

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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| In the matter of the approval of a code of conduct | ) |                  |
| for <b>CONSUMERS ENERGY COMPANY</b> and            | ) | Case No. U-12134 |
| <b>THE DETROIT EDISON COMPANY.</b>                 | ) |                  |
| _____                                              | ) |                  |

At the June 19, 2000 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

PRESENT: Hon. John G. Strand, Chairman  
Hon. David A. Svanda, Commissioner  
Hon. Robert B. Nelson, Commissioner

**OPINION AND ORDER**

On September 14, 1999, the Commission initiated this proceeding to consider modifications to the provisional codes of conduct approved for Consumers Energy Company and The Detroit Edison Company in the context of the restructuring of the electric utility industry. There have been hearings, and the parties are briefing the case.

On June 5, 2000, Public Act 141 of 2000 took effect. Subsection 10a(4) provides:

Within 180 days after the effective date of the amendatory act that added this section, the commission shall establish a code of conduct that shall apply to all electric utilities. The code of conduct shall include, but is not limited to, measures to prevent cross-subsidization, information sharing, and preferential treatment, between a utility's regulated and unregulated services, whether those services are provided by the utility or the utility's affiliated entities. The code of conduct established under this subsection shall also be applicable to electric utilities and

alternative electric suppliers consistent with section 10, this section, and sections 10b through 10bb.

MCL 460.10a(4); MSA 22.13(10a)(4).

In light of this legislation, the Commission suspends the schedule previously set by the Administrative Law Judge (ALJ) and directs the parties and the ALJ to address how this case should now proceed, including the possibility of the need to issue an additional notice. The ALJ shall schedule further proceedings to comply with subsection 10a(4).

The Commission has selected this case for participation in its Electronic Filings program. All documents filed in this case must be submitted in both paper and electronic versions. An original and four paper copies and an electronic copy in the portable document format (PDF) should be filed with the Commission. Specifications for filing electronic documents can be found in the Commission's Electronic Filings Users Manual at:

<http://ermisbbs.cis.state.mi.us/efile/usersmanual.pdf>. Contact the Commission Staff at 800.292.9555, 517.241.6170, or by E-mail at [efile@ermisbbs.cis.state.mi.us](mailto:efile@ermisbbs.cis.state.mi.us) prior to filing to obtain access privileges and with any questions.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; MSA 22.151 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; MSA 22.1 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; MSA 22.13(1) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACS, R 460.17101 et seq.

b. The ALJ should schedule further proceedings to comply with subsection 10a(4).

THEREFORE, IT IS ORDERED that:

A. The schedule previously set by the Administrative Law Judge is suspended.

B. The Administrative Law Judge shall schedule further proceedings to comply with subsection 10a(4) of 2000 PA 141.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ John G. Strand

Chairman

( S E A L )

/s/ David A. Svanda

Commissioner

/s/ Robert B. Nelson

Commissioner

By its action of June 19, 2000.

/s/ Dorothy Wideman

Its Executive Secretary

THEREFORE, IT IS ORDERED that:

A. The schedule previously set by the Administrative Law Judge is suspended.

B. The Administrative Law Judge shall schedule further proceedings to comply with subsection 10a(4) of 2000 PA 141.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

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Chairman

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Commissioner

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Commissioner

By its action of June 19, 2000.

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Its Executive Secretary

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Case No. U-12134

Suggested Minute:

“Adopt and issue order dated June 19, 2000 directing the Administrative Law Judge to schedule further proceedings to comply with subsection 10a(4) of 2000 PA 141, which requires the Commission to establish a code of conduct for electric utilities and alternative electric suppliers, as set forth in the order.”