hang out to dry on what turned out to be the coldest weekend of the year," David Princer said.

"It's completely unacceptable."

More outages ahead?

The utility restored power Wednesday after officials from the Michigan Public Service Commission urged it to do so and negotiate the easement issue separately.

"While I don't see this as a long-term solution, it does give us some comfort that the MPSC will be in some discussions with (the Princers) to see that we have a long-term access agreement," said Great Lakes CEO Steve Boeckman.

He did not rule out another prolonged power outage for the couple if negotiations fail.

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Ill-conceived power play

Saturday, February 25, 2006

Extortion is never a good business strategy except in the movies or with the Mob. Great Lakes Energy Cooperative rightly has ended a boneheaded attempt to gain an easement agreement with one of its customers by withholding electric power from the family's home. Heat is not a luxury during the winter months in Michigan; it's a necessity. The company's egregious behavior should draw a fine or some other sanction from state regulators.

Initially refusing to restore power to David and Madonna Princer's 200-acre farm in Morley after last week's ice storm was unconscionable. Especially when considering a 2-year-old child also lives in the home. The couple had to use a small generator to heat their house and power a few lights, but had no running water for six days.

Intervention by the Michigan Public Service Commission convinced the utility company to turn on the Princers' power Wednesday, nearly a week after their neighbors electricity had been restored. The PSC does not regulate easement agreements, but wisely got Great Lakes to separate the easement issue from the power restoration issue. It shouldn't have gotten to that point. The utility company, which serves 120,000 customers in Western Michigan, was literally holding the family's electricity hostage. Work crews serviced power lines on the Princer's property last Friday and intentionally isolated the residence — restoring power to every customer, except the Princers.

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Relations between the family and the utility company have been strained for several years. The Princers have refused to sign an easement granting Great Lakes unrestricted access to the power lines and poles that stretch across their farm. They sued the company in 2001 for its clear-cutting of two 32-foot-wide paths through wooded sections of their property when they were not home. The utility paid a \$20,000 set-

tlement for damage caused by the clear-cutting.

The Boyne City-based utility needs access to its equipment to make repairs. Some of its power poles are 150 feet onto the Princer's property. But using the recent power outage as leverage to force the family into signing an easement deal was insupportable. Is this the treatment other customers can expect if they balk at signing easement agreements with the company in the future? Great Lakes officials should continue trying to work out a deal that both sides can live with. Bringing in neutral parties to assist in the effort would make sense.

The incident has prompted Rep. Judy Emmons, R-Sheridan, to consider introducing legislation that would prevent utilities from withholding services from customers for anything other than a lapse in payment. Such legislation seems reasonable, but certainly should be thoroughly debated and leave room for exceptions. Situations could arise when law enforcement or other entities need to cut power to a home or some other structure for security, safety or other reasons, even if the utility bill is paid in full. The primary concern of any such legislation should be to prevent utility companies from using bullying tactics that push customers into signing agreements against their will.

Residential customers don't yet have the option to pick and chose which power company they want to do business with. They have to buy electricity from the company that serves their area. That makes it vital for utility companies not to have the power to withhold services for arbitrary or capricious reasons of their own. Legislation that would short-circuit such power plays warrants support.

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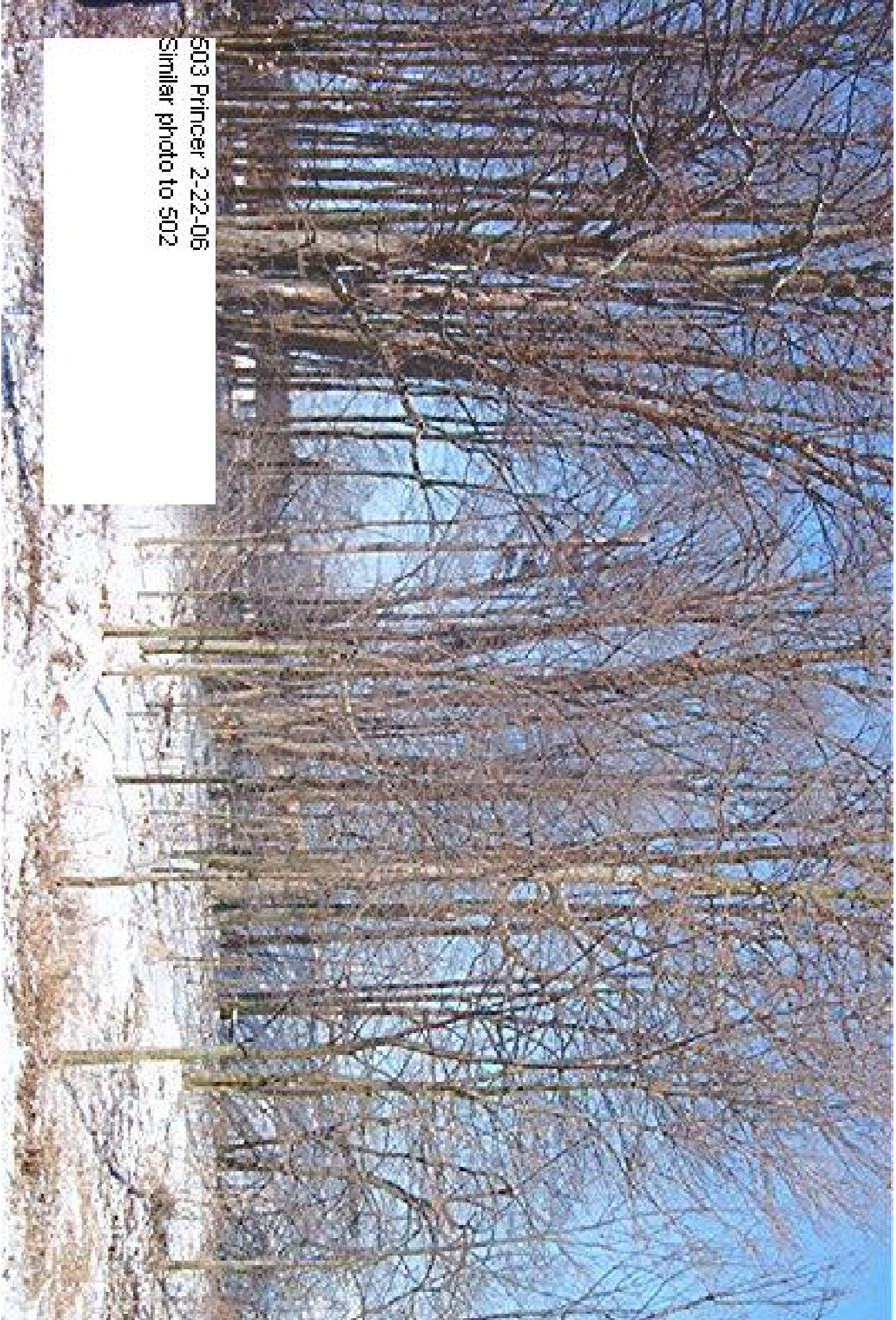
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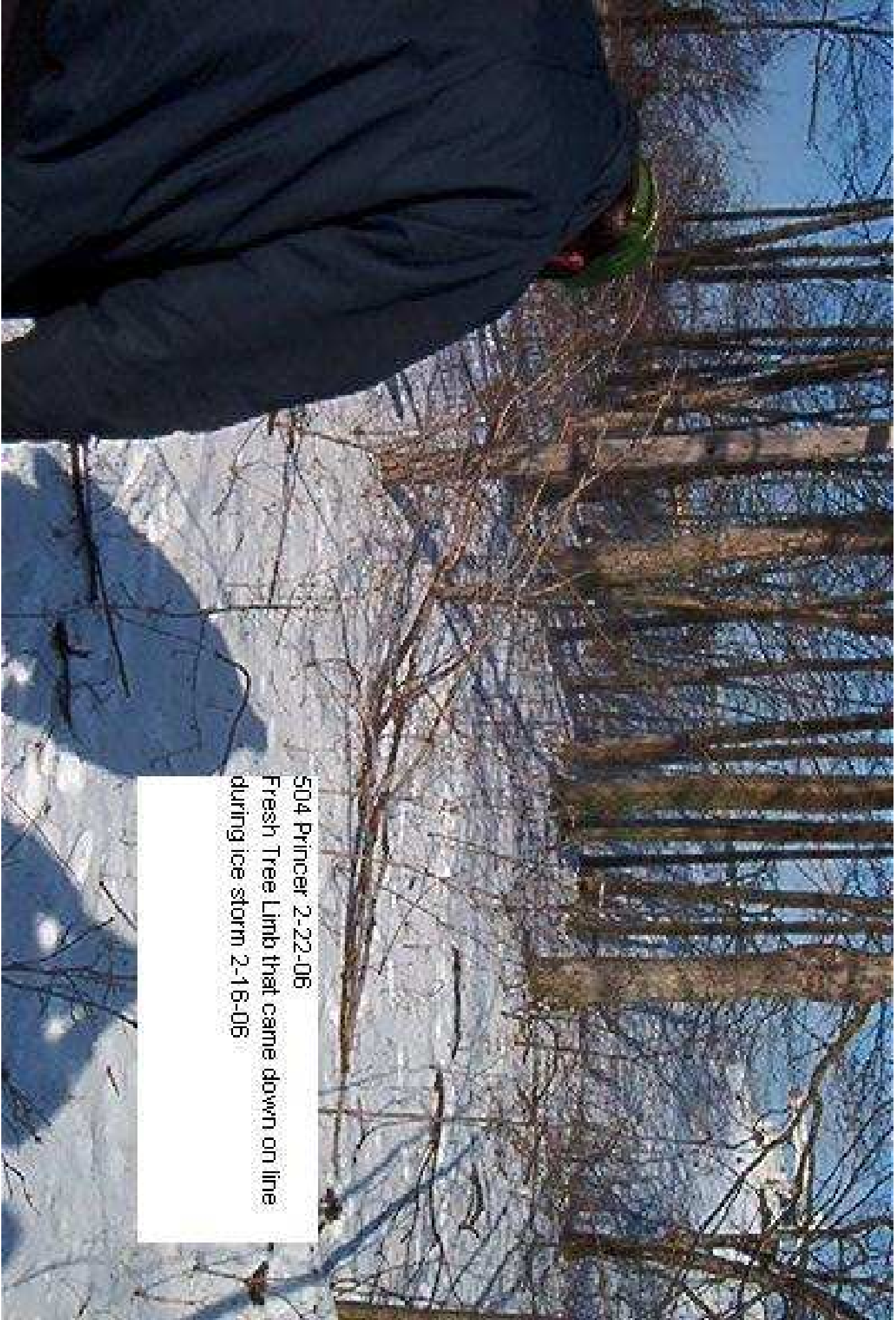


502 Princer 2-22-06

Facing west from Princer house. Tree
limbs into line. Princer would only allow
minimul trimming.

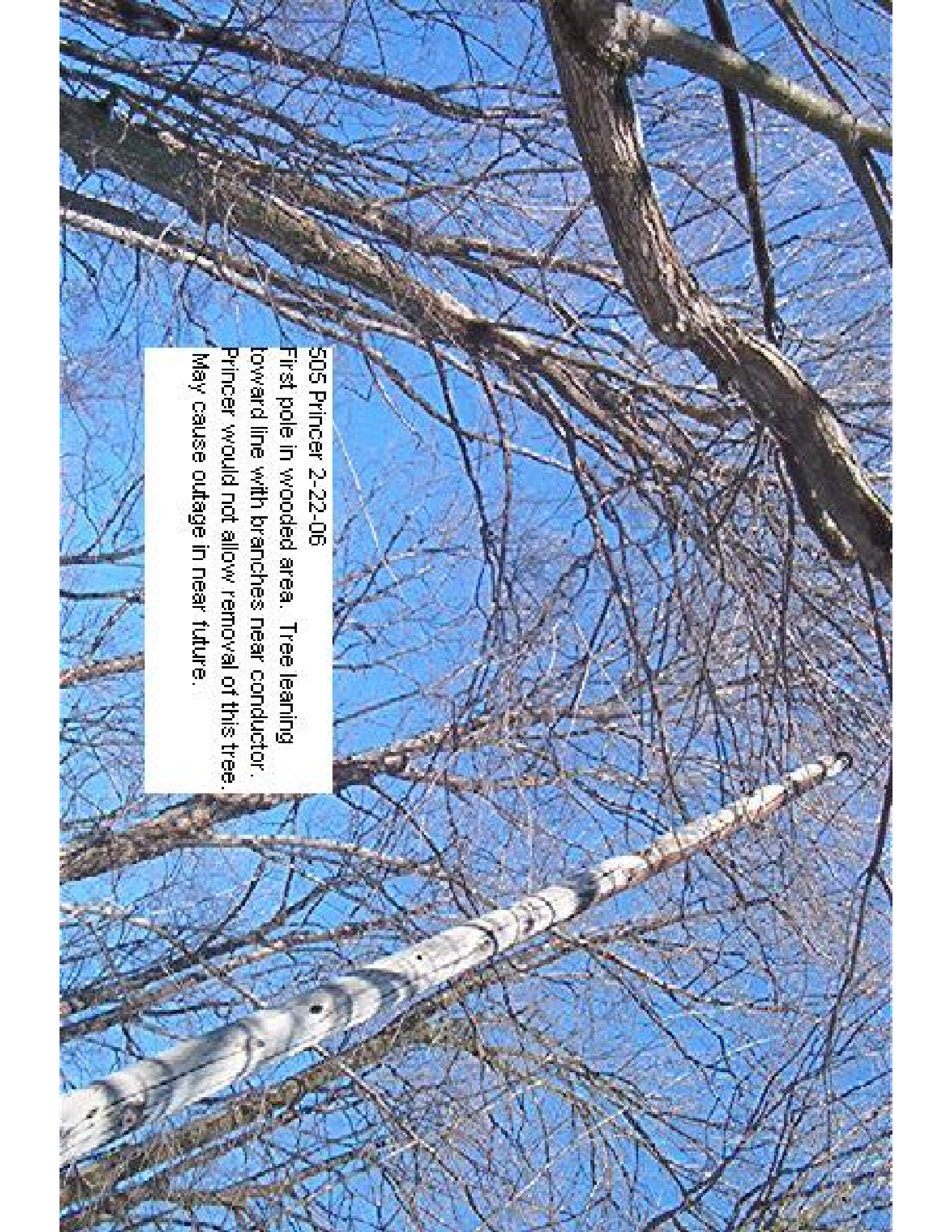


503 Princer 2-22-06
Similar photo to 502

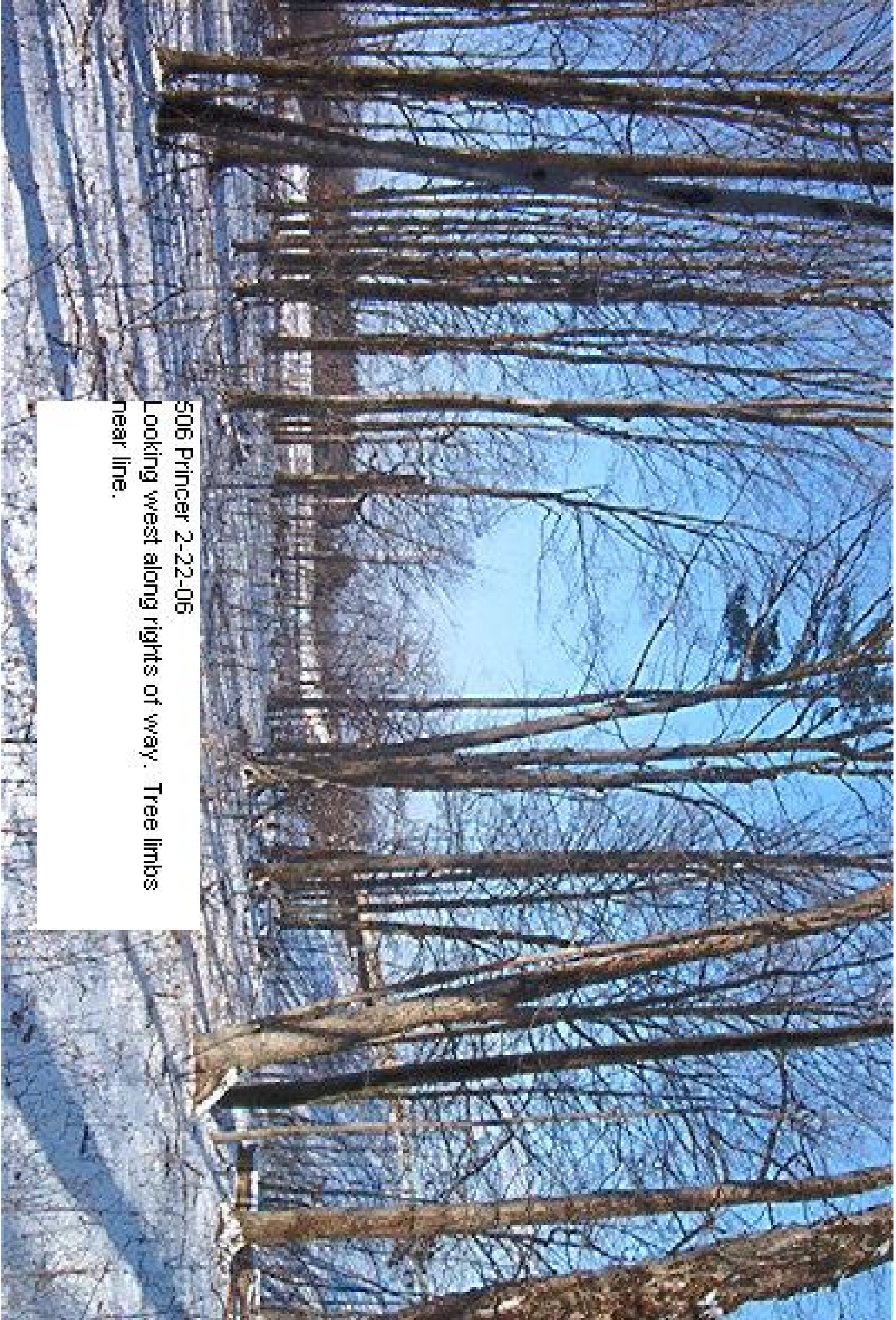


504 Princer 2-22-06

Fresh Tree Limb that came down on line
during ice storm 2-18-06

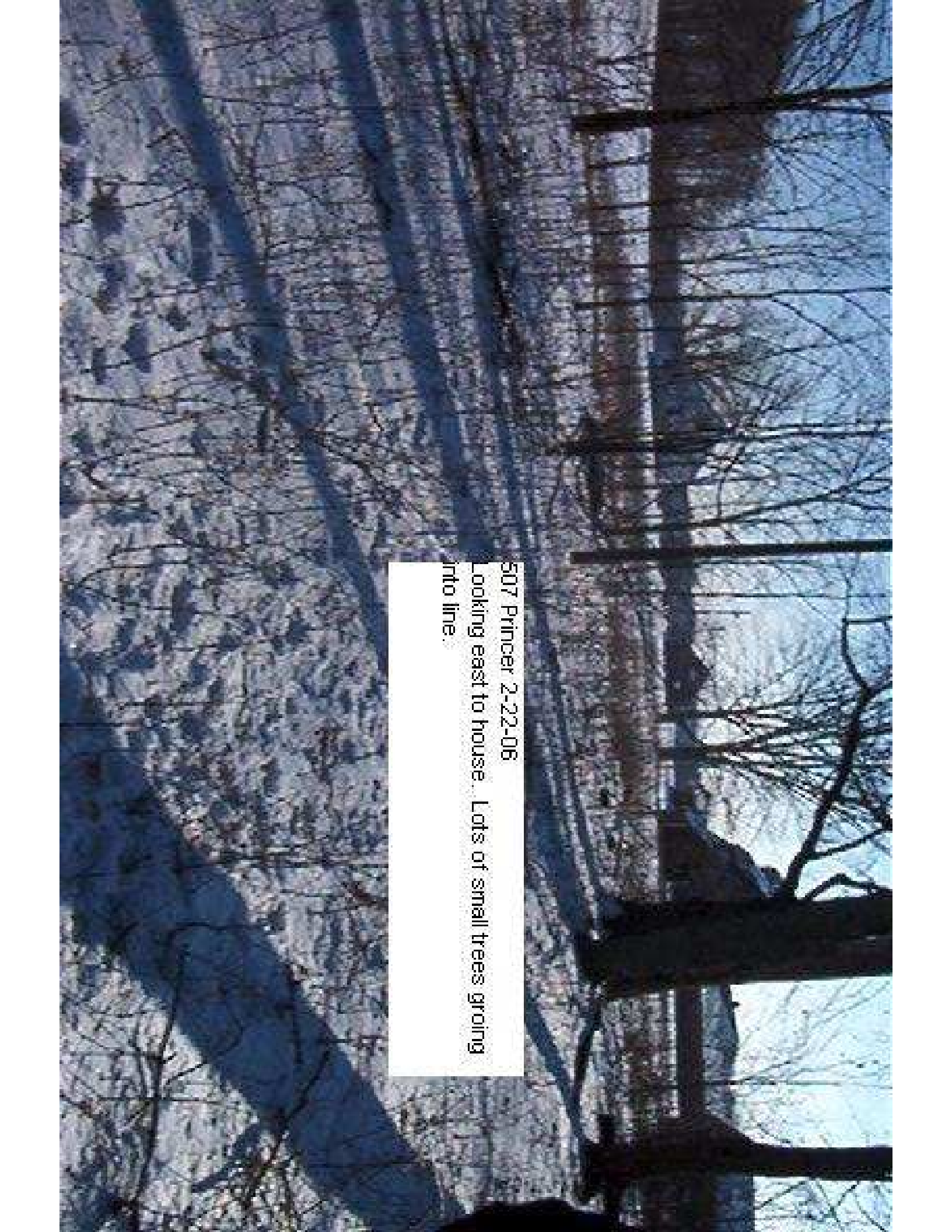
A photograph showing a utility pole leaning against a large, leafless tree. The pole is positioned diagonally across the frame, with its base near the bottom left and its top extending towards the upper right. The tree's branches are dense and bare, filling much of the background. The sky is a clear, bright blue. A white text box is overlaid on the left side of the image, containing the following text:

505 Princer 2-22-06
First pole in wooded area. Tree leaning
toward line with branches near conductor.
Princer would not allow removal of this tree.
May cause outage in near future.

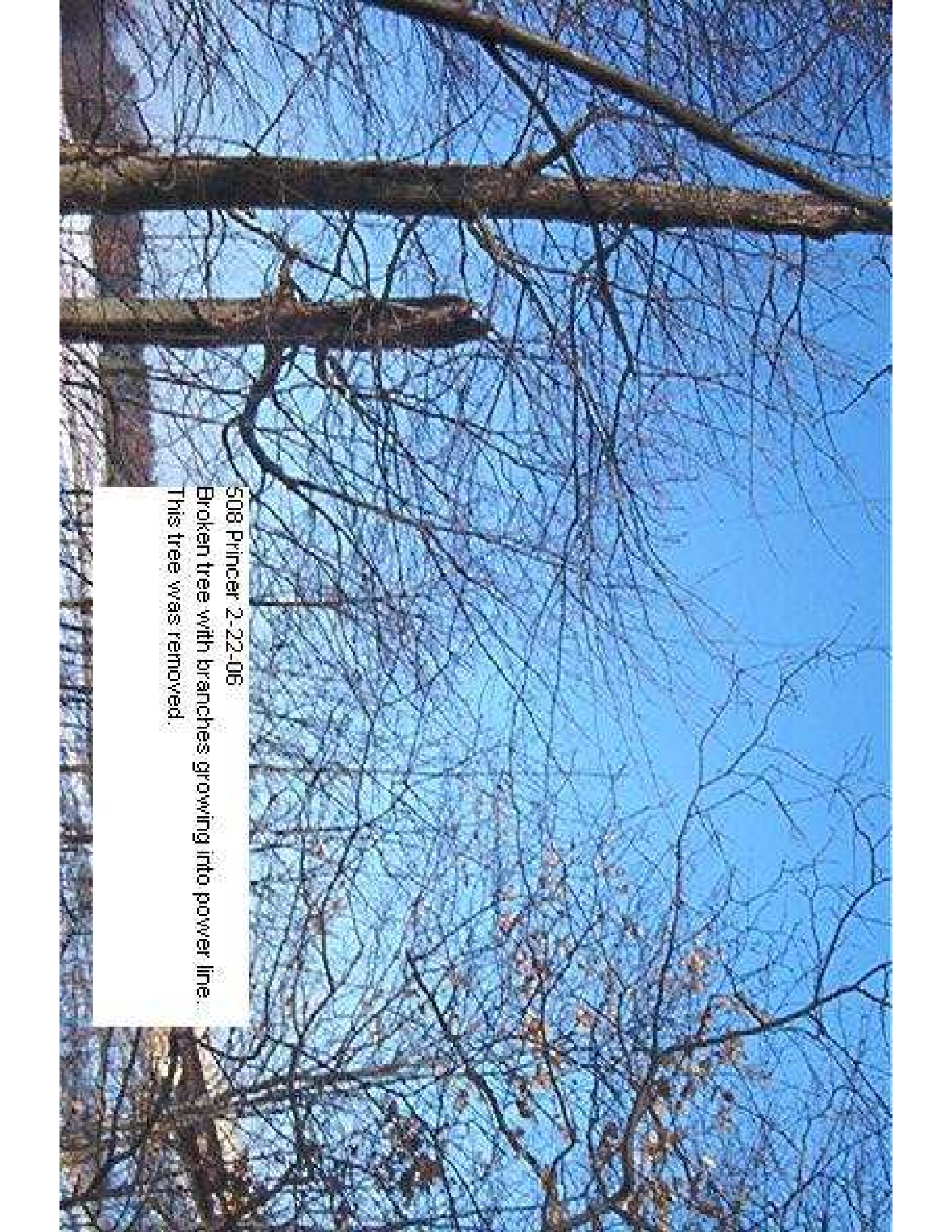


506 Princer 2-22-06

Looking west along rights of way. Tree limbs
near line.

A photograph of a winter landscape. The ground is covered in a thick layer of snow. In the foreground, there are several bare, dark trees with intricate branch structures. A dark, possibly wooden or metal, fence runs across the middle ground. In the background, more trees and a distant building or structure are visible under a pale, overcast sky. The overall scene is quiet and cold.

507 Princer 2-22-06
Looking east to house. Lots of small trees growing
into line.



508 Princer 2-22-06
Broken tree with branches growing into power line.
This tree was removed.



509 Princer 2-22-06

Same as 508, lots of trees in rights of way near lines.



511 Princer 2-22-06

This photo taken from US131 and show wooded that our runs through.

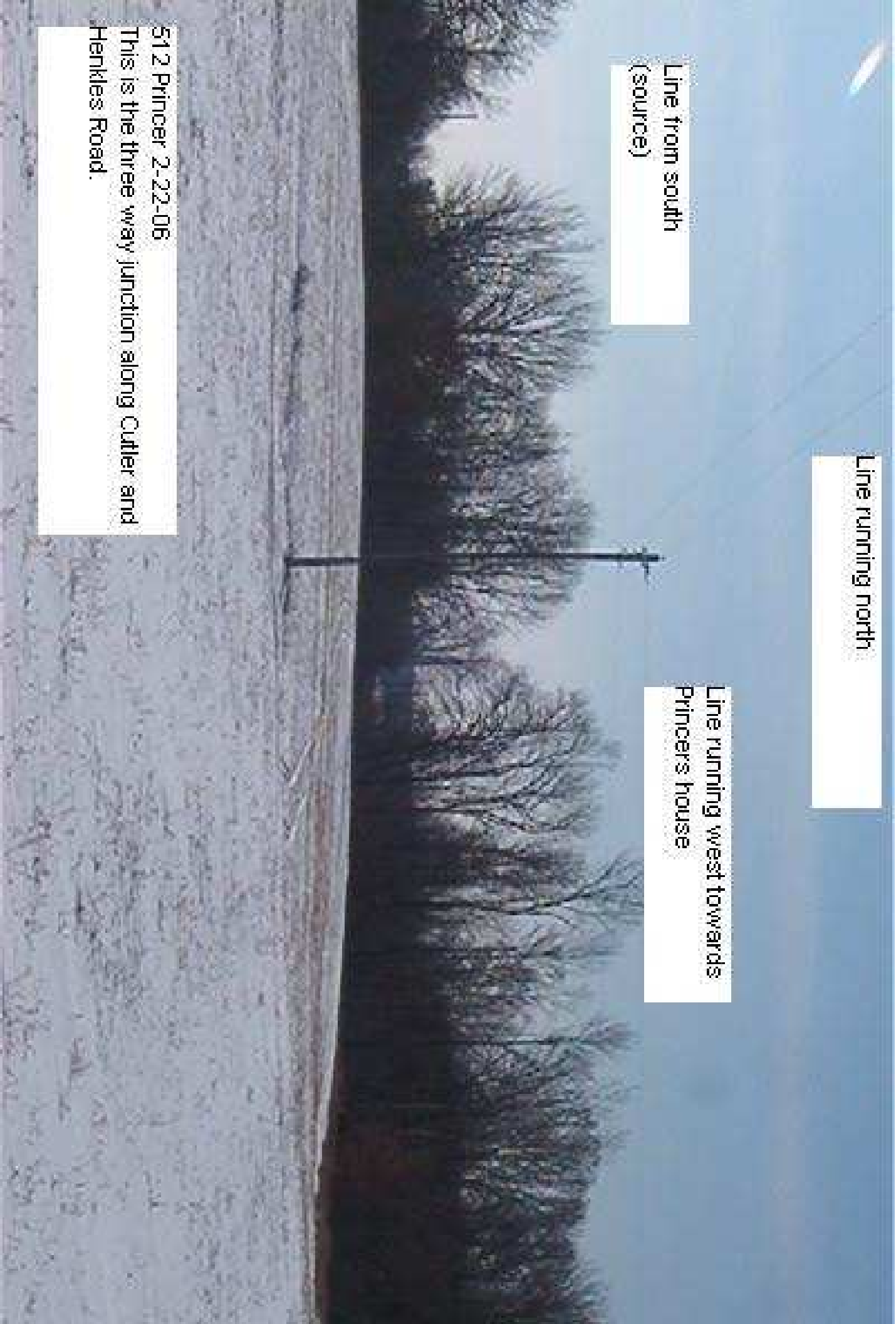
Line running north

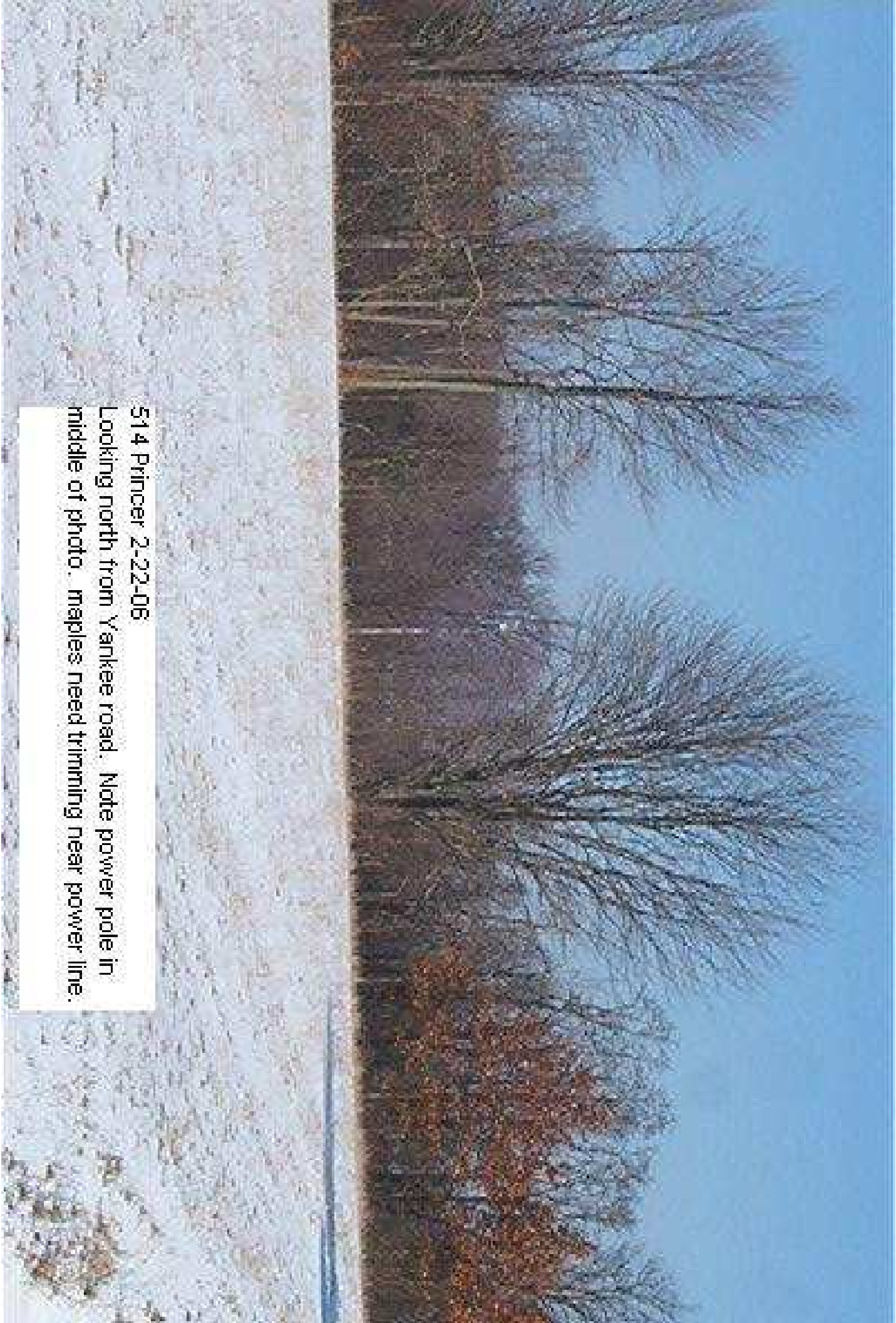
Line from south
(source)

Line running west towards
Princers house

512 Princer 2-22-06

This is the three way junction along Cutler and
Henkles Road.





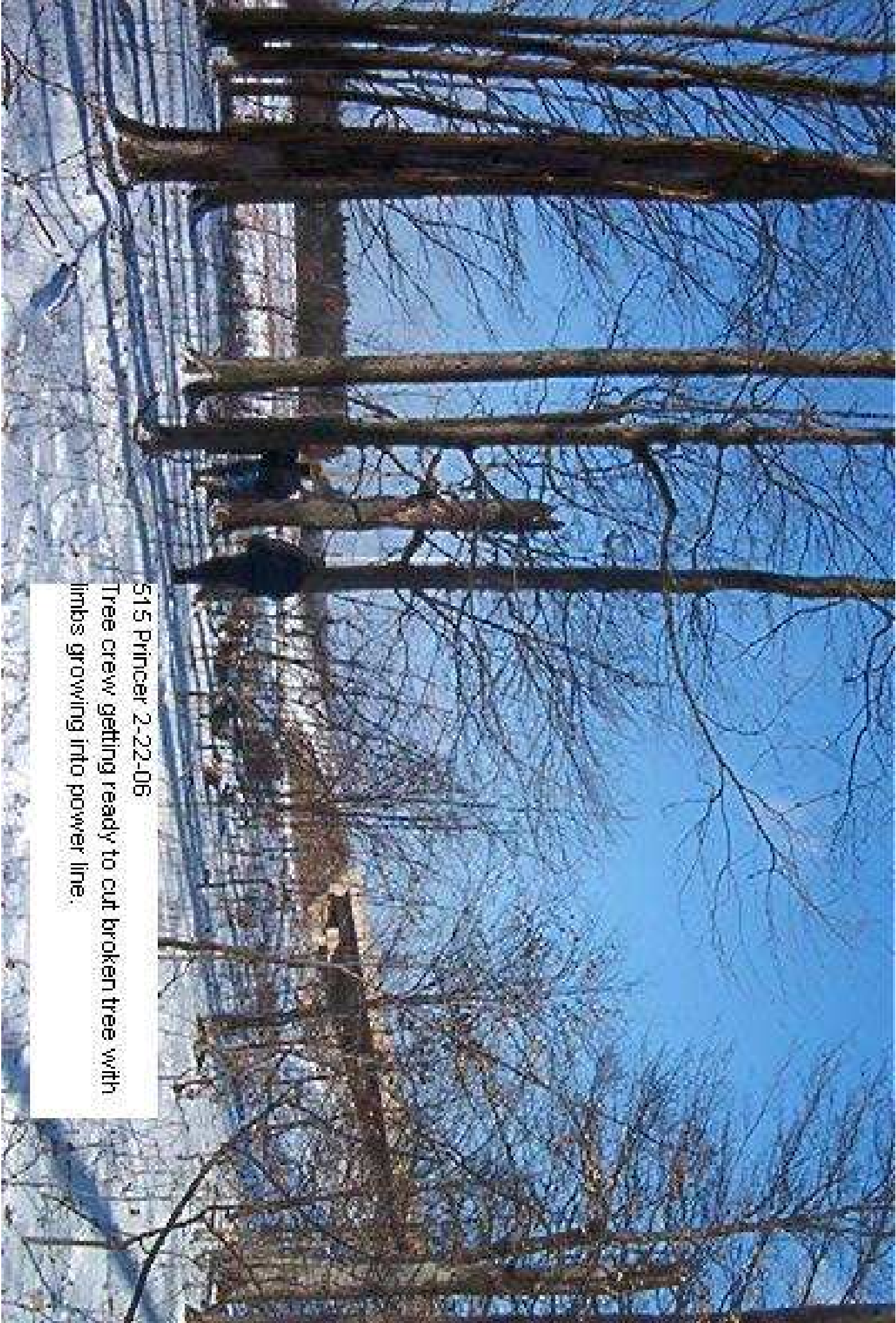
514 Princer 2-22-06

Looking north from Yankee road. Note power pole in middle of photo. maples need trimming near power line.

513 Princer 2-22-06

Looking north from Henkle and Yankee. Maples need trimming in next span. There are other customers fed from this line and will loose power if these tree limbs are not trimmed soon.



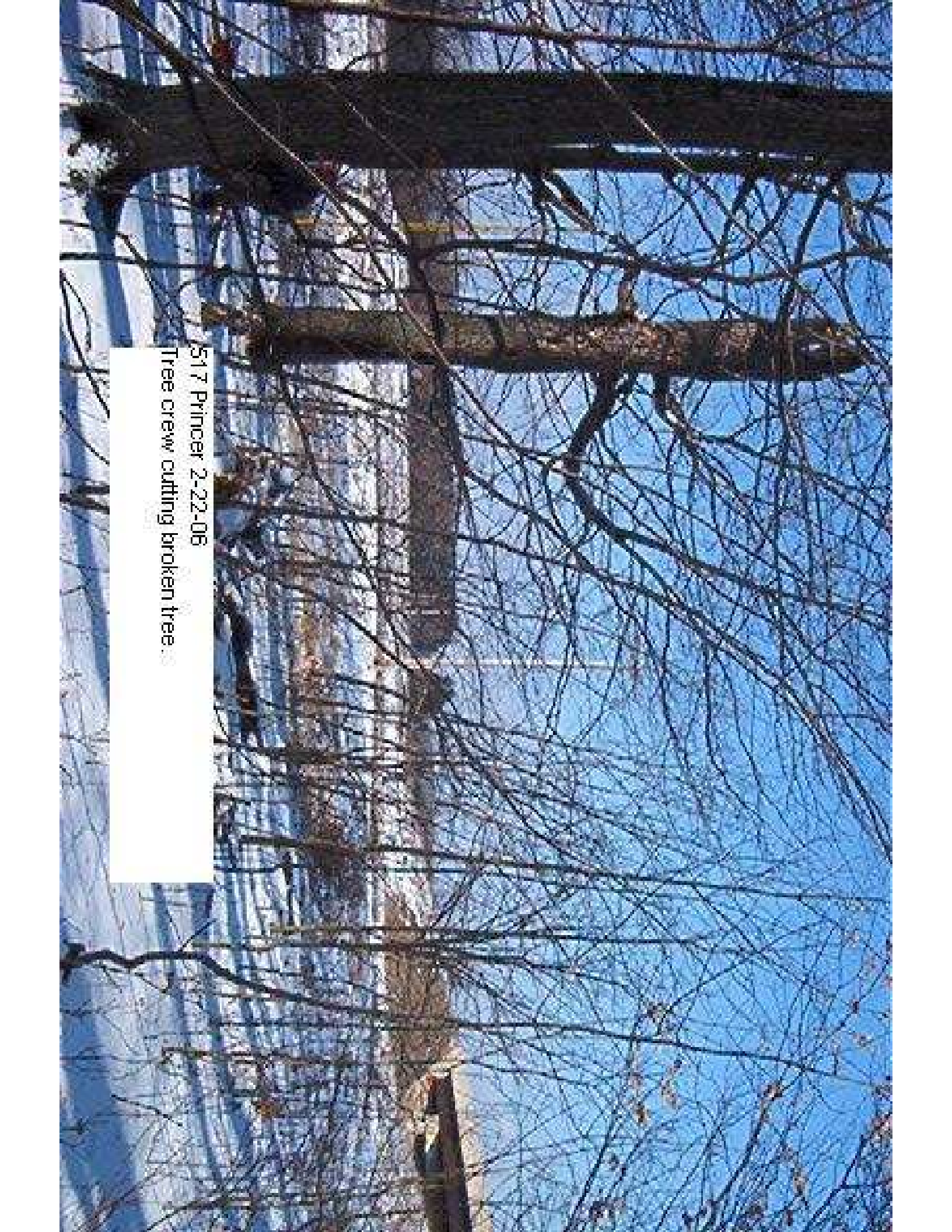


515 Princier 2-22-06

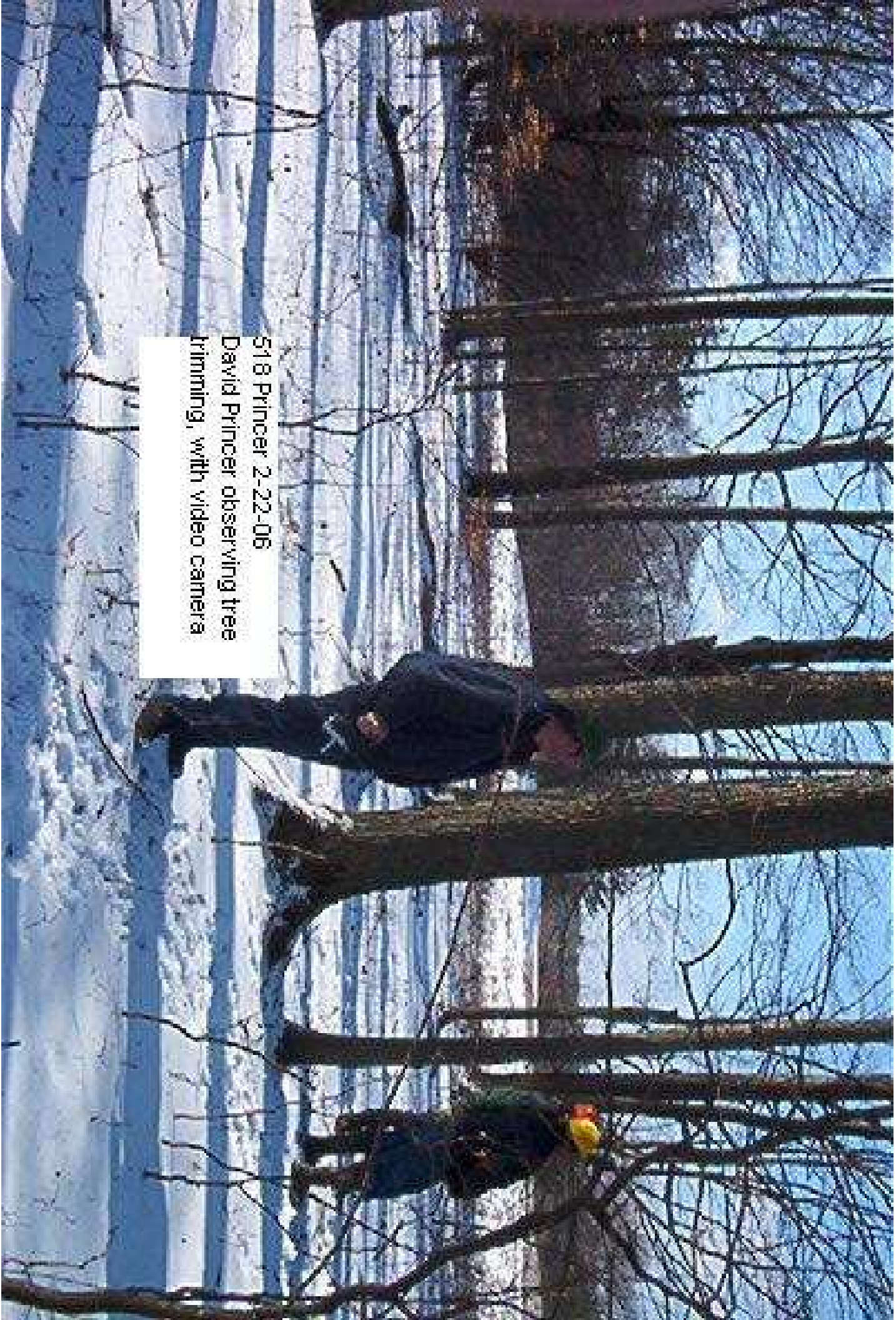
Tree crew getting ready to cut broken tree with limbs growing into power line.



516 Princer 2-22-06
Closeup of photo 515



517 Princeer 2-22-06
Tree crew cutting broken tree.

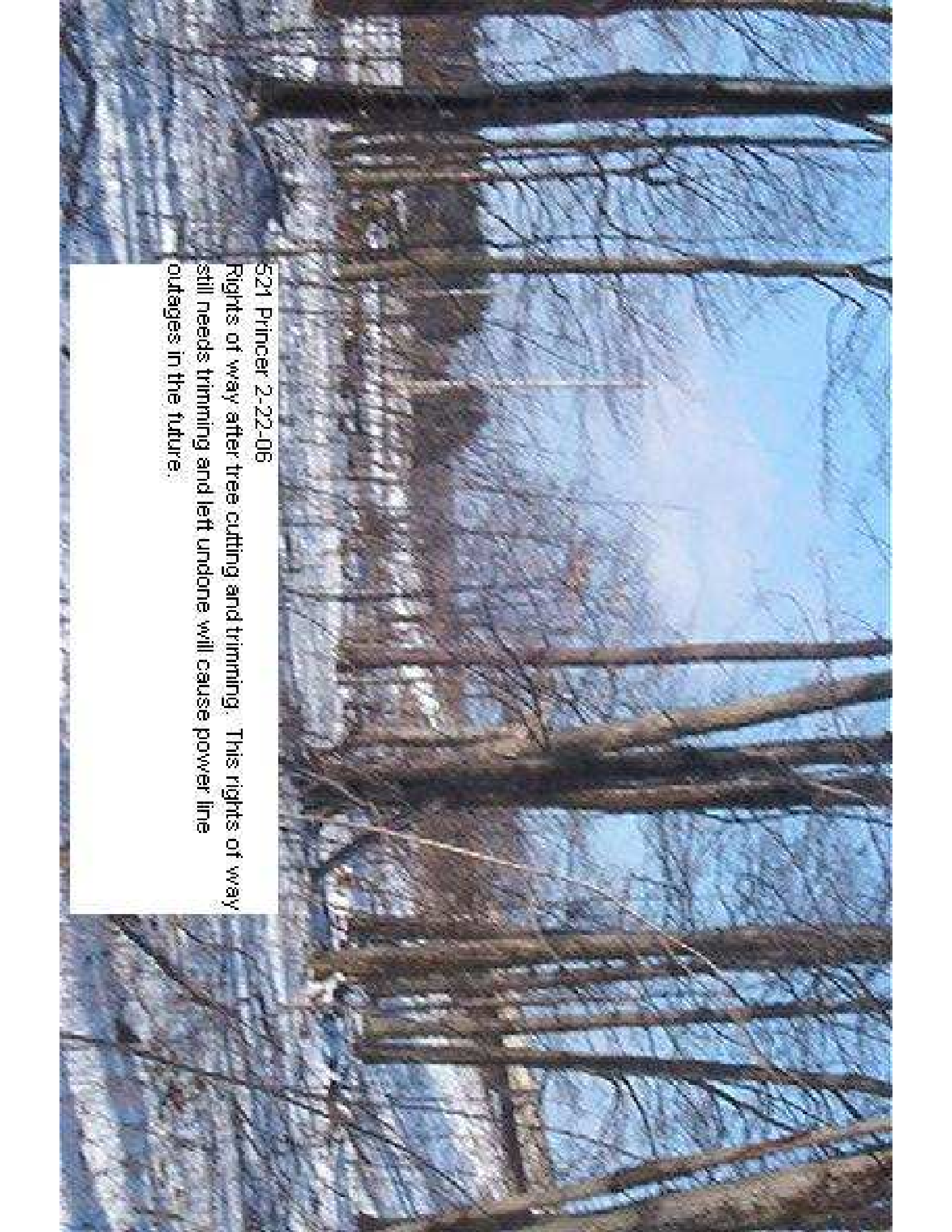


518 Princer 2-22-06

David Princer observing tree
trimming, with video camera







521 Princer 2-22-06
Rights of way after tree cutting and trimming. This rights of way
still needs trimming and left undone will cause power line
outages in the future.

Ernst, Albert

From: Ernst, Albert
Sent: Friday, March 10, 2006 9:17 AM
To: Madonna Adkins; Choura, Ronald G (DLEG); Stojic, George R (DLEG); Ernst, Albert; Dan Nelson; ggvaty@aol.com; Derkos, Peter J (DLEG)
Cc: Mason Soneral, Christine; Binke, Stewart; Priest, Carolyn; Dan Nelson; sboeckman@gleenergy.com; panzell@gleenergy.com; scdevon@michigan.gov; Bill Gonyon
Subject: Princers and Great Lakes/Promised Numbers and Estimates/Options
Attachments: lm4510_20060310_092054.pdf; LAN01-#153655-v2-
 gleco_princer_property_options_analysis.docx

All -- Attached is eight page package providing an assessment of the cost of the various options before us. Some explanatory comments may be helpful.

First, the PDF format version provides the complete package, including the applicable maps. However, when I reviewed that version, I noted that it was difficult to read the highlighted portions. Thus, I am also providing a Word format version of the package which is easier to read. Please note that Great Lakes' estimates are the easy to read part. My annotations and explanations are in the highlighted part.

Second, page 1 of the package shows the calculations for what Great Lakes would be required to do under its standard clearing policy. As I understand it, the sensitive part of the project, as determined by the Princers, are Spans 28-30, with a cost of \$1,248.00. If one of the other options is chosen, Great Lakes would not have to expend this \$1,248.00 and thus, we have credited the \$1,248.00 for most of the options, where applicable. I am advised that the clearing work on Spans 24-22 and 17-16 would have to be done under any of the options.

I trust that this package provides the information we all need to start to bring this matter to closure. I will put in a call to Gary Villas to see where we are in this process.

Call with questions or comments.

Thanks.

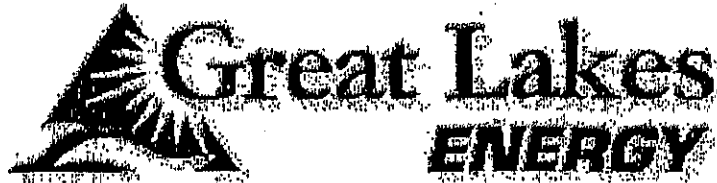
Al Ernst



lm4510_20060310_LAN01-#153655-v2
 092054.pdf (2 ... -gleco_princer...

Ernst, Albert

From: Dan Nelson [dnelson@glenergy.com]
Sent: Thursday, March 09, 2006 1:28 PM
To: Ernst, Albert
Subject: Tree work prices for Princer Property



Tree work prices for Princer Property.

Spans 28-30 16 hrs. @ \$78.00/hr 3 man manual crew = \$1248.00 West of Princers
Spans 24-22 8 hrs. @ \$78.00/hr 3 man manual crew = \$ 624.00 West of Henkel
Spans 17-16 2 hrs. @ \$69.00/hr 2 man bucket crew = \$ 138.00 North of Yankee
Total = \$2010.00

These prices are based on using a pick up with a chipper attached for chipping brush in spans 28-30. The brush in spans 22-24 including 24m, is planned to be windrowed along tree line. The Bucket can reach trees in spans 16-16m without doing any damage to property. There are cheaper ways to do this, however we have to think about damage to property. There will be nothing done until we are given the word go.

Sincerely,

Tim Kennedy
Vegetation Management Specialist
Great Lakes Energy Electric CO OP
P.O. Box 800 - One Cooperative Drive
Newaygo MI 49337-0800
(888) 485 - 2537

3/10/2006

①

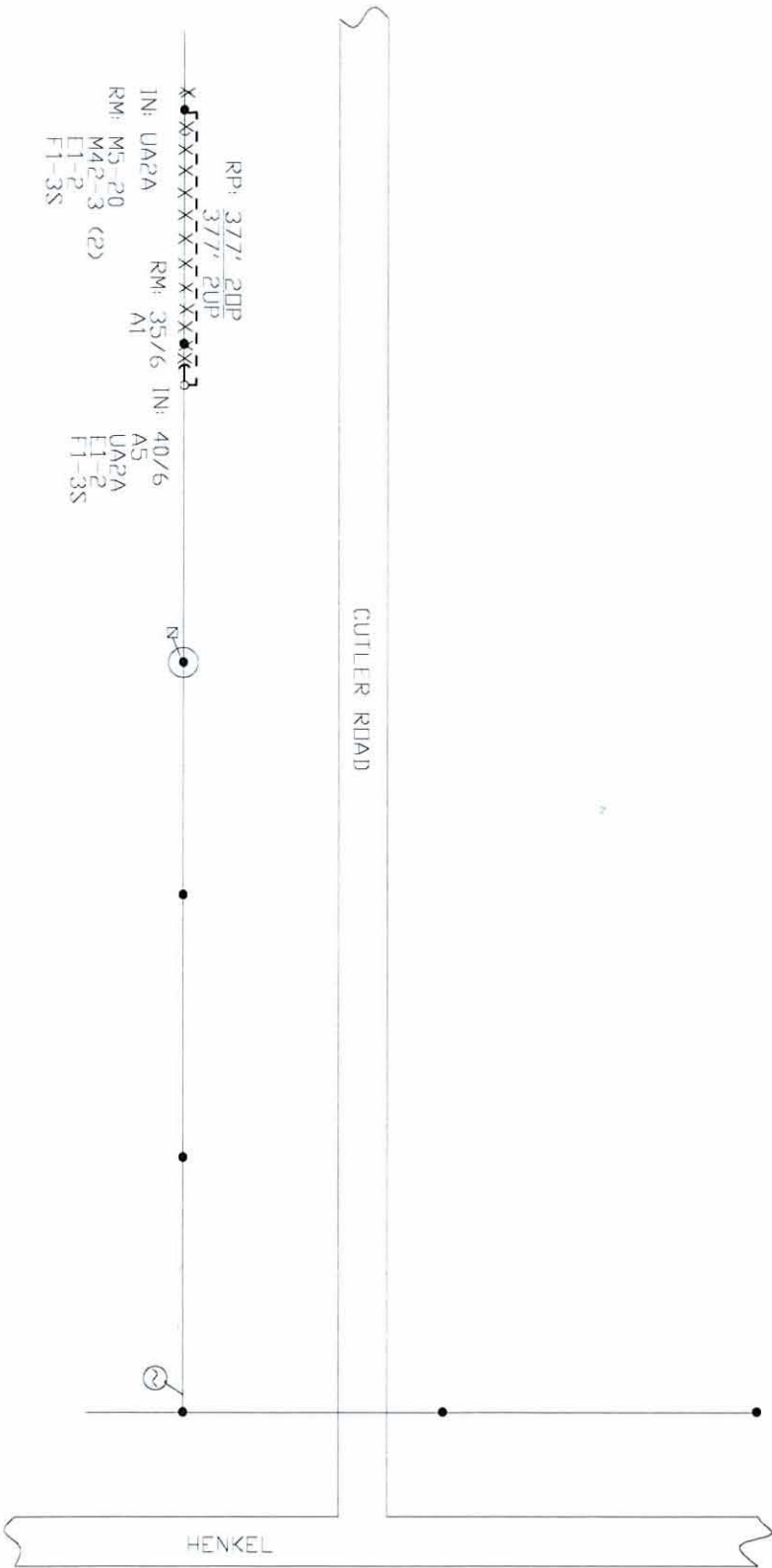
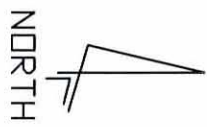
Princer Property
Line Maintenance Options:
March 9, 2006

- Option #1 **[Standard Clearing Approach]** -- Re-clear existing rights of way for all power lines located on the Princer property in accordance with Great Lakes Energy standard rights of way specifications for single phase line as indicated on March 3, 2006. No cost to customer. **[As indicated by page 1 of this package, the cost to Great Lakes is \$2,010.00 – and this would all be the responsibility of Great Lakes under its standard clearing policy. If we go with one of the other options, the \$1,248.00 would be credited to the Princers – since Great Lakes will not incur that cost. However, the \$624.00 and \$138.00 will still be incurred by Great Lakes for Spans 24-22 and 17-16, respectively.]**
- Option #2 **[Underground/Straight Approach]** -- Replace 377' of overhead line with underground cable in existing rights of way through the wooded section between the Princer residence and US 131 highway. The required easement width will be reduced to 10' in width. The estimated cost to the customer is \$3,543.63 less \$1,248.00 reduced re-clearing or \$2,295.63 net cost. **[This would place the most sensitive areas, as expressed by the Princers, underground and is diagrammed in the map attached as page 4.]**
- Option #3 **[Underground/Around Approach]** -- Install approximately 489' of underground cable around the north side of the wooded area between the Princer residence and US 131 highway. Remove existing overhead line through the woods in that area. The underground route will require a 10' wide easement. The estimated cost to the customer is \$4,432.56 less \$1,248.00 reduced re-clearing or \$3,184.56 net cost. **[This would avoid having to do tree clearing in the most sensitive areas, as expressed by the Princers, and Great Lakes would place underground lines as indicated; and this option is diagrammed in the map attached as page 5.]**
- Option #4 **[Overhead/Around Approach]** -- Relocate the overhead line to the north side of the wooded area west of the Princer residence to US 131. The existing overhead line through the wooded area would be removed. A new right of way of +/- 15' or 30' total will be required for the relocated line. The estimated cost to the customer is \$4,367.53 less \$1,248.00 reduced re-clearing or \$3,119.53 net cost. **[This would avoid having to do tree clearing in the most sensitive areas, as expressed by the**

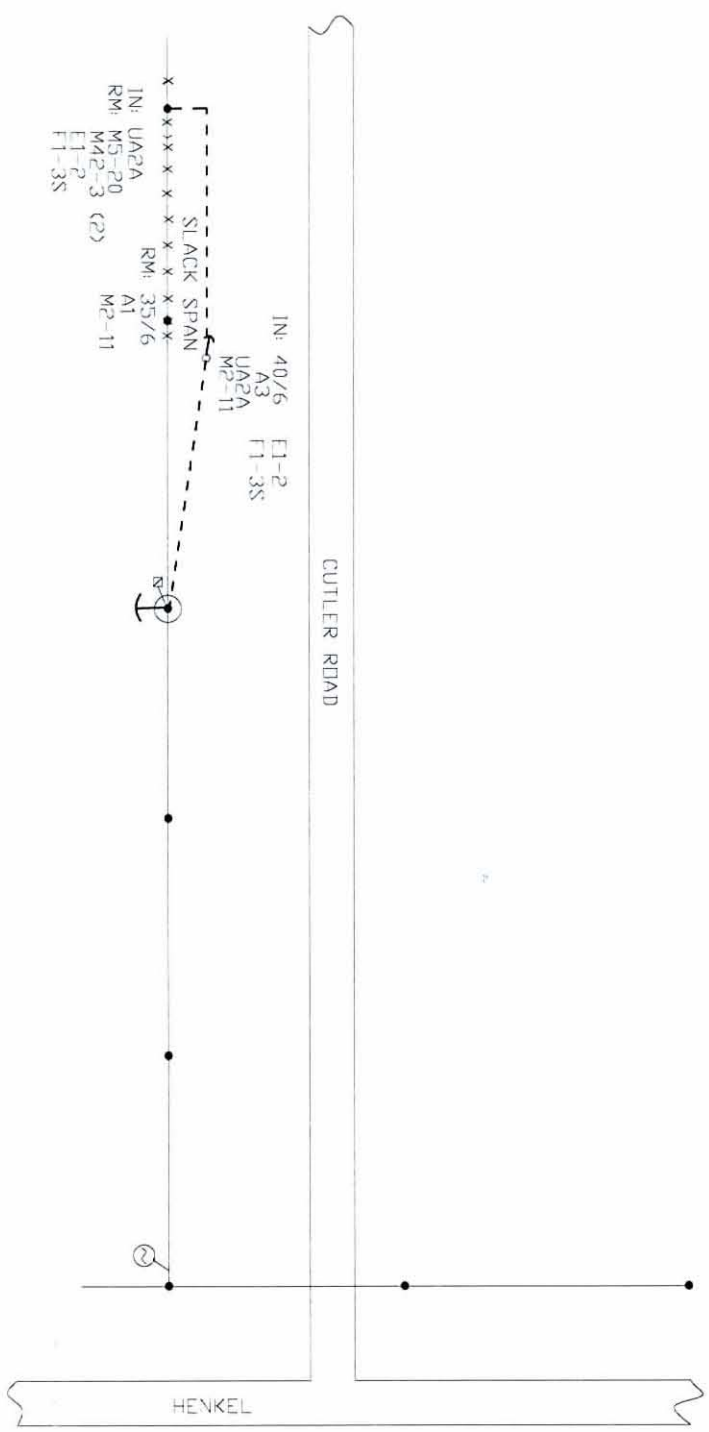
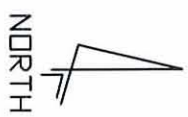
Princers, and Great Lakes would place overhead lines as indicated; and this option is diagrammed in the map attached as page 6.]

- Option #5 **[*North Side of Cutler Approach*]** -- Construct a new overhead line on the north side of Cutler Rd. This would require permitting from MDOT and may require underground construction. The overhead line through the wooded area west of the Princer residence would be removed. The estimated cost for this construct would be approximately \$11,000.00 less \$1,248.00 reduced re-clearing or \$1,248.00 reduced cutting or \$9,752.00 net cost. **[This could require as yet uninvestigated permits and consents such that the numbers indicated are not firm and are subject to change; and this option is diagrammed in the map attached as page 7.]**
- Option #6 **[*Remove Service Across Henkel Road Approach*]** -- Remove existing service line across Henkel Rd. near creek and build primary line extension on the east side of Henkel to serve existing customer. The estimated cost for this construction is \$3,970.15. There is no reduction in re-clearing cost for this option. **[Not clear why this option is here as it does nothing for the Princers, i.e., no reduction in re-clearing costs; and this option is diagrammed in the map attached as page 8.]**

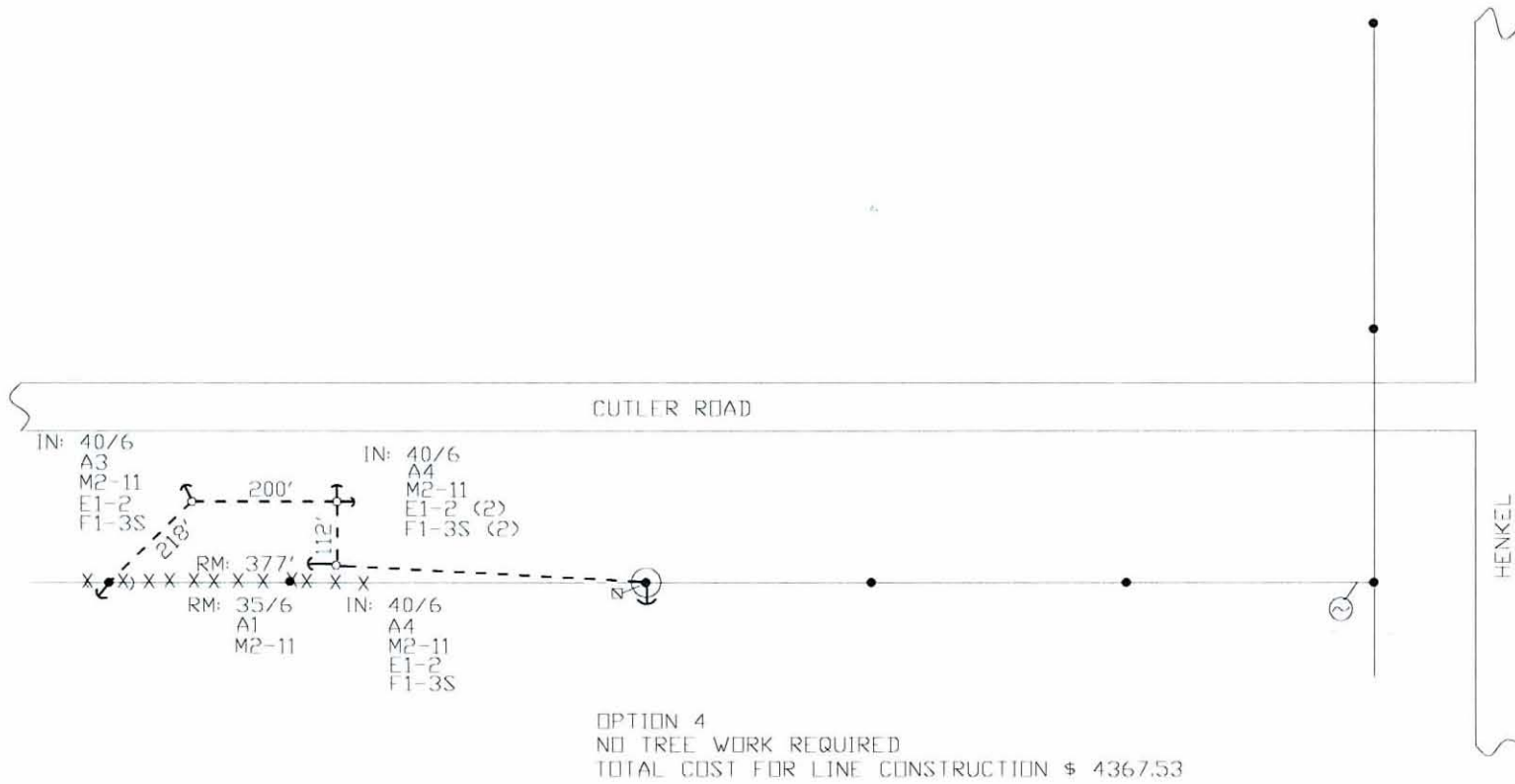
Please refer to the attached maps on the indicated pages for the location of the various options regarding the power lines on the Princer property



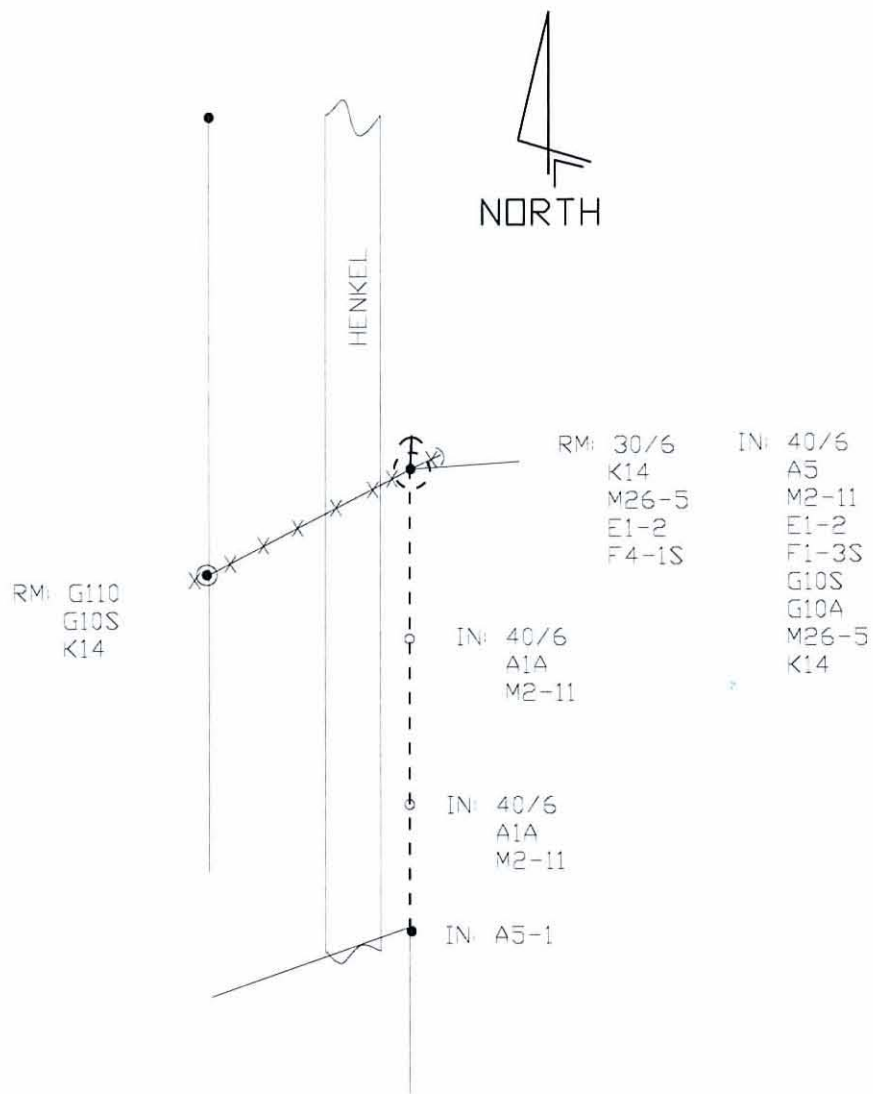
OPTION 2
THIS DOES REQUIRE TREE WORK TO BE DONE
COST FOR LINE CONSTRUCTION IS \$ 354363



OPTION 3
THIS DIES REQUIRE TREE WORK
TOTAL COST FOR LINE CONSTRUCTION \$ 4432.56







OPTION 1 - HENKEL ROAD
 NO TREE WORK REQUIRED
 TOTAL LINE CONSTRUCTION COSTS \$ 397015



Jennifer M. Granholm
GOVERNOR

STATE OF MICHIGAN
PUBLIC SERVICE COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
ROBERT W. SWANSON
ACTING DIRECTOR

J. Peter Lark
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Laura Chappelle
COMMISSIONER

Monica Martinez
COMMISSIONER

May 4, 2006

David and Madonna Princer
19707 Cutler Road
Morely, MI 49336

Dear Mr. and Mrs. Princer:

Pete Derkos from our office has attempted to schedule a meeting between you, Great Lakes Energy Cooperative, and the Staff of the Michigan Public Service Commission to resolve access issues to Great Lakes Energy's electric distribution facilities located on your property. Mr. Derkos has attempted to schedule these meetings on April 12th and 19th. He has also attempted to discuss a meeting date, at your suggestion, with your attorney, Mr. Nolan, on April 19th and 24th. To date, we have not received an affirmative commitment from you agreeing to a meeting, nor any returns to our inquiries regarding a meeting from your attorney.

The Public Service Commission staff is concerned about this situation because it has the responsibility to enforce the National Electric Safety Code, which requires access by utilities to their electric distribution facilities in order to properly maintain the facilities and to repair facilities as quickly as possible in the event of a distribution outage. Without this access, electric distribution safety and reliability may be compromised, something that would affect both your family and other Great Lakes customers.

As Director of Operations for the Commission's Staff, I am concerned that the longer this matter goes unresolved, the more likely the occurrence of an event that will adversely impact the safety and reliability of electric distribution on the Great Lakes distribution system. Therefore, I urge you to call me at 517.241.6109 or email me at grstoji@michigan.gov to schedule a meeting with the Commission Staff, Great Lakes Energy and you, along with your attorney if you wish, to resolve this matter before it compromises Great Lakes electric distribution system.

Respectfully,

George Stojic,
Operations and Wholesale Markets Division Director

cc: Pete Derkos
Dan Nelson, Great Lakes Energy Cooperative
Mr. Nolan

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of)
GREAT LAKES ENERGY COOPERATIVE)
to discontinue/terminate electric service to)
David and MaDonna Princer, 19707 Cutler)
Road, Morley, Michigan or, in the alternative,)
for a declaratory ruling that service should be)
discontinued/terminated.)

Case No. U-14898

PROOF OF SERVICE

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

Carolyn Priest, an employee of Dykema Gossett PLLC, being first duly sworn, deposes and says that on the 24th day of May, 2006, she served a copy of the Application for Authority to Discontinue/Terminate Service or, in the Alternative, Request for Declaratory Ruling that Service Should be Discontinued/Terminated, filed on behalf of Great Lakes Energy Cooperative upon the persons listed in the attached Service List, by enclosing copies of the same in envelopes properly addressed, and by depositing said envelopes in the United States Mail with postage having been fully prepaid thereon and by electronic mail.

Carolyn Ann Priest

Subscribed and sworn before
me this 24th day of May, 2006.

Janice K. Atkins, Notary Public
Ingham County, MI
Acting in Ingham County, Michigan
My Commission Expires: 08/25/2012

SERVICE LIST

David Princer
19707 Cutler Road
Morley, MI 49336
madonna@8cap.org

MaDonna Princer
19707 Cutler Road
Morley, MI 49336
madonna@8cap.org

Mr. Gary G. Villas
Nolan, Thomsen & Villas, P.C.
239 S. Main Street
Eaton Rapids, MI 48827
ggvatty@aol.com

LAN01\157101.1
ID\AE