

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the rates, terms, and conditions)	
for retail customers of CONSUMERS ENERGY)	Case No. U-12488
COMPANY to choose an alternative electric supplier.)	
_____)	

At the June 19, 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 June 5, 2000, Public Act 141 of 2000 took effect. Among other things, it authorizes the Commission to establish the rates, terms, and conditions under which all retail customers of an electric utility will be permitted to choose an alternative electric supplier, and provides that the Commission's prior orders on retail open access are enforceable. MCL 460.10a; MSA 22.13(10a). In numerous orders over a period of years, the Commission has approved both a Rate DA experimental open access program and a full-scale retail open access program for Consumers Energy Company (Consumers). The Commission concludes that Consumers should file its tariffs governing the Rate DA and retail open access programs, with any revisions that are appropriate to comply with Act 141 and Act 142 and to remedy the problems that customers have experienced thus far. Consumers need not combine the two programs into one tariff, although it may do so. In preparing

its revised tariffs, the company shall consult with the Commission Staff. The Commission will then conduct contested case proceedings before approving tariffs to govern the Rate DA and retail open access programs.

The Commission has selected this case for participation in its Electronic Filings program. All documents filed in this case must be submitted in both paper and electronic versions. An original and four paper copies and an electronic copy in the portable document format (PDF) should be filed with the Commission. Specifications for filing electronic documents can be found in the Commission's Electronic Filings Users Manual at:

<http://ermisbbs.cis.state.mi.us/efile/usersmanual.pdf>. Contact the Commission Staff at 800.292.9555, 517.241.6170, or by E-mail at efile@ermisbbs.cis.state.mi.us prior to filing to obtain access privileges and with any questions.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; MSA 22.151 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 AACSR, R 460.17101 et seq.

b. Consumers should file revised tariffs to implement the Rate DA and retail open access programs.

THEREFORE, IT IS ORDERED that Consumers Energy Company shall file, by September 20, 2000, revised tariffs to implement the Rate DA and retail open access programs.

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

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 June 19, 2000.

/s/ Dorothy Wideman

Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

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By its action of June 19, 2000.

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Suggested Minute:

“Adopt and issue order dated June 19, 2000 requiring Consumers Energy Company to file revised tariffs to implement the Rate DA and retail open access programs, as set forth in the order.”