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Michael G. Harrison
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Allan O. Maki

Writer's Direct Phone: 371-8138

June 14, 2002

Hand Delivered
Clerk of the Court
Michigan Court of Appeals
109 W. Michigan Avenue
Lansing, MI 48909



Dear Clerk:

RE: The Detroit Edison Company
v Michigan Public Service Commission
(Court of Appeals No. _____)
(MPSC Case No. U-12639)

Enclosed please find, on behalf of Appellant The Detroit Edison Company, the following documents: (a) Jurisdictional Checklist; (b) Claim of Appeal; (c) 12/20/01 Opinion and Order; (d) 5/16/02 Opinion and Order; (e) Notice of Filing Claim of Appeal; (f) Affidavit that Claim of Appeal is Timely; (g) Statement of Attorney Concerning Transcript; (h) Docket Entries; and (i) Proof of Service

Please date stamp the extra copy of the Claim of Appeal and return the same with our courier.

Also enclosed is our check in the amount of $250.00 for the filing fee. Thank you for your assistance. If you have any questions, please call.

Very truly yours,

FOSTER, SWIFT, COLLINS & SMITH, P.C.

Stephen J. Rhodes

SJR:jlr
Enclosures
cc w/enc: Counsel of Record
Bruce R. Maters
Jon P. Christinidis

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COPY

Original - Court of Appeals 1st copy - Trial Court/Tribunal

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	JURISDICTIONAL CHECKLIST FOR COURT OF APPEALS	CASE NO. Trial Court/Tribunal: MPSC Case No. U-12639 Court of Appeals:

Plaintiff name	x Appellant		Defendant name	___ Appellant
The Detroit Edison Company		V	Michigan Public Service Commission	

INSTRUCTIONS: This checklist must be completed and filed with your claim of appeal.

Required Documents (All items, 1. through 6. must be filed. Check each box as you confirm each document and appropriate filing fee(s) are being filed.)

x 1. The claim of appeal, with original signature and correct lower court number. [MCR 7.204(B)(1)]

x 2. A filing fee of $250.00. [MCR 7.204(B)(2)] (Where multiple lower court or tribunal numbers are involved, Court policy will dictate whether a multiple fee is required. Appellants will be advised of any insufficiency in the filing fee.)

x 3. A copy of the order you are appealing (the order deciding the merits and not an order denying rehearing or reconsideration). [MCR 7.204(C)(1)]

x 4. Evidence that the necessary transcript has been ordered (check only one box from a. through e. below). [MCR 7.204(C)(2)]

- x a. The complete transcript has been ordered. [MCR 7.210(B)(1)(a)] and is on file with the Michigan Public Service Commission
- ___ b. This appeal is from a probate court proceeding which does not require a complete transcript. [MCR 7.210(B)(1)(b)]
- ___ c. A motion has been filed in the lower court or tribunal for submission of the appeal on less than the complete transcript. [MCR 7.210(B)(1)(d)]
- ___ d. The parties have stipulated to submission of the appeal on less than the complete transcript. [MCR 7.210(B)(1)(e)]
- ___ e. The parties have stipulated to a statement of fact. [MCR 7.210(B)(1)(e)]

x 5. Proof of service demonstrating that all other parties have been served. Even if a party is not an appellee, they must be served. [MCR 7.204(C)(3)]

x 6. Docket or calendar entries from the lower court or tribunal. [MCR 7.204(C)(5)]

Finality of Order Being Appealed (Check the box that demonstrates your claim of appeal is by right. If none apply, you do not have an appeal by right.)

___ The claim of appeal is from a final order which, alone or with other orders already entered, disposes of all claims as to all parties.

___ The claim of appeal is from a post-judgment order which by law is designated as a final order. The statute, court rule, or case law establishing appeal by right as to this order is: (citation to MCR 7.203 alone is insufficient)

x The claim of appeal is from an order which is designated by statute, court rule or case law as an order appealable by right to the Court of Appeals. The statute, court rule, or case law establishing appeal by right as to this order is: MCL 462.26; MSA 22.45

Date filed June 14, 2002

Preparer's name (type or print) Stephen J. Rhodes (P40112)
Foster, Swift, Collins & Smith, P.C.
Telephone no. 517/371-8138

MICHIGAN PUBLIC SERVICE COMMISSION

JUN 1 8 2002

FILED

STATE OF MICHIGAN
IN THE COURT OF APPEALS

THE DETROIT EDISON COMPANY

Appellant,

v

MICHIGAN PUBLIC SERVICE COMMISSION

Appellee.

Court of Appeals
No.

In the matter, on the Commission's own motion, to implement the provisions of Section 10a(10) of 2000 PA 141,

MPSC Case No. U-12639

William K. Fahey (P27745)
Stephen J. Rhodes (P40112)
FOSTER, SWIFT, COLLINS & SMITH, P.C.
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THE DETROIT EDISON COMPANY
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Detroit, MI 48226-1203
(313) 235-7481

NOTICE OF FILING OF CLAIM OF APPEAL

Dated: June 14, 2002

NOTICE OF FILING OF CLAIM OF APPEAL

TO: All Persons Listed on the Attached Service List

PLEASE TAKE NOTICE that the attached Claim of Appeal has been filed in the Michigan Court of Appeals and the applicable filing fee paid on this date.

Respectfully submitted,

FOSTER, SWIFT, COLLINS & SMITH, P.C.
Attorneys for Appellant The Detroit Edison Company

Dated: June 14, 2002

By: _____
William K. Fahey (P27745)
Stephen J. Rhodes (P40112)

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THE DETROIT EDISON COMPANY

By: Bruce R. Maters (P28080)
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S:\122\SJR\EDISON\12639\COA\NOTICE

STATE OF MICHIGAN
IN THE COURT OF APPEALS

THE DETROIT EDISON COMPANY

Appellant,

v

MICHIGAN PUBLIC SERVICE COMMISSION

Appellee.

---/

Court of Appeals
No.

In the matter, on the Commission's own motion, to implement the provisions of Section 10a(10) of 2000 PA 141,

MPSC Case No. U-12639

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---/

AFFIDAVIT THAT CLAIM OF APPEAL IS TIMELY

Dated: June 14, 2002

STATE OF MICHIGAN)
)
COUNTY OF INGHAM)

Stephen J. Rhodes of Foster, Swift, Collins & Smith, P.C., being duly sworn, deposes and says:

1. I am one of the attorneys representing The Detroit Edison Company in this appeal.

2. On December 20, 2001, the Michigan Public Service Commission ("MPSC") issued an Opinion and Order in Case No. U-12639, and on May 16, 2002, the MPSC issued an Opinion and Order on rehearing in that case.

3. The Detroit Edison Company is filing a Claim of Appeal with this Court pursuant to MCL 460.59 and MCL 462.26(1), which provide for a 30-day time period to file an appeal as of right in this Court. The appeal is timely, following the MPSC's decision on rehearing. Attorney General v Public Service Comm, 429 Mich 248; 414 NW2d 687 (1987).

Stephen J. Rhodes

Sworn to before me and subscribed in my presence this 14th day of June, 2002.

Jennifer L. Root
Notary Public, Clinton County, Michigan
Acting in Ingham County
My Commission Expires: 2/8/03

S:\122\SJR\EDISON\12639\COA\AFFIDAV

STATE OF MICHIGAN
IN THE COURT OF APPEALS

THE DETROIT EDISON COMPANY

Appellant,

v

MICHIGAN PUBLIC SERVICE COMMISSION

Appellee.

---/

Court of Appeals
No.

In the matter, on the Commission's own motion, to implement the provisions of Section 10a(10) of 2000 PA 141,

MPSC Case No. U-12639

---/

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---/

STATEMENT OF ATTORNEY CONCERNING TRANSCRIPT

Dated: June 14, 2002

STATEMENT OF ATTORNEY CONCERNING TRANSCRIPT

There is no record to be transcribed in this case. The proceedings of the Michigan Public Service Commission in Case No. U-12639 were previously recorded, transcribed, and delivered to the Michigan Public Service Commission.

Respectfully submitted,

FOSTER, SWIFT, COLLINS & SMITH, P.C.
Attorneys for Appellant The Detroit Edison Company

Dated: June 14, 2002

By: _____
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S:\122\SJR\EDISON\12639\COA\STATEMNT

MICHIGAN PUBLIC SERVICE COMMISSION
JUN 18 2002
FILED

STATE OF MICHIGAN
IN THE COURT OF APPEALS

THE DETROIT EDISON COMPANY

Appellant,

v

MICHIGAN PUBLIC SERVICE COMMISSION

Appellee.

Court of Appeals
No.

In the matter, on the Commission's own motion, to implement the provisions of Section 10a(10) of 2000 PA 141,

MPSC Case No. U-12639

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CLAIM OF APPEAL

Dated: June 14, 2002

CLAIM OF APPEAL

The Detroit Edison Company claims an appeal from the Opinions and Orders entered December 20, 2001 (Exhibit A) and May 16, 2002 (Exhibit B), in MPSC Case No. U-12639 in the Michigan Public Service Commission by Chairman Laura Chappelle and Commissioners David A. Svanda and Robert B. Nelson.

Respectfully submitted,

FOSTER, SWIFT, COLLINS & SMITH, P.C.
Attorneys for Appellant The Detroit Edison Company

Dated: June 14, 2002

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S:\122\SJR\EDISON\12639\COA\CLAIM.APP

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter, on the Commission's own motion, to implement the provisions of Section 10a(10) of 2000 PA 141.	))))	Case No. U-12639

At the December 20, 2001 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. Laura Chappelle, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

OPINION AND ORDER

I.

HISTORY OF PROCEEDINGS

On October 24, 2000, the Commission issued an order commencing this case to implement Section 10a(10) of 2000 PA 141 (Act 141), MCL 460.10a(10), which requires the Commission to determine the net stranded costs created by permitting customers to purchase generation services from alternative electric suppliers.

On November 27, 2000, a prehearing conference was held before Daniel E. Nickerson, Jr. (ALJ), who granted petitions for leave to intervene filed by Consumers Energy Company (Consumers), The Detroit Edison Company (Detroit Edison), the Association of Businesses Advocating Tariff Equity (ABATE), Energy Michigan, Attorney General Jennifer M. Granholm (Attorney General), the Midland Cogeneration Venture Limited Partnership (MCV), Indiana

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter, on the Commission's own motion, to implement the provisions of Section 10a(10) of 2000 PA 141.	))))	Case No. U-12639

At the May 16, 2002 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. Laura Chappelle, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

OPINION AND ORDER

On December 20, 2001, the Commission issued an order adopting a methodology for calculating net stranded costs, as required by MCL 460.10a(10). The Commission found that neither Consumers Energy Company (Consumers) nor The Detroit Edison Company (Detroit Edison) had stranded costs in 2000. The Commission therefore approved a transition charge of zero for the two companies, and continued the offset for the securitization and tax charges and the rate reduction equalization.

On January 18, 2002, Consumers filed a petition for rehearing. On January 22, 2002, Detroit Edison and Citizens for Power and Reliability (CPR) filed petitions for rehearing. Attorney General Jennifer M. Granholm (Attorney General) filed a response to each petition. Energy Michigan filed a joint response to the petitions. The Association of Businesses Advocating Tariff

STATE OF MICHIGAN
IN THE COURT OF APPEALS

THE DETROIT EDISON COMPANY

Appellant,

v

MICHIGAN PUBLIC SERVICE COMMISSION

Appellee.

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Court of Appeals
No.

In the matter, on the Commission's own motion, to implement the provisions of Section 10a(10) of 2000 PA 141,

---)

MPSC Case No. U-12639

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---/

PROOF OF SERVICE

Dated: June 14, 2002

STATE OF MICHIGAN)
)
COUNTY OF INGHAM)

Jennifer L. Root, being duly sworn, states that on June 14, 2002, on behalf of Appellant The Detroit Edison Company, she served its (a) Jurisdictional Checklist; (b) Claim of Appeal; (c) 12/20/01 Opinion and Order; (d) 5/16/02 Opinion and Order; (e) Notice of Filing Claim of Appeal; (f) Affidavit that Claim of Appeal is Timely; (g) Statement of Attorney Concerning Transcript; (h) Docket Entries, and (i) Proof of Service, upon those persons identified on the attached service list, by enclosing the same in sealed envelopes, with first-class postage prepaid, addressed to their respective business addresses, and depositing the same in the United States mail at Lansing, Michigan.

I declare that the statements above are true to the best of my information, knowledge and belief.

Jennifer L. Root

Subscribed and sworn to before me this 14th day of June, 2002.

Nancy J. Bieber
Notary Public, Ingham County, Michigan
My Commission Expires: 12/04/2004

S:\122\SJR\EDISON\12639\COA\PROOF

SERVICE LIST

MPSC Case No. U-12639

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Executive Secretary
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Citizens for Power and Reliability
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Northern States Power Company - Wisconsin, Wisconsin Electric Power Company, Edison Sault Electric Power, Wisconsin Public Service Corporation, and Upper Peninsula Power Company
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