

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of	)	
CONSUMERS ENERGY COMPANY for a	)	
certificate of public convenience and necessity	)	Case No. U-12430
to provide natural gas service in Martin Township,	)	
Allegan County.	)	
_____	)	

At the August 31, 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 January 20, 2000, Consumers Energy Company (Consumers) filed an application, pursuant to the provisions of 1929 PA 69, as amended, MCL 460.501 et seq.; MSA 22.141 et seq., requesting a certificate of public convenience and necessity to extend its facilities and to provide natural gas service in Martin Township, Allegan County.

Pursuant to due notice, a prehearing conference was held on July 5, 2000 before Administrative Law Judge Barbara A. Stump. Consumers, Michigan Gas Utilities, and the Commission Staff participated in the proceedings. Subsequently, the parties submitted a settlement agreement resolving all issues in this case.

The settlement agreement, attached as Exhibit A, indicates that Consumers currently holds a non-exclusive franchise to provide natural gas service in Martin Township, Allegan County. The parties agree that the provision of natural gas service by Consumers to customers located in Martin Township will serve the public convenience and necessity. The parties recommend that a certificate of public convenience and necessity be granted to Consumers to provide gas service in accordance with the terms of the settlement agreement.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1929 PA 69, as amended, MCL 460.501 et seq.; MSA 22.141 et seq.; 1909 PA 300, as amended, MCL 462.2 et seq.; MSA 22.21 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 AACCS, R 460.17101 et seq.
- b. The settlement agreement is reasonable and in the public interest, and should be approved.

THEREFORE, IT IS ORDERED that:

- A. The settlement agreement, attached as Exhibit A, is approved.
- B. Consumers Energy Company is granted a certificate of public convenience and necessity to construct facilities and to provide natural gas service to customers located in Martin Township, Allegan County. The construction and maintenance of these facilities must comply with the Michigan Gas Safety Standards and applicable Commission rules, no newly constructed lines shall cross another utility's gas mains or service lines (or parallel another utility's mains or service lines within a street or right-of-way), and prior to constructing any extension of a main within the

township, Consumers Energy Company must give 30 days' written notice to the Competitive Services Section of the Commission's Gas Division, identifying the location of the proposed extension and providing a copy of the customer attachment program worksheet, if applicable, for the extension.

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

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26; MSA 22.45.

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 August 31, 2000.

/s/ Dorothy Wideman

Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner

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By its action of August 31, 2000.

Its Executive Secretary

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Suggested Minute:

“Adopt and issue order dated August 31, 2000 approving the settlement agreement and authorizing Consumers Energy Company to provide natural gas service in Martin Township, Allegan County, as set forth in the order.”