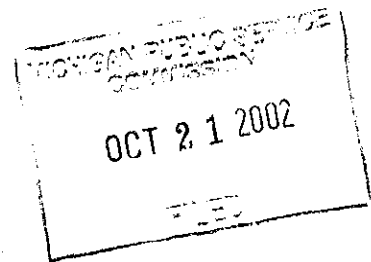


STATE OF MICHIGAN
IN THE COURT OF APPEALS



CONSUMERS ENERGY COMPANY,

Appellant,

Court of Appeals No _____

v

MPSC Case No. U-12134

MICHIGAN PUBLIC SERVICE COMMISSION,

Appellee.

_____/

David A. Mikelonis (P17709)
Jon R. Robinson (P27953)
John C. Shea (P36854)
Attorneys for Consumers Energy Company
212 West Michigan Avenue
Jackson, MI 49201
Telephone: (517) 788-0698

_____/

CLAIM OF APPEAL

Consumers Energy Company, pursuant to 1909 PA 300, Section 26, as amended, MCL 462.26; MSA 22.45; and MCR 7.204, claims an appeal from the seven Opinion and Orders dated October 3, 2002, in Case No. U-12134 issued by the Michigan Public Service Commission by Chairman Laura Chappelle and Commissioners David A. Svanda and Robert B. Nelson.

Respectfully submitted,

CONSUMERS ENERGY COMPANY

Dated: October 18, 2002

By:



David A. Mikelonis (P17709)
Jon R. Robinson (P27953)
John C. Shea (P36854)
Attorneys for Consumers Energy Company
212 West Michigan Avenue
Jackson, MI 49201
Telephone: (517) 788-0698

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	JURISDICTIONAL CHECKLIST FOR COURT OF APPEALS	CASE NO.: MPSC Case No. U-12134 Trial Court/Tribunal: Michigan Public Service Commission Court of Appeals:
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Plaintiff name

☒ Appellant

Consumers Energy Company

v

Defendant name

☒ Appellee

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 to confirm each document and appropriate filing fee(s) are being filed.)

- ☒ 1. The claim of appeal, with original signature and correct lower court number. [MCR 7.204(B)(1)]
- ☒ 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.)
- ☒ 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)]
- ☒ 4. Evidence that the necessary transcript has been ordered (check only one box from a. through e. below). [MCR 7.204(C)(2)]
- ☒ 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)(c)]
- ☐ d. The parties have stipulated to submission of the appeal on less than the complete transcript. [MCR 7.210(B)(1)(d)]
- ☐ e. The parties have stipulated to a statement of fact. [MCR 7.210(B)(1)(e)]
- ☒ 5. Proof of service demonstrating that all parties have been served. Even if a party is not an appellee, they must be served. [MCR 7.204(C)(3)]
- ☒ 6. Docket or calendar entries from the lower court or tribunal. [MCR 7.204(C)(5)]

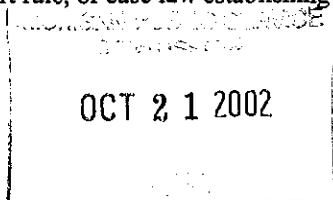
Finality of Order Being Appealed (Check the box that demonstrates your claim of appeal is by right. If none apply, you do not have an appeal by right.)

- ☐ 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)

- ☒ 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

October 18, 2002

Date filed



Jon R. Robinson

Preparer's name (type or print)

(517) 788-0698

Telephone No.

STATE OF MICHIGAN
IN THE COURT OF APPEALS

CONSUMERS ENERGY COMPANY,

Appellant,

v

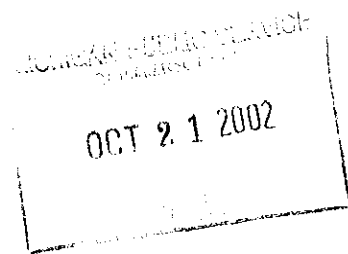
MICHIGAN PUBLIC SERVICE COMMISSION,

Appellee.

Court of Appeals No. _____

MPSC Case No. U-12134

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Attorneys for Consumers Energy Company
212 West Michigan Avenue
Jackson, MI 49201
Telephone: (517) 788-0698



**STATEMENT OF ATTORNEY
CONCERNING TRANSCRIPT**

Pursuant to MCR 7.204(C)(2), Appellant Consumers Energy Company states that proceedings before the Michigan Public Service Commission in Case No. U-12134 were previously transcribed by Merrill and Associates, Inc., the court reporter, and eleven transcript volumes were filed with the Michigan Public Service Commission by Merrill and Associates, Inc.

Respectfully submitted,

CONSUMERS ENERGY COMPANY

Dated: October 18, 2002

By: _____

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Jon R. Robinson (P27953)
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STATE OF MICHIGAN
IN THE COURT OF APPEALS

OCT 21 2002

CONSUMERS ENERGY COMPANY,

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v

MPSC Case No. U-12134

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_____/

**NOTICE OF FILING
OF CLAIM OF APPEAL**

TO: All Persons Listed on the Attached Service List

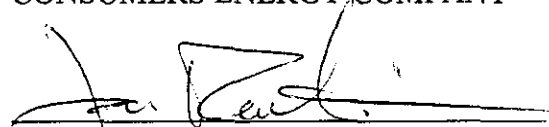
PLEASE TAKE NOTICE that the attached Claim of Appeal has been filed in the Michigan Court of Appeals and the applicable filing fee paid on this date.

Respectfully submitted,

CONSUMERS ENERGY COMPANY

Dated: October 18, 2002

By:



David A. Mikelonis (P17709)
Jon R. Robinson (P27953)
John C. Shea (P36854)
Attorneys for Consumers Energy Company
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STATE OF MICHIGAN
IN THE COURT OF APPEALS

CONSUMERS ENERGY COMPANY,

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v

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_____/

**AFFIDAVIT THAT
CLAIM OF APPEAL IS TIMELY**

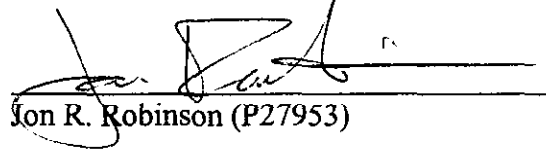
STATE OF MICHIGAN)
) SS.
COUNTY OF JACKSON)

Jon R. Robinson, first being duly sworn, deposes and says:

1. I am one of the attorneys representing Appellant Consumers Energy Company in this appeal.
2. I make this affidavit on personal knowledge, information and belief.
3. On October 3, 2002, the Michigan Public Service Commission issued seven Opinion and Orders in Case No. U-12134.

4. Consumers Energy Company is filing a Claim of Appeal of the above-referenced Orders with the Michigan Court of Appeals within the 30-day period provided by MCL 460.4; MSA 22.13(4), MCL 460.59; MSA 22.9 and MCL 462.26(1); MSA 22.45(1), which provide for a 30-day time period to file an appeal as of right in this Court.

5. It is the position of Consumers Energy Company that the above referenced Opinion and Orders purport to fix "rates, fares, charges, classifications, joint rate or rates, or . . . regulations, practices or services" and are therefore appealable as of right to this Court pursuant to MCL 460.4; MSA 22.13(4), MCL 460.59; MSA 22.9 and MCL 462.26(1); MSA 22.45(1), supra.


Jon R. Robinson (P27953)

Sworn to before me and subscribed in my presence this 18th day of October 2002.

Sammie B. Dalton
Notary Public, Jackson County, Michigan
My commission expires: 01/04/04

STATE OF MICHIGAN
IN THE COURT OF APPEALS

CONSUMERS ENERGY COMPANY,

Appellant,

Court of Appeals No. _____

v

MPSC Case No. U-12134

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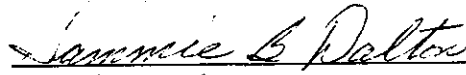
PROOF OF SERVICE

STATE OF MICHIGAN)
) SS.
JACKSON, MICHIGAN)

Sammie B. Dalton, being first duly sworn, deposes and says that she is employed in the Legal Department of Consumers Energy Company; that she served a copy of the documents listed below upon the persons listed in Attachment 1 hereto at the addresses listed therein by depositing the same on October 18, 2002 in the United States Mail in the City of Jackson, Michigan with first-class postage thereon fully paid.

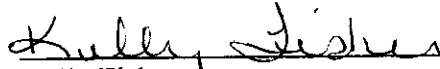
1. Claim of Appeal;
2. Michigan Court of Appeal Jurisdictional Checklist;
3. Seven Orders issued by the Michigan Public Service Commission on October 3, 2002 in Case No. U-12134;
4. Statement of Attorney Concerning Transcript;
5. Notice of Filing Claim of Appeal;

6. Michigan Public Service Commission Docket Table of Contents and Index for Case No. U-12134; and
7. Affidavit that Claim of Appeal is Timely.



Sammie B. Dalton

Subscribed and sworn to before me this 18th day of October, 2002.



Kelly Fisher

Notary Public, Jackson County, Michigan

My Commission Expires: 01/18/06