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ERIC J. SCHNEIDEWIND

E-MAIL ejschneidewind@varnumlaw.com

June 16, 2006

Ms. Mary Jo Kunkle
Michigan Public Service Commission
6545 Mercantile Way
P.O. Box 30221
Lansing, MI 48909

Re: Case No. U-14861

Dear Ms. Kunkle:

Attached for paperless electronic filing is Hartland Township's Reply to Request of ITC for a Waiver of Section 81 of the Administrative Procedures Act. Also attached is the original Proof of Service indicating service on counsel.

Thank you for your assistance in this matter.

Very truly yours,

VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP

Eric J.

Schneidewind

Eric J. Schneidewind

Digitally signed by Eric J.
Schneidewind
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o=Varnum Riddering Schmidt Howlett
Date: 2006.06.16 13:37:32 -04'00'

EJS/mrr

cc: ALJ
parties
Don Mazuchowski

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of)
International Transmission Company,)
d/b/a ITC Transmission, for a certificate of)
public convenience and necessity for)
construction of a transmission line other)
than a major transmission line, running)
through Genoa, Hartland, Oceola, Milford,)
and Brighton Townships.)
_____)

Case No. U-14861

HARTLAND TOWNSHIP REPLY TO REQUEST OF INTERNATIONAL
TRANSMISSION COMPANY FOR A WAIVER OF SECTION 81
OF THE ADMINISTRATIVE PROCEDURES ACT

NOW COMES Hartland Township, by and through its counsel, Varnum Riddering Schmidt & Howlett LLP, and hereby replies to the request of the International Transmission Company ("ITC") for elimination of a Proposal For Decision ("PFD"), Exceptions and Replies to Exceptions in this matter which are otherwise required by Section 81 of the Administrative Procedures Act of 1969, 1969 PA 306, § 81 ("APA"). In support of this Reply, Hartland Township states as follows:

1. Hartland Township is affected by the ITC Application for a Certificate of Public Convenience and Necessity in this matter ("ITC Application") because the proposed transmission line runs through Hartland Township and because the proposed method of construction is prohibited by current affective ordinance of Hartland Township. ITC Application, ¶ 5, p. 4, and p. 2-3. Pursuant to 1995 PA 30, MCL 460.561, et seq., the Electric Transmission Line Certification Act (the "Act"). Sections 9(2) and 8(2) Hartland Township is entitled to participate in this proceeding as of right. Hartland Township filed a Petition for Intervention in this matter on June 8, 2006.

2. The above referenced request of ITC for waiver of a PFD, Exceptions and Replies to Exceptions otherwise required by Section 81 of the APA is unaccompanied by any substantial discussion or explanation of law or facts which would warrant this extreme remedy. There is no explanation regarding how the requested waiver would affect the proposed construction schedule, why the resulting construction schedule would be preferable or necessitated by facts or why the public welfare associated with accelerating the construction schedule would outweigh the denial of substantive procedural rights to Hartland Township.

3. While ¶ 19 of the Application at page 9 cites the Commission's Capacity Need Forum and other studies as justifying or recommending upgraded State transmission infrastructure, ITC does not cite a study or recommendation indicating that the use of a schedule incorporating Section 81 guarantees would result in construction delays that would prejudice a specific reliability requirement identified by the Capacity Need Forum or any other report prepared by a governmental agency. In fact, based upon information and belief, the author states that any reasonable schedule promulgated by the Commission with or without Section 81 guarantees would result in completion of construction after the usual summer peak demand periods which are typically associated with the July and August timeframe. Absent any supporting facts and law provided by Applicant ITC, the Commission is reminded that Hartland Township must respond to the ITC Application, which involves a very complex and technically difficult area. Hartland Township will also benefit, as will other affected parties, from review of a PFD to ensure that complex technical arguments and legal points are thoroughly understood and incorporated in any resulting Commission decision. Elimination of the PFD with resulting Exceptions and Replies to Exceptions deprives Hartland Township of the opportunity to ensure that critical facts or points of law are not misunderstood or omitted from the Commission's deliberations. Elimination of a PFD creates the potential for error or mistake and construction which may impair the health, safety or economic well-being of Hartland Township residents.

4. Finally, Hartland Township reminds the Commission that this case is a matter of first impression under the terms, provisions and requirements of the Act. There is no precedent in place to guide the Commission. This circumstance places additional pressure upon the Commission and parties particularly as regards legal research and interpretation of the Act. For

this reason, it would be particularly unreasonable to accelerate the approval process by eliminating Section 81 procedures which provide a means to comment on any interpretation of the Act recommended by the presiding ALJ.

WHEREFORE, Hartland Township respectfully requests that the Commission deny the ITC request that the procedural requirements of Section 81 of the APA be eliminated.

Respectfully submitted,

Varnum, Riddering, Schmidt & Howlett LLP
Attorneys for Hartland Township

June 16, 2006

By: **Eric J. Schneidewind**

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STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of)
International Transmission Company,)
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public convenience and necessity for)
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than a major transmission line, running)
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and Brighton Townships.)
_____)

Case No. U-14861

PROOF OF SERVICE

Monica Robinson, duly sworn, deposes and says that on this 16th day of June 2006 she served a copy of Hartland Township Reply to Request of International Transmission Company For A Waiver of Section 81 of the Administrative Procedures Act upon those individuals listed on the attached Service List by e-mail and regular mail at their last known addresses.

**Monica
Robinson**

Digitally signed by Monica Robinson
DN: cn=Monica Robinson, c=US,
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Howlett
Date: 2006.06.16 13:38:12 -04'00'

Monica Robinson

Subscribed and sworn to before me
this 16th day of June 2006.

**Eric J.
Schneidewind**

Digitally signed by Eric J. Schneidewind
DN: cn=Eric J. Schneidewind, c=US,
o=Varnum Riddering Schmidt Howlett
Date: 2006.06.16 13:38:24 -04'00'

Eric J. Schneidewind, Notary Public
Eaton County, Michigan
Acting in Ingham County, Michigan
My Commission Expires: April 24, 2012

Service List U-14861

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