

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

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

In the matter, on the Commission's own motion,	)	
to require THE DETROIT EDISON COMPANY	)	
to show cause why it should not be determined to	)	Case No. U-14072
be in violation of the code of conduct adopted	)	
in Case No. U-12134.	)	
_____	)	

At the March 16, 2004 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. J. Peter Lark, Chair
Hon. Robert B. Nelson, Commissioner
Hon. Laura Chappelle, Commissioner

ORDER TO SHOW CAUSE

On November 17, 2003, the Commission received a complaint from Sandra Woti alleging that DTE Energy Company (DTE), which is the corporate parent of The Detroit Edison Company (Detroit Edison) and Michigan Consolidated Gas Company (Mich Con), were engaged in a violation of the code of conduct adopted by the Commission in various orders issued in Case

No. U-12134¹ by virtue of its use of billing inserts to promote the appliance maintenance programs of its subsidiaries.

On December 12, 2003, the Commission received a letter from Daniel R. Squires asserting that Detroit Edison used a billing insert to promote its Home Protection Plus (HPP) program in billings that Mr. Squires received in May and December of 2003. Mr. Squires alleged that Detroit Edison has thereby violated the Case No. U-12134 code of conduct.

In response to these complaints, the Commission Staff (Staff) informally contacted Detroit Edison for an explanation of its position. On January 24, 2004, Detroit Edison submitted information to the Staff indicating that it had spent nearly \$120,000 on the HPP program for printing and delivery costs. It also provided data regarding the average total cost per bill and the total cost of its September – November 2003 billings.

After reviewing all of the information received from Ms. Woti, Mr. Squires, and Detroit Edison, the Staff met with Detroit Edison and DTE employees on February 23, 2004. Based on its investigation, the Staff recommended to the Commission that it should conduct an investigation of Detroit Edison's use of billing inserts to promote its HPP program² in apparent disregard of the Commission's orders in Case No. U-12134.

The Commission concludes that Detroit Edison should demonstrate its compliance with the Commission's orders in Case No. U-12134 or show cause why it should not be found in violation of that order.

¹On March 2, 2004, the Michigan Court of Appeals upheld the Commission's authority to adopt the code of conduct. See, Detroit Edison v Public Service Comm, ___ Mich App___; ___NW2d___ (2004).

²The Commission is currently investigating similar allegations against Consumers Energy Company in Case No. U-13830.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

b. Detroit Edison should be given until May 3, 2004 to demonstrate its compliance with the Commission's orders in Case No. U-12134 or to show cause why it should not be found in violation of the code of conduct.

c. A hearing should be held to provide Ms. Woti and Mr. Squires and other similarly situated persons an opportunity to present evidence of alleged violations and to afford Detroit Edison an opportunity to demonstrate its compliance or to show cause why it should not be found in violation of the Commission's prior orders in Case No. U-12134.

THEREFORE, IT IS ORDERED that:

A. This case is commenced to investigate alleged violations by The Detroit Edison Company of the code of conduct approved in Case No. U-12134.

B. The Detroit Edison Company shall be given until May 3, 2004 to demonstrate its compliance with the Commission's orders in Case No. U-12134 or to show cause why it should not be found in violation of the code of conduct.

C. The Detroit Edison Company shall provide its customers with notice of the commencement of this proceeding through use of a billing message or a billing insert no later than May 31, 2004 and shall publish notice of the prehearing conference in newspapers throughout its service territory.

D. Petitions to intervene shall be filed by June 8, 2004.

E. A prehearing conference shall be conducted at 9:00 a.m. on June 15, 2004 to give all interested parties an opportunity to participate in the proceedings.

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

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ J. Peter Lark
Chair

(S E A L)

/s/ Robert B. Nelson
Commissioner

/s/ Laura Chappelle
Commissioner

By its action of March 16, 2004.

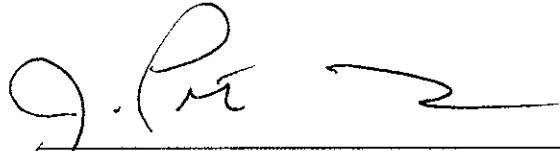
/s/ Mary Jo Kunkle
Its Executive Secretary

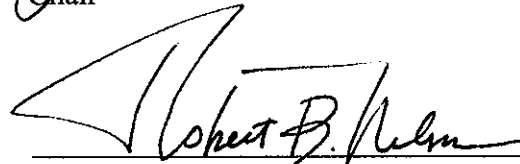
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MICHIGAN PUBLIC SERVICE COMMISSION




Chair


Commissioner


Commissioner

By its action of March 16, 2004.


Its Executive Secretary

P R O O F O F S E R V I C E

STATE OF MICHIGAN)

Case No. U-12134

County of Ingham)

Patricia A. Fronta being duly sworn, deposes and says that on March 18th 2004, A.D. she served a copy of the attached Commission orders by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.

Patricia Fronta

Subscribed and sworn to before me
this 18th day of March 2004

Notary Public, Eaton County, Michigan
Acting in Ingham County
My Commission expires November 22, 2004

SERVICE LIST FOR DOCKET # U – 12134 -
DATE OF PREPARATION: 03/18/2003

CASE #

MR. MICHAEL VAN HEMERT
CONSUMERS ENERGY COMPANY
ONE ENERGY PLAZA RM EP11-427
JACKSON MI 49201

MR. MICHAEL MOODY
ASSISTANT ATTORNEY GENERAL
SPECIAL LITIGATION
525 W. OTTAWA, 6TH FLOOR
G. MENNEN WILLIAMS BLDG.
LANSING MI 48933

MR. HARAN C. RASHES
CLARK HILL PLC
2455 WOODLAKE CIRCLE
OKEMOS MI 48864 5941

MR. JOHN C. SHEA
CONSUMERS ENERGY COMPANY
ONE ENERGY PLAZA
JACKSON MI 49201

MR. ALBERT ERNST
DYKEMA GOSSETT PLLC
124 W. ALLEGAN, 800
LANSING MI 48933 1742

MR. JAMES D. FLORIP
GILLARD, BAUER, MAZRUM, FLORIP
SMIGELSKI AND GULDEN
109 EAST CHISHOLM STREET
ALPENA MI 49707 2817

MS. SHERRI A. WELLMAN
LOOMIS, EWERT, PARSLEY, DAVIS
& GOTTING, P.C.
232 CAPITOL AVE., SUITE 1000
LANSING MI 48933

MR. BRUCE R. MATERS
THE DETROIT EDISON COMPANY
2000 SECOND AVENUE 688 WCB
DETROIT MI 48226

MS. SUSAN BEALE
THE DETROIT EDISON COMPANY
2000 SECOND AVENUE
DETROIT MI 48226

MS. PATRICIA S. BARONE
ASSISTANT ATTORNEY GENERAL
6545 MERCANTILE WAY, 2ND FLOOR
LANSING MI 48910 **ID MAIL**

MR. ROBERT A. STRONG
CLARK HILL PLC
255 S. WOODWARD AVE., SUITE 301
BIRMINGHAM MI 48009

MR. JOHN M. DEMPSEY
DICKINSON WRIGHT PLLC
215 S. WASHINGTON AVENUE,
LANSING MI 48933

MR. MICHAEL S. ASHTON
FRASER, TREBILCOCK, DAVIS
& FOSTER PC
124 WEST ALLEGAN, 1000
LANSING MI 48933 1742

MR. MICHAEL J. BROWN
HOWARD & HOWARD
222 WASHINGTON SQUARE,
SUITE 500
LANSING MI 48933 1817

MR. MARK E. CUMMINS
PSC - ALJ DIVISION
6545 MERCANTILE WAY, SUITE 14
LANSING MI 48911 **ID MAIL**

MR. ERIC J. SCHNEIDEWIND
VARNUM, RIDDERING, SCHMIDT
& HOWLETT
THE VICTOR CENTER
201 N. WASHINGTON SQUARE,
SUITE 810
LANSING MI 48933

**SUBSCRIPTION LIST
ALL ELECTRIC ORDERS**

Database Services
Lexis Nexis
P.O. Box 933
Dayton, OH 45401

Mr. Michael Peters
Michigan Electric Cooperative
2859 W. Jolly Rd.
Okemos, MI 48864

Mr. Phillip Cross
Public Utilities Reports, Inc.
8229 Boone Blvd., Ste. 401
Vienna, VA 22182

Ms. Monica Martinez
Senate Democratic Staff
Romney Building
Lansing, MI

ID MAIL

Mr. John Pestle
Varnum, Riddering, Schmidt & Howlett
Bridgewater Place
P.O. Box 352
Grand Rapids, MI 49501-0352