

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of	)	
THE DETROIT EDISON COMPANY	)	
for approval of an unexecuted distribution	)	
interconnection agreement associated with	)	Case No. U-12866
the "Rouge Complex" and Dearborn Industrial	)	
Generation, L.L.C.	)	
_____	)	

At the April 17, 2001 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

OPINION AND ORDER

On March 12, 2001, The Detroit Edison Company filed an application for approval of an unexecuted distribution interconnection agreement with Dearborn Industrial Generation, L.L.C., pursuant to MCL 462.11; MSA 22.30. The application cites R 460.2031, which requires the filing of an application "[w]hen a special contract is entered into by a utility" The Commission concludes that an unsigned contract does not fall within the scope of either the statute or the rule, and it should therefore dismiss the application without prejudice to the filing of an application for approval of a contract signed by the parties.

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 AACCS, R 460.17101 et seq.

b. The application should be dismissed without prejudice.

THEREFORE, IT IS ORDERED that the application filed by The Detroit Edison Company is dismissed without prejudice.

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 E A L)

/s/ Laura Chappelle
Chairman

By its action of April 17, 2001.

/s/ David A. Svanda
Commissioner

/s/ Dorothy Wideman
Its Executive Secretary

/s/ Robert B. Nelson
Commissioner

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Suggested Minute:

“Adopt and issue order dated April 17, 2001 dismissing without prejudice the application filed by The Detroit Edison Company, as set forth in the order.”