

# CLARK HILL

P.L.C.

ATTORNEYS AT LAW

255 S. Old Woodward Avenue  
Third Floor  
Birmingham, Michigan 48009-6179  
Tel. (248) 642-9692 ■ Fax (248) 642-2174  
www.clarkhill.com

Robert A. W. Strong  
Direct Dial: 248/988-5861  
E-Mail: rstrong@clarkhill.com

September 7, 2000

**VIA ELECTRONIC FILING and U.S. MAIL**

Ms. Dorothy Wideman  
Executive Secretary  
Michigan Public Service Commission  
6545 Mercantile Way  
Lansing, Michigan 48909-7721

Re: MPSC Case No. U- 12595

Dear Ms. Wideman:

Enclosed are an original and four (4) copies of the Petition to Intervene of the Association of Businesses Advocating Tariff Equity with a proof of service on the parties of record in the above docket.

Very truly yours,

CLARK HILL P.L.C.

  
Robert A. W. Strong

RAWS/lat  
Enclosure

cc: Parties of Record (w/Enclosure)

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of )  
THE DETROIT EDISON COMPANY )  
for ratemaking authority to implement )  
2000 PA 141. )  
\_\_\_\_\_ )

Case No. U-12595

**PETITION TO INTERVENE OF THE ASSOCIATION OF BUSINESSES ADVOCATING TARIFF EQUITY**

The Association of Businesses Advocating Tariff Equity (“ABATE”), by its attorneys, Clark Hill P.L.C., hereby petitions the Michigan Public Service Commission (“Commission”) for leave to intervene in and become a party to the above-entitled proceedings, and in connection therewith, represents that the rights and interests of this Petitioner, the grounds of the proposed intervention and Petitioner’s position in the proceedings are as follows:

I

ABATE is a voluntary association of large industrial businesses which are located in and doing business in the State of Michigan. The purposes of ABATE are to appear before the Commission, the Federal Energy Regulatory Commission (“FERC”) and other regulatory bodies having jurisdiction over public utilities and natural gas pipelines, to advocate the adoption of utility and energy rates, terms and conditions of service and other tariffs or contracts governing utility and energy services which are just and reasonable, nondiscriminatory, nonpreferential, equitable and based on the cost of providing service to each class of utility customer. ABATE who supports open access on terms which are fair and where there is true competition. ABATE has been formed for the

express purpose of participating in regulatory proceedings to protect the interests of businesses in connection with energy and utility matters. Members of ABATE consume substantial quantities of electricity and natural gas and in Michigan alone their combined gas and electric bills exceed \$1.5 billion annually. As large gas and electric customers, ABATE members are vitally interested in achieving increased economic efficiencies for gas and electric utilities and new electricity sourcing options which allow ABATE members to more effectively compete in the worldwide economy.

## II

The current members of ABATE are: ABTco, Inc, a Louisiana-Pacific Company; BASF Corporation; The Budd Company; Cargill; DaimlerChrysler Corporation; Eaton Corporation; Edward C. Levy Company; Elf Atochem North America, Inc.; Ervin Industries, Inc.; Escanaba Paper, A Mead Company; Ford Motor Company; General Motors Corporation; Martin Marietta Magnesia Specialties, Inc.; Masco Corporation; MascoTech, Inc.; National Steel Corporation - Great Lakes Division; Pharmacia & Upjohn Company; Quanex Corporation; Solutia, Inc. and Steelcase, Inc.

## III

ABATE has frequently intervened in various The Detroit Edison Company (“Edison”) cases, including its last general rate, depreciation, PSCR plan and PSCR reconciliation cases. ABATE is an active participant in Edison’s securitization case, U-12478, to which this case is related.

## IV

ABATE submits that its members have a substantial interest in these proceedings because they can fundamentally affect what ABATE members pay for electric service rendered in the future.

V

ABATE respectfully submits that because its members could be substantially affected by the collection of the amounts proposed by Edison, it should be permitted to intervene in these proceedings and be given the opportunity to cross-examine witnesses, to present witnesses on its behalf, if necessary, and generally to advocate its position with respect to all issues presented as a full party to these proceedings.

VI

ABATE's position is that the uniform surcharge proposed by Detroit Edison violates the requirements of MCL 460.10 in that it results in a reallocation of costs which is strictly prohibited. The uniform cents per kWh Securitized Qualified Cost Charge is unjust, unreasonable and will result in inappropriate price signals being sent to those customers which would like to participate in retail open access. In addition, the proposed rate design is anti-competitive and against public policy.

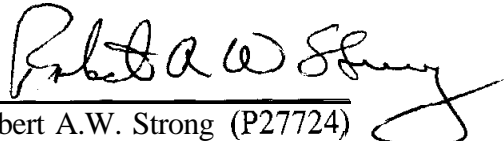
VII

ABATE reserves the right to take new and different positions if, and when, this case proceeds to full hearings and following a review of the utility testimony filed in this case and responses to discovery.

WHEREFORE, ABATE requests that the Commission grant ABATE's Petition to Intervene in and be treated as a full party hereto. ABATE further requests that the parties mail copies of all pleadings and correspondence in these proceedings to the offices of its counsel listed below.

Respectfully submitted,

CLARK HILL P.L.C.

By:   
Robert A.W. Strong (P27724)  
Attorneys for the Association of Businesses  
Advocating Tariff Equity  
255 South Old Woodward Avenue, Third Floor  
Birmingham, Michigan 48009  
2481642-9692

Dated: September 7, 2000

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

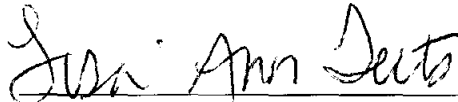
In the matter of the Application of )  
THE DETROIT EDISON COMPANY )  
for ratemaking authority to implement )  
2000 PA 141. )  
\_\_\_\_\_ )

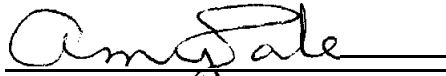
Case No. U-12595

PROOF OF SERVICE

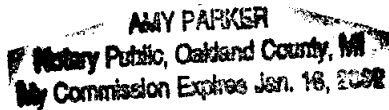
STATE OF MICHIGAN )  
 )  
COUNTY OF OAKLAND )

Lisa Ann Teets, being first duly sworn, deposes and says that she tiled electronically a copy of "Petition to Intervene of the Association of Businesses Advocating Tariff Equity" in the above docket on the persons identified on the attached service list by depositing the same on September 7, 2000, in the United States mail in the City of Birmingham, Michigan with first-class postage thereon fully paid.

  
\_\_\_\_\_  
Lisa Ann Teets

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 1-16-02



## SERVICE LIST

### MPSC Case No. U-12595

**Attorney for Michigan Environmental Council and the Public Interest Research Group in Michigan**

Don L. Keskey, Esq.  
Knaggs, Harter, King & Brake, P.C.  
1375 South Washington Avenue  
Suite 300  
Lansing, Michigan 48910

**Attorneys for the Attorney General**

Donald E. Erickson, Esq.  
Assistants Attorney General  
Special Litigation Division  
Michigan Attorney General Office  
6520 Mercantile Way, Suite 2  
P.O. Box 30218  
Lansing, Michigan 48909

Charles W. King, Esq.  
Snively King Majoros O'Connor & Lee, Inc.  
1220 L Street, N.W.  
Suite 410  
Washington, DC 20005

**Attorney for Energy Michigan**

Eric J. Schneidewind, Esq.  
Vamum, Riddering, Schmidt & Howlett LLP  
The Victor Center  
201 North Washington Square  
Suite 8 10  
Lansing, Michigan 48933

**Attorney for Plastipak Packaging, Inc.**

Stewart A. Binke, Esq.  
Howard & Howard  
The Phoenix Building  
222 North Washington Square  
Suite 500  
Lansing, Michigan 48933- 18 17

**Attorney for Michigan Electric and Gas Association**

Ronald W. Bloomberg, Esq.  
Loomis, Ewert, Parsley, Davis & Gotting,  
P.C.  
232 South Capitol Avenue  
Suite 1000  
Lansing, Michigan 48933-1525

**Attorneys for the Michigan Public Service Commission Staff**

Larry G. Watterworth, Esq.  
Steven D. Hughey, Esq.  
Assistants Attorney General  
Public Service Commission  
6545 Mercantile Way  
Suite 15  
Lansing, Michigan 48911

Mr. Michel Hiser  
Michigan Public Service Commission  
6535 Mercantile Way  
P.O. Box 30221  
Lansing, Michigan 48909-772 1

**Attorney for Detroit Edison**

Bruce R. Maters, Esq.  
The Detroit Edison Company  
2000 Second Avenue  
688 WCB  
Detroit, Michigan 48226-1297

**Attorneys for Michigan Chamber of  
Commerce, Dow Corning Corporation and  
Hemlock Semiconductor Corporation**

David E. S. Marvin, Esq.  
Fraser Trebilcock Davis & Foster, P.C.  
1000 Michigan National Tower  
Lansing, Michigan 48933

**Attorney for Consumers Energy Company**

John C. Shea, Esq.  
Consumers Energy Company  
2 12 West Michigan Avenue  
Jackson, Michigan 49201

**Attorney for Bay Windpower, L.L.C.**

Richard VanderVeen, III, Esq.  
President and CEO  
Bay Windpower, L.L.C.  
2505 Robinson Road, S. E.  
East Grand Rapids, Michigan 49506

**Attorney for Unicorn Energy, Inc.**

John M. Dempsey, Esq.  
2 15 South Washington Square  
Suite 200  
Lansing, Michigan 48933

**Attorney for Michigan Community Action  
Agency Association**

Brian Coyer, Esq.  
Knaggs, Hatter, King & Brake, P.C.  
13 75 South Washington Avenue  
Suite 300  
Lansing, Michigan 489 10

**Attorneys Midwest Independent Power  
Suppliers Coordination Group and PG&E  
Corporation**

Michael S. Ashton, Esq.  
Fraser Trebilcock Davis & Foster, P.C.  
1000 Michigan National Tower  
Lansing, Michigan 48933