

A CMS Energy Company

January 16, 2001

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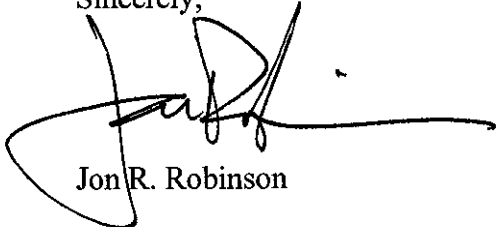
Ms. Dorothy Wideman
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way
P.O. Box 30221
Lansing, MI 48909

Re: Case No. U-12639

Dear Ms. Wideman:

Enclosed for filing in the above-captioned case are an original and four copies of the **"Answer Of Consumers Energy Company To Motion To Adjust Schedule Filed By The Association Of Businesses Advocating Tariff Equity, The Attorney General And Energy Michigan"**. This document was also filed electronically as part of the Commission's Electronic Filings Program. I have also enclosed a Proof of Service.

Sincerely,



Jon R. Robinson

CC: Hon. Daniel E. Nickerson, Jr., ALJ
Parties per Attachment 1 to
Proof of Service

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter, on the Commission's own)
Motion, to implement the provisions of)
Section 10a(10) of 2000 PA 141)
_____)

Case No. U-12639

ANSWER OF CONSUMERS ENERGY COMPANY
TO MOTION TO ADJUST SCHEDULE FILED BY THE
ASSOCIATION OF BUSINESSES ADVOCATING TARIFF EQUITY,
THE ATTORNEY GENERAL AND ENERGY MICHIGAN

On Friday, January 12, 2001, Consumers Energy Company ("Consumers Energy") received a copy of the Motion to Adjust Schedule ("Motion") filed by ABATE, the Attorney General and Energy Michigan. The Motion seeks a substantial extension of the schedule previously established in this case. In particular, the Motion seeks substantial extensions of the time periods for ABATE, the Attorney General and Energy Michigan to prepare and make filings in this case. Prior to the filing of the Motion, none of the moving parties made any attempt to communicate with Consumers Energy regarding the scheduling of this case. The Motion seeks relief (i) that is inconsistent with the Commission's January 4, 2001 order in this case, (ii) that will almost certainly prevent the Commission from reaching a timely resolution of this case, and (iii) that is blatantly, almost proudly, biased, unfair and prejudicial to the other parties to this case.

1. In the January 4, 2001 Order issued in this case, the Commission ruled that the scope of this proceeding "should include stranded cost computational issues as well as the purely methodological issues." The Commission therefore ruled that "Consumers Energy and The Detroit Edison Company shall submit their proposed stranded cost calculations as part of their

prefiled direct cases pursuant to the schedule previously established in this docket.” In its response to the application for leave to appeal which resulted in the January 4 order, Consumers Energy had indicated that, while it would not oppose an expansion of the scope of the case, its non-objection was based upon the Commission maintaining at least the initial filing date of the schedule that had been adopted by the Administrative Law Judge at the prehearing conference. That schedule required all parties to submit their direct cases on February 23. The Commission noted this position in the January 4 order, and ordered that it be adopted. By ordering that Consumers Energy and The Detroit Edison Company “submit proposed stranded cost calculations as part of their prefiled direct cases,” the Commission granted ABATE the relief sought in its application for leave to appeal concerning the scope of the case. By stating that those filings should be made “pursuant to the schedule previously established in this docket,” the Commission was obviously granting Consumers Energy the relief it had sought in its reply, and was directing that the initial date of February 23 remain the date for the direct filings of all parties. The relief sought by the moving parties is dramatically different from the terms of the Commission’s order, and the ALJ should not violate that order by granting such relief.

2. The schedule requested by the moving parties in their Motion would be an unreasonable extension of the time required to process this case. Although the moving parties seem to concede that the Commission desires to finalize this case in time for a stranded cost charge to be placed on customer bills by January 1, 2002, the schedule proposed by the moving parties does not even submit the case to the Commission until November 27, 2001. The proposed schedule thus graciously provides the Commission with about a month to review the briefs, exceptions and evidentiary record in this case, and to prepare a final order for issuance two days after Christmas. It is simply unreasonable for the moving parties to place the

Commission under such time constraints, especially during a holiday period, in a case that the moving parties portray as a complex and precedent setting proceeding. Equally importantly, it is to be expected that a final order in a case such as this will result in a number of rehearing petitions being filed, as parties seek clarification or modification of various aspects of the Commission's rulings. The schedule requested by the moving parties leaves no time whatsoever for the rehearing stage of this proceeding, which is likely to be extremely important, and which is likely to take several months. The proposed schedule is therefore unreasonable for this reason as well.

3. The schedule proposed by the moving parties is so one-sided in their favor as to be almost laughable. Whereas the utilities are provided with 50 days (from the date of the Commission's January 4 order expanding the scope of the case) to prepare their direct filings, the moving parties demand three times as long (158 days) to prepare their own direct cases. Not only is this inconsistent with the January 4 order (see paragraph 1 above) but such a wildly out-of-proportion schedule confers a tremendous preparatory and procedural advantage on the moving parties to the substantial detriment of Consumers Energy, and is therefore unfair, biased and prejudicial.

4. In their Motion, the moving parties make the allegation that "the attorneys in this case have conflicts with the schedules in other related cases which would be minimized by the proposed schedule change." As the ALJ is aware, parties and their attorneys always have conflicts with other cases and other matters. The ALJ is also no doubt aware that the law firms representing ABATE and Energy Michigan in this matter each have over 100 attorneys, and that the Attorney General similarly has many attorneys available to represent her. The allegations of scheduling "conflicts" should not influence the ALJ in any respect.

5. In the event the ALJ believes a modification of the schedule is appropriate, Consumers Energy urges the ALJ to not adopt the outrageously extended schedule proposed by the moving parties. The following is Consumers Energy's attempt to suggest a more reasonable and balanced alternative schedule for processing this case. Consumers Energy is not proposing this schedule; it is only offering an alternative if the ALJ believes the existing schedule should be modified.

Utilities file direct cases	February 23, 2001
Staff and intervenors file direct cases	March 16
All parties file cases rebutting Staff and intervenor direct cases	April 13
Motions to strike testimony	April 23
Cross-examination of all parties	May 7-11
Initial briefs	May 25
Reply briefs	June 8
PFD	July 13
Exceptions	July 27
Replies to exceptions	August 10
Final order	???????
Rehearing petitions	30 days after order
Replies to rehearing petitions	21 days after petitions filed
Order on Rehearing	???????


WHEREFORE, Consumers Energy Company requests that the ALJ rule on the Motion in a manner consistent with the positions set forth in this Answer.

Respectfully submitted,

CONSUMERS ENERGY COMPANY

Dated: January 16, 2001

By:



Jon R. Robinson
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(517) 788-0698

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

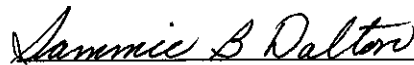
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Case No. 12639

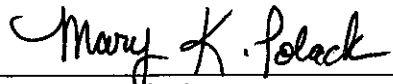
PROOF OF SERVICE

STATE OF MICHIGAN)
) SS
COUNTY OF JACKSON)

Sammie B. Dalton, being first duly sworn, deposes and says that she is employed in the Legal Department of Consumers Energy Company; that she served an electronic copy of the "**Answer Of Consumers Energy Company To Motion To Adjust Schedule Filed By The Association Of Businesses Advocating Tariff Equity, The Attorney General And Energy Michigan**" upon the persons listed in Attachment 1 hereto, at the e-mail addresses listed therein. She further states that she served a copy of the same document by first-class mail at the addresses listed in Attachment 1, by depositing the same on January 16, 2001, in the United States mail in the City of Jackson, Michigan with first-class postage thereon fully paid.



Subscribed and sworn to before me this 16th day of January, 2001.



Mary K. Polack
Notary Public, Jackson County, Michigan
My Commission Expires: 09/09/01

ATTACHMENT 1 -- TO CASE NO. U-12639

Administrative Law Judge

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ATTACHMENT 1 -- TO CASE NO. U-12639 (Continued)

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