

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion,	)	
of the investigation into methods to improve the	)	Case No. U-12270
reliability of electric service in Michigan.	)	
_____	)	

At the November 7, 2002 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Laura Chappelle, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

ORDER AND NOTICE OF HEARING

Section 10p(5) of 2000 PA 141 (Act 141), MCL 460.10p(5), requires the Commission to adopt generally applicable service quality and reliability standards for the transmission and distribution systems of electric utilities and other entities subject to its jurisdiction, including, but not limited to, standards for service outages, distribution facility upgrades, repairs and maintenance, telephone service, billing service, operational reliability, and public and worker safety.

On December 11, 2001, the Commission submitted a request for rulemaking to the Office of Regulatory Reform (ORR), which was approved by the ORR on December 18, 2001. Thereafter, the Commission drafted a set of proposed administrative rules for informal consideration by the ORR and the Legislative Service Bureau (LSB). The ORR informally approved the draft rules on August 14, 2002. On August 23, 2002, the LSB informally approved the draft rules as to form,

classification, arrangement, and numbering. The next step in the rulemaking process is to publish the proposed rules in the Michigan Register and to conduct a public hearing.

The Commission encourages interested persons to become involved in the rulemaking process. Attached to this order as Exhibit A is a notice of a public hearing regarding the proposed rules that has been scheduled for 9:00 a.m. on January 8, 2003 in the offices of the Commission, 6545 Mercantile Way, Lansing, Michigan. In addition, any person may submit comments concerning the proposed rules. Written comments, which should reference the case number of this proceeding, should be submitted no later than 5:00 p.m. on January 29, 2003 to be considered. It is proposed that the effective date of the rules, if approved, will be April 1, 2003.

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, 1992 AACCS, R 460.17101 et seq.

b. A public hearing should be conducted in this matter to consider administrative rules regarding service quality and reliability standards for electric distribution systems subject to the Commission's jurisdiction, as required by MCL 460.10p.

THEREFORE, IT IS ORDERED that:

A. A notice of hearing regarding the adoption of proposed administrative rules establishing service quality and reliability standards for electric distribution systems subject to the Commission's jurisdiction shall be published in accordance with the requirements of the Administrative Procedures Act of 1969.

B. A public hearing regarding the proposed rules shall be conducted at 9:00 a.m. on January 8, 2003 at the Commission's offices, 6545 Mercantile Way, Lansing, Michigan. A copy of the notice of hearing is attached to this order as Exhibit A.

C. The public hearing will be legislative in nature and any person may present data, views, questions, and arguments regarding the proposed rules. Statements may be limited in duration by the presiding officer in order to ensure that all interested persons will have an opportunity to participate in the proceeding. The proceeding will continue as the presiding officer may schedule until all persons have had a reasonable opportunity to be heard.

D. Any person may file written comments, suggestions, data, views, questions, arguments, and revisions concerning the proposed rules. An original and 15 copies shall be filed with the Office of Executive Secretary, Michigan Public Service Commission, 6545 Mercantile Way, Lansing, Michigan 48909. All written comments must be submitted no later than January 29, 2003 and should reference Case No. U-12270.

E. Copies of the proposed rules, which are attached to this order as Exhibit B, are available upon request to the Executive Secretary.

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

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ Laura Chappelle

Chairman

(S E A L)

/s/ David A. Svanda

Commissioner

/s/ Robert B. Nelson

Commissioner

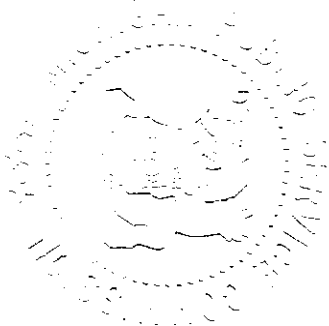
By its action of November 7, 2002.

/s/ Dorothy Wideman

Its Executive Secretary

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

MICHIGAN PUBLIC SERVICE COMMISSION



Laura Chappelle
Chairman

W. A. S. L.
Commissioner

Robert B. Nelson
Commissioner

By its action of November 7, 2002.

S. Videmus
Its Executive Secretary

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

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

By its action of November 7, 2002.

Its Executive Secretary

MICHIGAN PUBLIC SERVICE COMMISSION

**NOTICE OF PUBLIC HEARING
ON THE PROPOSED ADOPTION OF SERVICE QUALITY AND RELIABILITY
STANDARDS FOR ELECTRIC DISTRIBUTION SYSTEMS**

CASE NO. U-12270

- The Michigan Public Service Commission is proposing to adopt service quality and reliability standards for electric distribution systems.
- This Notice of Public Hearing describes how a person may participate in this case.
- Copies of the proposed rules may be obtained at no charge to you from the Commission's Executive Secretary, Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909 or reviewed at that office. The Commission may be contacted at (517) 241-6170 or (800) 292-9555. TTY and TDD users may call either 711 or (800) 649-3777.
- The first public hearing in this matter is scheduled for:

DATE: January 8, 2003

TIME: 9:00 a.m.

LOCATION: Michigan Public Service Commission

PARTICIPATION: Any interested person may attend and participate.

The hearing will be for the purpose of providing an opportunity for all interested persons to present statements, views, data, questions, or arguments concerning the rules that the Commission may adopt. The public hearing will continue until all persons present have had a reasonable opportunity to present statements regarding the proposed rules. The Commission and its Staff may ask persons presenting statements questions about their positions. Statements should be no longer than ten (10) minutes in duration

in order to ensure that all interested parties have an opportunity to participate in the proceedings.

In addition, interested persons may file written comments concerning the proposed rules with the Commission not later than January 29, 2003 at 5:00 p.m. An original and fifteen (15) copies of all written comments shall be filed with the Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Written comments may also be filed in a similar manner at the public hearing. The Commission requests that all written comments specifically refer to Case No. U-12270.

The proposed rules are intended to be permanent rules and are proposed to become effective April 1, 2003. These rules are further intended to implement a legislative mandate that requires the Commission to adopt service quality and reliability standards for electric distribution systems subject to its jurisdiction.

The Commission proposes to adopt these rules 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, 1992 AACR, R 460.17101 et seq.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

PUBLIC SERVICE COMMISSION

SERVICE QUALITY AND RELIABILITY STANDARDS
FOR ELECTRIC DISTRIBUTION SYSTEMS

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the public service commission by section 10p of 2000 PA 141, section 7 of 1909 PA 106, section 5 of 1919 PA 419, sections 4 and 6 of 1939 PA 3, and sections 3, 9, and 231 of 1965 PA 380, MCL 460.10p, 460.557, 460.55, 460.4, 460.6, 16.103, 16.109, and 16.331)

PART 1. GENERAL PROVISIONS

R 460.701 Application of rules.

Rule 1. (1) These rules apply to electric utilities as defined by R 460.702(k).

(2) These rules do not relieve an electric utility that is subject to the jurisdiction of the public service commission from any of its duties under the laws of this state, including all of the requirements of R 460.3101 to R 460.3908.

R 460.702 Definitions.

Rule 2. As used in these rules:

(a) "All conditions" means conditions reflected by data derived through the amalgamation of data from both normal conditions and catastrophic conditions. "All conditions" does not mean only normal conditions or only catastrophic conditions.

(b) "Answer" means that a utility representative, voice response unit, or automated operator system is ready to render assistance or ready to accept information necessary to process the call. An acknowledgment that the customer is waiting on the line does not constitute an answer.

(c) "Approved by the commission" means that a favorable commission order has been obtained.

(d) "Call" means a measurable effort by a customer to obtain a telephone connection whether the connection is completed or not.

(e) "Call blockage factor" means the percentage of calls that do not get answered. The call blockage factor is calculated by multiplying the remainder obtained by subtracting the number of answers from the number of

August 22, 2002

calls, multiplying by 100, and then dividing that value by the total number of calls.

(f) "Catastrophic conditions" means either of the following:

(i) Severe weather conditions that result in service interruptions for 10% or more of a utility's customers.

(ii) Events of sufficient magnitude that result in issuance of an official state of emergency declaration by the local, state, or federal government.

(g) "Commission" means the Michigan public service commission.

(h) "Complaint response" or "response" means a communication between the utility and the customer that identifies the problem and a solution to the complaint.

(i) "Complaint response factor" means the annual percentage of the complaints forwarded to a utility by the commission that are responded to within a required time period.

(j) "Completion date" means the day on which service at a new installation is permanently energized. The provision of construction power does not affect a determination of the completion date.

(k) "Electric utility" or "utility" means that term as defined in section 2 of 1995 PA 30, MCL 460.562.

(l) "Interruption" means the full or partial loss of service to 1 or more customers for 5 minutes or longer. The duration of a customer's interruption shall be measured from the time that the electric utility is notified or otherwise becomes aware of the full or partial loss of service to 1 or more customers for 5 minutes or longer.

(m) "Meter reading factor" means the percentage of meters read within an approved billing period. An approved billing period is a "billing month" within the meaning of R 460.2102(b) of not less than 26 days, nor more than 35 days, or some other time period approved by the commission.

(n) "Metropolitan statistical area" means an area within the state of Michigan identified by the federal office of management and budget on June 30, 1999. A map of the metropolitan statistical areas was attached to the July 11, 2001, order in Case No. U-12270 as exhibit C and appears on the website of the United States department of commerce, economics and statistics administration, bureau of the census at <http://www.census.gov/geo/www/mapGallery/stma99.pdf>.

(o) "Minimum bill prorated on a daily basis" means the amount that results from dividing the customer's minimum bill amount by the number of days in the billing period and then by multiplying that quotient by the number of days during which the customer remained out of service.

(p) "MISS DIG activities" means the requirements imposed pursuant to 1974 PA 53, as amended, MCL 460.701 et seq.

(q) "New service installation factor" means the percent of new service hookups that are completed within a prescribed period of time, from start date to completion date. New service hookups dependent on the construction of a primary line extension shall be excluded from the calculation of this factor.

(r) "Normal conditions" means conditions other than catastrophic conditions.

(s) "Same-circuit repetitive interruption" means a grouping of more than 10 customers on a circuit who experience multiple interruptions under all conditions. At its option, an electric utility may report on specific identifiable circuit segments rather than whole circuits as long as the criteria for identification of the specific circuit segments are fully explained in its report. If an electric utility lacks the capability of independently tracking same-circuit repetitive interruption data, then the utility may rely solely upon notification provided by its customers to report the data to the commission.

(t) "Service restoration" means that the interruption condition has been corrected and that the interrupted customer or customers have regained the full use of their electric service.

(u) "Start date for new installations" means the first business day after all of the following events have occurred:

(i) All rights of way and easements have been obtained and are and remain physically unencumbered.

(ii) All permits have been received.

(iii) All joint use requirements have been met.

(iv) All required inspections have been completed.

(v) All commission-approved tariff payments have been received.

(vi) All MISS DIG activities have been completed.

(v) "Wire-down relief factor" means the annual percentage of the non-utility employee guarded downed wires that are relieved by a utility representative within a prescribed time period.

R 460.703 Revision of tariff provisions.

Rule 3. Not more than 30 days after the effective date of these rules, an electric utility subject to the commission's jurisdiction shall revise its tariff provisions to conform with these rules.

PART 2. UNACCEPTABLE LEVELS OF PERFORMANCE

R 460.721 Duty to plan to avoid unacceptable levels of performance.

Rule 21. An electric utility shall plan to operate and maintain its distribution system in a manner that will permit it to provide service to

its customers without experiencing an unacceptable level of performance as defined by these rules.

R 460.722 Unacceptable levels of performance during service interruptions.

Rule 22. It is an unacceptable level of performance for an electric utility to fail to meet any of the following service interruption standards:

(a) Considering data derived through the amalgamation of data from both normal and catastrophic conditions, an electric utility shall restore service within 36 hours to not less than 90% of its customers experiencing service interruptions.

(b) Considering data including only catastrophic conditions, an electric utility shall restore service within 60 hours to not less than 90% of its customers experiencing service interruptions.

(c) Considering data including only normal conditions, an electric utility shall restore service within 8 hours to not less than 90% of its customers experiencing service interruptions.

(d) Considering data derived through the amalgamation of data from both normal and catastrophic conditions, an electric utility shall not experience 5 or more same circuit repetitive interruptions in a 12-month period on more than 5% of its circuits.

R 460.723 Wire down relief requests.

Rule 23. (1) It is an unacceptable level of performance for an electric utility to fail to respond to a request for relief of a non-utility employee guarded downed wire at a location in a metropolitan statistical area within 240 minutes after notification at least 90% of the time under all conditions.

(2) It is an unacceptable level of performance for an electric utility to fail to respond to a request for relief of a non-utility employee guarded downed wire at a location in a non-metropolitan statistical area within 360 minutes after notification at least 90% of the time under all conditions.

R 460.724 Unacceptable service quality levels of performance.

Rule 24. It is an unacceptable level of performance for an electric utility to fail to meet any of the following service quality standards:

(a) An electric utility shall have an average customer call answer time of less than 90 seconds.

(b) An electric utility shall have a call blockage factor of 5% or less.

(c) An electric utility shall have a complaint response factor of 90% or more within 3 business days.

(d) An electric utility shall have a meter reading factor of 85% or more within the approved period, including customer reads.

(e) An electric utility shall complete 90% or more of its new service installations within 15 business days.

PART 3. RECORDS AND REPORTS

R 460.731 Deadline for filing annual reports.

Rule 31. Not more than 120 days after the end of the calendar year in which these rules became effective, an electric utility shall file an annual report with the commission regarding the previous calendar year. For subsequent calendar years, an electric utility shall file its annual report not more than 75 days after the end of the year.

R 460.732 Annual report contents.

Rule 32. The annual report of an electric utility made pursuant to these rules shall contain all of the following information:

(a) The call blockage factor. If the call blockage factor is more than 5%, then the annual report shall contain a detailed explanation of the steps that the electric utility is taking to bring its performance to an acceptable level.

(b) The complaint response factor. If the complaint response factor is less than 90% within 3 business days, then the annual report shall contain a detailed explanation of the steps that the electric utility is taking to bring its performance to an acceptable level.

(c) The average customer call answer time. If the average customer call answer time is 90 seconds or more, then the report shall contain a detailed explanation of the steps that the electric utility is taking to bring its performance to an acceptable level.

(d) The meter reading factor. If the meter reading factor is less than 85%, then the report shall contain a detailed explanation of the steps that the electric utility is taking to bring its performance to an acceptable level.

(e) The new service installation factor. If the new service installation factor is less than 90% completed within 15 business days, then the report shall contain a detailed explanation of the steps that the electric utility is taking to bring its performance to an acceptable level.

(f) The wire-down relief factor. If the wire-down relief factor is less than 90% within 240 minutes within metropolitan statistical areas or less than 90% within 360 minutes in non-metropolitan statistical areas, then the report shall contain a detailed explanation of the steps that the

electric utility is taking to bring its performance to an acceptable level.

(g) The service restoration factor for all conditions. If the service restoration factor for all conditions is less than 90% of customers restored within 36 hours or less, then the report shall contain a detailed explanation of the steps that the electric utility is taking to bring its performance to an acceptable level.

(h) The service restoration factor for normal conditions. If the service restoration factor for normal conditions is less than 90% of customers restored within 8 hours or less, then the report shall contain a detailed explanation of the steps that the electric utility is taking to bring its performance to an acceptable level.

(i) The service restoration factor for catastrophic conditions. If the service restoration factor for catastrophic conditions is less than 90% of customers restored within 60 hours or less, then the report shall contain a detailed explanation of the steps that the electric utility is taking to bring its performance to an acceptable level.

(j) The same-circuit repetitive interruption factor. If the same-circuit repetitive interruption factor is more than 5% of circuits experiencing 5 or more same-circuit repetitive interruptions within a 12-month period, then the report shall contain a detailed explanation of the steps that the electric utility is taking to bring its performance to an acceptable level.

(k) A description of all catastrophic conditions experienced during the year.

(l) The number and total dollar amount of all customer credits provided during the year, broken down by customer class, for its failure to restore service to customers within 120 hours of an interruption that occurred during the course of catastrophic conditions.

(m) The number and total dollar amount of all customer credits provided during the year, broken down by customer class, for its failure to restore service to customers within 16 hours of an interruption that occurred during normal conditions.

(n) The number and total dollar amount of all customer credits provided during the year, broken down by customer class, for same-circuit repetitive interruptions.

(o) A summary table indicating whether the electric utility complied or failed to comply with each of the standards established by these rules.

R 460.733 Availability of records.

Rule 33. (1) An electric utility shall make available to the commission or its staff, upon request, all records, reports, and other information required to determine compliance with these rules and to

permit the commission and its staff to investigate and resolve service quality and reliability issues related to electric distribution service.

(2) An electric utility shall make records, reports, and other information available to the commission or its staff within 5 business days, preferably in an electronic format available through the internet, accessible with standard browser software, identification, and password or as soon thereafter as feasible.

R 460.734 Retention of records.

Rule 34. An electric utility shall preserve, in detail, all records required by these rules for the previous 24 months and shall preserve, in summary form, all records for not less than 4 years, unless otherwise ordered by the commission.

PART 4. FINANCIAL INCENTIVES AND PENALTIES

R 460.741 Approval of incentives by the commission.

Rule 41. (1) The commission may authorize an electric utility to receive a financial incentive if it exceeds all of the service quality and reliability standards adopted by these rules.

(2) A request for approval of an incentive mechanism shall be made in either of the following proceedings and shall be conducted as a contested case under chapter 4 of 1969 PA 306, MCL 24.271 et seq.

(a) A rate case proceeding.

(b) A single-issue proceeding filed specifically to address adoption of an incentive program.

(3) An electric utility shall not file an application seeking approval of an incentive mechanism until it has exceeded all of the service quality and reliability standards adopted by these rules continuously for a period of not less than 12 months.

R 460.742 Criteria for receipt of an incentive.

Rule 42. (1) If an electric utility qualifies for implementation of a previously approved incentive mechanism, it shall file an application seeking authority to implement the incentive mechanism at the same time that it submits the annual report required by R 460.732.

(2) An electric utility shall not apply for a financial incentive approved by the commission unless all of the following criteria were met during the previous 12 months:

(a) All required reports have been filed in a timely manner.

(b) All required reports fully comply with the requirements as determined by the commission.

(c) The electric utility's performance shall have exceeded all of the individual service quality and reliability standards.

(d) The electric utility shall have fully responded to any inquiries about the content of the reports made by the commission or its staff in a timely manner.

R 460.743 Disqualification.

Rule 43. An electric utility shall be disqualified from receiving an incentive if the commission issues an order finding that the electric utility engaged in any type of anticompetitive behavior within the 12-month period preceding the filing of an application pursuant to R 460.742(1).

R 460.744 Penalty for failure to restore service after an interruption due to catastrophic conditions.

Rule 44. An electric utility that fails to restore service to a customer within 120 hours after an interruption that occurred during the course of catastrophic conditions shall provide to any affected customer that notifies the utility of the interruption with a bill credit on the customer's next bill. The amount of the credit provided to a residential customer shall be the greater of \$25.00 or the customer's monthly customer charge. The amount of the credit provided to any other distribution customer shall be the customer's minimum bill prorated on a daily basis.

R 460.745 Penalty for failure to restore service during normal conditions.

Rule 45. An electric utility that fails to restore service to a customer within 16 hours after an interruption that occurred during normal conditions shall provide to any affected customer that notifies the utility of the interruption a bill credit on the customer's next bill. The amount of the credit provided to a residential customer shall be the greater of \$25.00 or the customer's monthly customer charge. The amount of the credit provided to any other distribution customer shall be the customer's minimum bill prorated on a daily basis.

R 460.746 Penalty for repetitive interruptions of the same circuit.

Rule 46. (1) A customer of an electric utility that experiences more than 7 interruptions in a 12-month period due to a same-circuit repetitive interruption shall be entitled to a billing credit on the customer's next bill. The amount of the credit provided to a residential customer shall be the greater of \$25.00 or the customer's monthly customer charge. The amount of the credit provided to any other distribution customer shall be the customer's minimum bill prorated on a daily basis.

(2) Following provision of the billing credit to a customer experiencing more than 7 interruptions in a 12-month period due to a same-circuit repetitive interruption, the electric utility's interruption counter shall be reset to zero to ensure that another credit to the customer will be processed only after the occurrence of another 8 interruptions in a 12-month period.

(3) The credits provided in subrule (1) of this rule shall be doubled during each successive 12-month period during which a customer is exposed to repetitive interruptions of the same circuit or circuit segment, to a maximum of 10 successive 12-month periods.

R 460.747 Multiple billing credits allowed.

Rule 47. An electric utility's obligation to provide a customer with a billing credit for one reason does not excuse the obligation to provide an additional billing credit in the same month for another reason.

R 460.748 Effect in other proceedings.

Rule 48. (1) The payment or nonpayment of a customer credit or an incentive award shall not affect the rights of a customer or an electric utility in any proceeding before the commission or in any action in a court of law.

(2) The finding of a violation of a service quality or reliability standard adopted in these rules shall not affect the rights of a customer or an electric utility in any proceeding before the commission or in any action in a court of law.

PART 5. WAIVERS AND EXCEPTIONS

R 460.751 Waivers and exceptions by electric utilities.

Rule 51. (1) An electric utility may petition the commission for a permanent or temporary waiver or exception from these rules when specific circumstances beyond the control of the utility render compliance impossible or when compliance would be unduly economically burdensome or technologically infeasible.

(2) An electric utility may request a temporary waiver in order to have sufficient time to implement procedures and systems to comply with these rules.

(3) An electric utility need not meet the standards or grant the credits required by parts 2 and 4 of these rules under any of the following circumstances:

(a) The problem was caused by the customer.

(b) There was a work stoppage or other work action by the electric utility's employees, beyond the control of the utility, that caused a significant reduction in employee hours worked.

(c) The problem was caused by an "act of God." The term "act of God" means an event due to extraordinary natural causes so exceptionally unanticipated and devoid of human agency that reasonable care would not avoid the consequences and includes any of the following:

- (i) Flood.
- (ii) Tornado.
- (iii) Earthquake.
- (iv) Fire.

(d) The problem was due to a major system failure attributable to any of the following:

- (i) An accident.
- (ii) A man-made disaster.
- (iii) A terrorist attack.
- (iv) An act of war.

R 460.752 Proceedings for waivers and exceptions.

Rule 52. (1) A petition for a waiver of a customer credit provision filed by an electric utility shall be handled as a contested case proceeding.

(2) A petition for any other waiver or exception may be granted by the commission without notice or hearing.

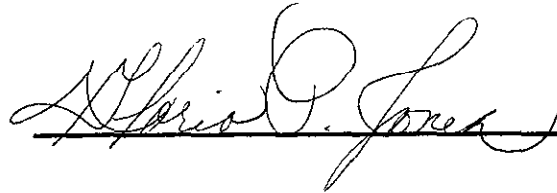
PROOF OF SERVICE

STATE OF MICHIGAN)

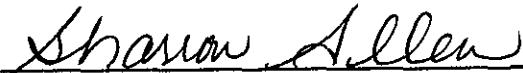
Case No. U-12270

County of Ingham)

Gloria P. Jones being duly sworn, deposes and says that on November 8, 2002, A.D. she served a copy of the attached Order by mailing copies thereof by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.

A handwritten signature in cursive script, appearing to read "Gloria P. Jones", written over a horizontal line.

Subscribed and sworn to before me
this 8th day of November 2002

A handwritten signature in cursive script, appearing to read "Sharon Allen", written over a horizontal line.

Notary Public, Ingham, County, Michigan
My Commission expires August 16, 2004

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