

June 29, 2006

Mary Jo Kunkle
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way
Lansing, MI 48909

Re: *Quicksilver Resources and Terra Energy v MichCon Gathering Company and Michigan Consolidated Gas Company, MPSC Case No. U-14821 (paperless)*

Dear Secretary Kunkle:

Enclosed for filing is Michigan Consolidated Gas Company's and MichCon Gathering Company's Subpoena to Gregory A. Fogle, 6266 Red Fox Run, Traverse City, MI 49686, along with Attachment A. A Proof of Service is also enclosed.

Very truly yours,

HONIGMAN MILLER SCHWARTZ AND COHN LLP

Richard
Aaron

Digitally signed by Richard
Aaron
DN: CN = Richard Aaron, C =
US
Date: 2006.06.29 14:30:10 -
04'00'

Richard J. Aaron

Enclosures

LANSING.263170.1

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

QUICKSILVER RESOURCES, INC. and
TERRA ENERGY, LTD.

Complainants,

vs.

Case No. U-14821

MICHCON GATHERING COMPANY and
MICHIGAN CONSOLIDATED GAS
COMPANY,

Respondents.

PROOF OF SERVICE

Lori Smith, being first duly sworn, deposes and says that on June 29 2006, Michigan Consolidated Gas Company's and MichCon Gathering Company's Subpoena to Gregory A. Fogle, 6266 Red Fox Run, Traverse City, MI 49686, along with Attachment A was served upon the attached list via e-mail and U.S. First Class Mail:

Lori Smith

Digitally signed by Lori Smith
DN: CN = Lori Smith, C = US
Date: 2006.06.29 14:30:22 -
04'00'

Lori Smith

Subscribed and sworn to before me
this 29th day of June, 2006.

Cynthia Lenneman

Digitally signed by Cynthia Lenneman
DN: CN = Cynthia Lenneman, C = US
Date: 2006.06.29 14:30:31 -04'00'

Cynthia M. Lenneman, Notary Public
Clinton County, Acting in Ingham County, Michigan
My commission expires: 02/20/07
LANSING.263171.1

SERVICE LIST
MPSC CASE NO. U-14821

MPSC

Emmanuel B. Odunlami
Assistant Attorney General
Michigan Public Service Commission
6545 Mercantile Way, Ste. 15
Lansing, MI 48911
(517) 241-6680
odunlamie@michigan.gov

QUICKSILVER RESOURCES INC. and TERRA ENERGY LTD.

James A. Christopherson
Dingeman, Dancer & Christopherson, PLC
100 Park Street
Traverse City, MI 49684
(231) 929-0500
christopherson@ddc-law.com

MICHCON GATHERING COMPANY and MICHIGAN CONSOLIDATED GAS COMPANY

Richard P. Middleton (P-41278)
Attorney for Respondents
Michigan Consolidated Gas Company
2000 2nd Ave #688WCB
Detroit, MI 48226
(313) 235-3647
middletonr@dteenergy.com
mpscfilings@dteenergy.com

ADMINISTRATIVE LAW JUDGE

Hon. Mark D. Eyster
Michigan Public Service Commission
6545 Mercantile Way, Ste. 14
Lansing, MI 48909
(517) 241-0499
mdeyste@michigan.gov

Via Certified Mail

June 29, 2006

Gregory A. Fogle
6266 Red Fox Run
Traverse City, MI 49686

***Re: Quicksilver Resources, Inc. and Terra Energy vs MichCon Gathering Company and
Michigan Consolidated Gas Company, Case No. U-14821***

Dear Mr. Fogle:

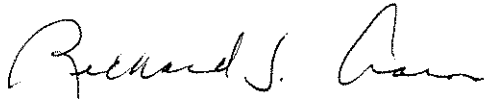
Enclosed is a Subpoena seeking production of documents relating to your dealings in connection with the above complaint before the Michigan Public Service Commission.

The Subpoena seeks production of documents at a particular location and date as set forth in the Subpoena, but we would be happy to cooperate with you to minimize the inconvenience this may cause. Please be aware, however, that we have limited time available to complete our discovery for this case and must require you to comply with our request as soon as possible. Also, we would be happy to discuss the Subpoena's terms and to reduce difficulties you might have.

Mr. Richard J. Aaron
Honigman Miller Schwartz and Cohn LLP
222 Washington Square, Suite 400
Lansing, MI 48933-1800
(Ph) 517-377-0701, (Fax) 517-364-9501, raaron@honigman.com

Very truly yours,

HONIGMAN MILLER SCHWARTZ AND COHN LLP


Richard J. Aaron

Enclosures

LANSING.271379.1

STATE OF MICHIGAN Public Service JUDICIAL DISTRICT Commission JUDICIAL CIRCUIT COUNTY PROBATE	SUBPOENA Order to Appear and/or Produce	CASE NO. Mark D. Eyster, U-14821
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Police Report No. (if applicable) _____ Court address 6545 Mercantile Way Court telephone no. (517) 241-6180
Lansing MI 48909

Plaintiff(s)/Petitioner(s) ☐ People of the State of Michigan ☒ Quicksilver Resources, Inc. and Terra Energy _____ ☒ Civil ☐ Criminal ☐ Probate In the matter of _____	Defendant(s)/Respondent(s) MichCon Gathering Company and Michigan Consolidated Gas Company _____ Charge _____
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In the Name of the People of the State of Michigan. TO: Gregory A. Fogle
6266 Red Fox Run
Traverse City, MI 49686

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

YOU ARE ORDERED:

☐ 1. to appear personally at the time and place stated below: You may be required to appear from time to time and day to day until excused.		
☐ The court address above ☒ Other: Produce to: Honigman Miller Schwartz and Cohn LLP 222 N. Washington Square, Ste. 400, Lansing, MI 48933		
Day By Thursday	Date July 13, 2006	Time 12:00 pm

☐ 2. Testify at trial / examination / hearing.

☒ 3. Produce/permit inspection or copying of the following items: See Attachment A

☐ 4. Testify as to your assets, and bring with you the items listed in line 3 above.

☐ 5. Testify at deposition.

☐ 6. MCL 600.6104(2), 600.6116, or 600.6119 prohibition against transferring or disposing of property is attached.

☐ 7. Other: _____

☒ 8. Person requesting subpoena Richard J. Aaron Address Honigman Miller Schwartz and Cohn LLP 222 North Washington Square, Suite 400 City State Zip Lansing MI 48933-1800	Telephone no. (517) 377-0701
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NOTE: If requesting a debtor's examination under MCL 600.6110, or an injunction under item 6, this subpoena must be issued by a judge. For a debtor examination, the affidavit of debtor examination on the other side of this form must also be completed. Debtor's assets can also be discovered through MCR 2.305 without the need for an affidavit of debtor examination or issuance of this subpoena by a judge.

FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA OR APPEAR AT THE STATED TIME AND PLACE MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.

June 29, 2006

Date _____ Judge/Clerk/Attorney Richard J. Aaron

P35605

Bar no. _____



Court use only	
☐ Served	☐ Not served

PROOF OF SERVICE

SUBPOENA

Mark D. Eyster,
Case No. U-14821

TO PROCESS SERVER: You must make and file your return with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

☐ **OFFICER CERTIFICATE**

OR

☒ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

☒ I served a copy of the subpoena, together with Attachment A (including any required fees) by Attachment

☐ personal service

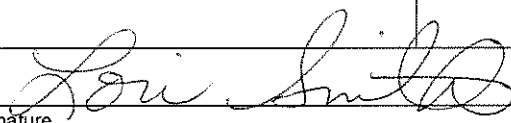
☒ registered or certified mail (copy of return receipt attached)

on:

Name(s) Gregory A. Fogle	Complete address(es) of service 6266 Red Fox Run, Traverse City, MI 49686	Day, date, time Thu 06/29/06

☐ I have personally attempted to serve the subpoena and required fees, if any, together with Attachment on the following person and have been unable to complete service.

Name(s)	Complete address(es) of service	Day, date, time



Signature
Secretary
Title

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Subscribed and sworn to before me on 06/29/06, Clinton County, Acting in Ingham County, Michigan.
Date

My commission expires: 02/20/07 Date Signature: Cynthia M. Brennan
Deputy court clerk/Notary public

Notary public, State of Michigan, County of Clinton County, Acting in Ingham

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the subpoena and required fees, if any, together with Attachment

on Day, date, time

Signature on behalf of

AFFIDAVIT FOR JUDGMENT DEBTOR EXAMINATION

I request that the court issue a subpoena which orders the party named on this form to be examined under oath before a judge concerning the money or property of:
for the following reasons:

Signature

Subscribed and sworn to before me on Date, County, Michigan.

My commission expires: Date Signature: Deputy court clerk/Notary public

Notary public, State of Michigan, County of

ATTACHMENT A -- GREGORY A. FOGLE

1. Referring to the prefiled direct testimony of Gregory A. Fogle, page 3, lines 12-16, please produce copies of all documents which form the basis of the understanding of MichCon's position.

2. Referring to the prefiled direct testimony of Gregory A. Fogle, page 3, lines 12-16, please provide copies of all documents, notes, memoranda, journals, reports, correspondence (whether in electronic form or not), prepared by Mr. Fogle, or under his direction and supervision in connection with him obtaining an understanding of the position MichCon has taken.

3. Referring to the prefiled direct testimony of Gregory A. Fogle, page 4, lines 7-9, produce all documents which identify (by well, shipper and/or delivery point) all sources of Niagaran wet gas with the CO₂ content below 2% and located downstream of the CMS Antrim Gas LLC CO₂ treating plant at South Chester, which can be used by MichCon for blending on the AEP.

4. Referring to the prefiled direct testimony of Gregory A. Fogle, page 4, lines 17-23 and page 5, lines 1-5, produce all documents which identify all non-AEP producers contemplated in the answer.

5. Referring to the prefiled direct testimony of Gregory A. Fogle, page 5, line 6-16, please produce copies of all documents which contain CMS' promise to provide sufficient capacity to eliminate curtailments due to processing plant outages.

6. Referring to the prefiled direct testimony of Gregory A. Fogle, page 5, line 6-16, please produce all documents which create or establish the burden MichCon should bear with respect to treating to meet CO₂ requirements.