

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application for
ex parte approval of procedures for Case No. U-16048
recovery of costs pursuant to
Subsections 6a(7, (8) and (9) of Volume No. 1
2008 PA 286, MCL 460.6a.

PREHEARING

Proceedings held via Microsoft Teams in the
above-entitled matter before Sally Wallace, J.D.,
Administrative Law Judge with MOAHR, for the Michigan
Public Service Commission, Lansing, Michigan, on
Thursday, March 30, 2023, at 10:03 a.m.

APPEARANCES:

THOMAS J. WATERS, J.D.
The Running Wise Law Firm
1501 Cass Street, Suite D
Traverse City, Michigan 49684

On behalf of Cadillac Renewable Energy, LLC,
Genesee Power Station Limited Partnership,
Grayling Generating Station Limited Partnership,
Hillman Power Company, LLC, TES Filer City
Station Limited Partnership, National Energy of
Lincoln, Inc., and National Energy of McBain, Inc.
(Biomass Merchant Plants - BMPs)

SPENCER A. SATTler, J.D.
(ROBERT W. BEACH, J.D.)
(MICHAEL C. RAMPE, J.D.)
Consumers Energy Company
One Energy Plaza, Room EP11-230
Jackson, Michigan 49201

On behalf of Consumers Energy Company

(Continued)

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1 APPEARANCES Continued:

2 NICHOLAS Q. TAYLOR,
3 (HEATHER M.S. DURIAN),
4 Assistant Attorneys General
5 7109 West Saginaw Highway, Floor 3
6 Lansing, Michigan 48917

7 On behalf of Michigan Public Service
8 Commission Staff

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16 REPORTED BY: Lori Anne Penn, CSR-1315
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Thursday, March 30, 2023

At 10:03 a.m.

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(Hearing commenced pursuant to due notice.)

JUDGE WALLACE: All right. We are on the record then today, opening the record in Case No. U-16048, captioned the application for ex parte approval of procedures for recovery of costs pursuant to Subsection 6a(7), (8) and (9) of 2008, PA 286, MCL 460.6a. For the record, I want to note that this prehearing is being held via video and teleconference. I am Sally Wallace, and I am the Administrative Law Judge who's been assigned to hear this matter.

To begin with, we'll take appearance of counsel, beginning with you, Mr. Waters, as the Applicant.

MR. WATERS: Thank you, your Honor. Thomas Waters of the Law Firm of Running Wise on behalf of the Biomass Plants.

JUDGE WALLACE: Good morning, Mr. Waters. Mr. Sattler.

MR. SATTLER: Good morning, your Honor. Spencer Sattler appearing on behalf of the Consumers Energy Company. Also appearing with me in this case are Robert Beach and Michael Rampe.

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1 JUDGE WALLACE: Good morning,
2 Mr. Sattler. Mr. Taylor.

3 MR. TAYLOR: Good morning, your Honor.
4 Nicholas Taylor on behalf of the Michigan Public Service
5 Commission Staff, and I'd also like to enter the
6 appearance of Heather Durian, who will be representing
7 Staff in this case with me.

8 JUDGE WALLACE: Good morning, Mr. Taylor.
9 All right. Mr. Waters, can you please describe the
10 Biomass Plants' compliance with the notice requirements
11 set forth in the secretary's letter dated March 3, the
12 revised notice of hearing.

13 MR. WATERS: Yes, your Honor. In
14 accordance with the March 3, 2023, instructions from the
15 executive secretary's office, the BMPs served notice of
16 this proceeding and of today's prehearing conference on
17 the intervenors in Case Nos. U-20803 and 20526. On
18 March 9, 2023, the Biomass Plants also filed proof of
19 service of that notice, of service of that notice with
20 the executive secretary's office on March 9, 2023.

21 JUDGE WALLACE: Thank you, Mr. Waters.
22 Does Staff or the Company have any concerns with the
23 Applicant's compliance with the notice?

24 MR. TAYLOR: None from Staff, your Honor.

25 JUDGE WALLACE: Thank you.

1 MR. SATTLER: None from the Company, your
2 Honor.

3 JUDGE WALLACE: All right. Thank you.
4 All right. As I noted before we went on the record, we
5 don't have any petitions to intervene to address and no
6 statements pursuant to Rule 413. I would note that the
7 notice of hearing contains instructions for submitting
8 statements pursuant to Rule 413, and again, as of this
9 morning, no statements have been received.

10 All right. As we discussed before we
11 went on the record, we have a pending motion from the
12 Biomass Plants, and via discussion between the Company,
13 the Staff, and the Company, the parties would like to set
14 a second prehearing conference for April 19 at 10:00
15 a.m., at which we'll address the notice, if necessary,
16 and also, if necessary, set a schedule for the remainder
17 of the case. Is that consistent with what everybody's
18 understanding is?

19 MR. WATERS: Except for the, you said
20 address the notice, I assume you mean address the motion.

21 JUDGE WALLACE: Oh, I'm sorry, I meant to
22 say address the motion, correct.

23 MR. WATERS: Yeah.

24 JUDGE WALLACE: We have addressed notice
25 already.

1 MR. WATERS: But yes, that is my
2 understanding, your Honor. Thank you.

3 JUDGE WALLACE: Address the motion and
4 then we'll set a schedule if need be for the remainder of
5 the proceedings. So I will get a scheduling memo out
6 later today. And is there anything else we need to
7 address on the record?

8 MR. WATERS: I don't think so.

9 MR. SATTler: Nothing from Consumers.

10 MR. TAYLOR: Nothing from Staff, your
11 Honor.

12 JUDGE WALLACE: All right. Then I will
13 get the, as I said, a scheduling memo out later today for
14 the second prehearing conference, and we are adjourned.
15 Thank you all very much.

16 MR. WATERS: Thank you, your Honor.

17 MR. TAYLOR: Thank you, your Honor.

18 (At 10:09 a.m., the hearing was adjourned to April
19 19, 2023, for a second prehearing conference.)

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C E R T I F I C A T E

I, Lori Anne Penn (CSR-1315), do hereby
certify that I reported in stenotype via Microsoft Teams
the proceedings had in the above-entitled matter, that
being Case No. U-16048, before Sally Wallace, J.D.,
Administrative Law Judge with Michigan Office of
Administrative Hearings and Rules, for the Michigan
Public Service Commission, Lansing, Michigan, on
Thursday, March 30, 2023; and do further certify that the
foregoing transcript, consisting of Volume 1, pages 1-7,
constitutes a true and correct transcript of my stenotype
notes.



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Dated: April 4, 2023