

Vincent's Heating & Plumbing, Inc.

2650 Oak Street, Port Huron, MI 48060

(810) 985-7103 Fax (810) 985-4959

www.vhpic.com

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SERVICE COMMISSION

Michigan Public Service Commissioners
c/o: Mary Jo Kunkle, Executive Secretary
Michigan Public Service Commission
PO Box 30221
Lansing, MI 48909

December 9, 2003

RE: U-12134 Code of Conduct Violations

Dear Commissioners:

Attached are copies of two letters citing U-12134 Code of Conduct Violations by DTE that they have failed to respond to.

My company offers appliance repair plans for furnaces and air conditioners as well as maintenance services for the same. In the letters I cite DTE's use of their website, their phone voice mail system, and their billing statement to promote and support these same services. I also identified my company to DTE as a supplier of the same services and expressed my interest to be afforded the same preferential treatment and advantages. MPSC Case No. U-12134 Appendix A, The Code of Conduct, Part III. A. states:

"An electric utility or alternative electric supplier that offers, itself or through its affiliates, both regulated and unregulated service shall not provide any affiliate or other entity within its corporate structure, preferential treatment or any other advantages that are not offered under the same terms and conditions and contemporaneously to other suppliers offering services or products within the same service territory or to customers of those suppliers. This provision includes, but is not limited to, all aspects of the electric utility's or alternative electric supplier's service, including pricing; responsiveness to requests for service or repair, the availability of firm and interruptible service, and metering requirements."

My request was ignored. Since then DTE has aggressively promoted these services, even using the billing statement to include the enclosed flyer. I request that you investigate these matters and require DTE to comply with the above section and allow my company the same advantages as I have requested of them.

Respectfully,



Daniel R Squires
General Manager

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MICHIGAN PUBLIC
SERVICE COMMISSION

Don Callow, Code of Compliance Officer
Detroit Edison/DTE Energy
Room 1024 WCB, 2000 2nd Avenue
Detroit, MI 48226

Re: Compliance with the Code of Conduct

December 8, 2003

Dear Mr. Callow:

On May 14 I sent the attached letter to your Director of Regulatory Policy, Mr. Don Stanczak. To this date I have not received an answer for the violations of the Code of Conduct or the requests for the remedies as proscribed therein.

The fact that DTE has repackaged the program as a Mich-Con program rather than as a Detroit Edison program does not change the violation of U-12134 Appendix A, The Code of Conduct, Part III. A. as cited in the May 14 letter. To restate that section:

"an electric utility (Detroit Edison) ...that offers, itself or through its affiliates both regulated and unregulated service, shall not provide any affiliate (Mich-Con is clearly identified as an affiliate) or other entity within its corporate structure, preferential treatment or any other advantages (marketing in this case) that are not offered under the same terms and conditions and contemporaneously to other suppliers offering services (maintenance service) or products (appliance repair contracts) within the same service territory or to customers of those suppliers." (Italicized text added).

By knowingly continuing to provide these services when I have clearly identified my company as offering the same services you have perpetuated the violation.

Further, recently Detroit Edison sent the electric only customers in St Clair County the Mich-Con appliance repair program flyer as an insert in the billing statement. My company was not offered the same advantage even though I had identified my company as a supplier of the same services and requested those advantages.

To the request to have a page on the DTE website and a link to my website, a spot in your phone mail system, the ability to include my charge on the billing statement, I now add that I wish to have an advertising flyer included in your billing statement.

In light of the above please provide the Commission with signed admission of Detroit Edison violating the Code of Conduct with all necessary supporting

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documentation to enable the Commission to fully enforce the Code of Conduct and other applicable laws and regulations plus your plans to remedy the violations by offering my company the same. If you disagree with any of the above please immediately advise accordingly. Thank you for your prompt attention to this.

As the May violation was not responded to I am also forwarding a copy to the MPSC in the form of a complaint.

Respectfully,

Daniel R Squires

Enclosure

cc: Don Stanczak, DTE Director Regulatory Policy, Commissioners Lark, Chapelle, and Nelson

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Don Stanczak
2000 Second Ave
Room 1024 WCB
Detroit, MI 48226

May 14, 2003

Dear Mr. Stanczak:

Per MPSC Case No. U-12134 Appendix A, The Code of Conduct, Part III. A. states:

"An electric utility or alternative electric supplier that offers, itself or through its affiliates, both regulated and unregulated service shall not provide any affiliate or other entity within its corporate structure, preferential treatment or any other advantages that are not offered under the same terms and conditions and contemporaneously to other suppliers offering services or products within the same service territory or to customers of those suppliers. This provision includes, but is not limited to, all aspects of the electric utility's or alternative electric supplier's service, including pricing; responsiveness to requests for service or repair, the availability of firm and interruptible service, and metering requirements."

On the DTE Energy website and on the DTE Energy phone voice mail system you offer an unregulated product, your Home Protection Plus program, that falls under the above clause. My company, Vincent's Heating & Plumbing, Inc., offers appliance repair plans and maintenance programs within the same service territory. Therefore, DTE has violated and is in violation of the above clause, as it is providing preferential treatment and advantages to an affiliate providing an unregulated service that have not been offered to my company.

Since the violation has occurred and is ongoing, I think it reasonable that an appropriate remedy for this situation would be to provide the same advantages to my company. This would mean that DTE would provide a link from the DTE Energy Home Page and a web page on your site describing my company's services. And as the collection for the associated fees can be put on the DTE Energy monthly billing, I should also be able to offer this option to my customers. Further, as the DTE Energy phone voice mail system provides information about the same programs, I, too, should be able to have a spot in the voice mail system for my company's information.

Thank you. I look forward to being able to enjoy these same competitive advantages and offer these conveniences to my customers as well.

Sincerely,

Daniel R Squires
General Manager

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Four plans[†] fit your individual needs and lifestyle:

	Furnace**	Water Heater	Range/Oven	Refrigerator	Clothes Washer	Clothes Dryer	Central Air Conditioning**
NEW! BEST! Ultimate Protection – A complete package of protection! \$19.95/month*							
NEW! BETTER! Kitchen Protection – Extra protection for the busiest area in your home \$11.95/month*							
NEW! BETTER! Laundry Protection – For your hardest working appliances \$11.95/month*							
GOOD! Core Protection – The basic necessities for day-to-day living \$9.95/month*							

The above Plans are available only in Southeastern Michigan, Grand Rapids and Muskegon metropolitan areas. Special coverage options for natural gas appliances only are available for Northern Michigan areas served by MichCon. Please call for information.

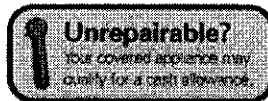
Want to add more appliances to your Plan? You're in Luck!



Add central air or a dishwasher to your Plan for only \$4.45 each per month.* See the order form for these and other add-on items.



Make sure your furnace or boiler is operating properly and efficiently by adding our 10-point Safety Check to your Plan for only \$6.45 per month.*



Enroll online at www.utilities.dteenergy.com or call 800.556.0011

Don't press your luck. Enroll today in the new & improved Home Protection Plus*!

Enroll online at www.utilities.dteenergy.com, call 800.556.0011 or complete this form to cover your desired appliances and enclose it with your DTE Energy bill payment.

Name _____

Service Address _____

City _____ State _____ ZIP _____

Account Number _____

Daytime Phone Number _____

E-mail Address _____

Yes! Please sign me up for the following annual Home Protection Plus* coverage:

<input type="checkbox"/> Ultimate Protection	BEST!	\$19.95/month*
<input type="checkbox"/> Kitchen Protection	BETTER!	\$11.95/month*
<input type="checkbox"/> Laundry Protection	BETTER!	\$11.95/month*
<input type="checkbox"/> Core Protection	GOOD!	\$9.95/month*

Add-On Options (available based on Plan selected):

<input type="checkbox"/> Safety check (furnace/boiler only)	\$6.45/month*
<input type="checkbox"/> Boiler protection**	\$4.45/month*
<input type="checkbox"/> Central air-conditioning**	\$4.45/month*
<input type="checkbox"/> Additional furnace**	\$4.45/month*
<input type="checkbox"/> Additional water heater	\$4.45/month*
<input type="checkbox"/> Additional range/oven	\$4.45/month*
<input type="checkbox"/> Additional refrigerator	\$4.45/month*
<input type="checkbox"/> Additional clothes dryer	\$4.45/month*
<input type="checkbox"/> Additional clothes washer	\$4.45/month*
<input type="checkbox"/> Dishwasher	\$4.45/month*
<input type="checkbox"/> Microwave	\$4.45/month*
<input type="checkbox"/> Chest or upright freezer	\$4.45/month*
<input type="checkbox"/> Outdoor post lantern (electric only)	\$4.45/month*
<input type="checkbox"/> Vented space heater (gas only)	\$4.45/month*
<input type="checkbox"/> Vented fireplace log (gas only)	\$4.45/month*

Home Protection Plus* is owned and administered by MichCon, a DTE Energy Company. The above Plans are available only in Southeastern Michigan, Grand Rapids and Muskegon metropolitan areas. Special coverage options for natural gas appliances only are available for Northern Michigan areas served by MichCon. Please call for information.

To enroll, complete and detach the enrollment form here and include along with your payment in your DTE Energy bill.