

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of )  
Detroit Thermal, LLC for )  
authority to implement initial default ) Case No. U-13691  
tariffed rates for the provision of steam )  
service in the City of Detroit, Michigan )

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**MOTION OF BAGLEY ACQUISITION CORPORATION,  
HDC PARTNERS, LLC, CSFB 1998 – P1 GRISWOLD  
OFFICES, LLC, AND CSFB 1998 – P1 WOODWARD  
OFFICE, LLC’S, TO REQUIRE DETROIT THERMAL, LLC,  
TO POST A VALID SURETY BOND**

NOW COME Bagley Acquisition Corporation, HDC Partners, LLC, CSFB 1998 – P1Griswold Offices, LLC, and CSFB 1998 – P1 Woodward Offices, LLC, by and through their attorneys, Fraser Trebilcock Davis & Dunlap, P.C., and hereby file this Motion to require Detroit Thermal, LLC, to post a valid surety bond. In support of this Motion, the Movants state as follows:

1. On or about January 14, 2004, Wayne County, Wayne State University and Henry Ford Health System filed a Motion to Post Surety Bond.
2. The Motion filed by Wayne County, et al, was accompanied by a Brief that persuasively argued that Detroit Thermal had failed to comply with the Commission’s mandate to post an adequate surety bond “suitable to ensure that appropriate refunds, if any, can be made to its customers in the event that the final rates approved in this proceeding require refunds.”
3. On or about February 5, 2004, Bagley, et al, filed a Response in Support of Motion to Post Surety Bond.
4. On or about February 6, 2004, Wayne County and Wayne State University withdrew their Motion to Post Surety Bond.

5. On information and belief, the withdrawal of Wayne County's motion was not reflective of any concern with the merits of the motion, but, instead, was a result of certain off-the-record compromises and trade-offs between Detroit Thermal, LLC, and Wayne County.

6. The Motion to Post Surety Bond has substantial merit and should be granted.

7. Bagley, et al, hereby adopt the previously filed Motion to Post Surety Bond as their own, and incorporate by reference the aforesaid Motion and the supporting Brief previously filed by Wayne County, et al.

**WHEREFORE** for the reasons set forth above, and as incorporated by reference from the previously filed Motion and Brief, Bagley Acquisition Corporation, HDC Partners, LLC, CSFB 1998 – P1Griswold Offices, LLC, and CSFB 1998 – P1 Woodward Offices, LLC, respectfully request that this Honorable Commission direct Detroit Thermal, LLC, to post a proper surety bond secured by real assets and/or the promise of a solvent and financially responsible party.

Respectfully submitted,

FRASER TREBILCOCK DAVIS & DUNLAP, P.C.  
Attorneys for Bagley Acquisition Corporation,  
HDC Partners, LLC, CSFB 1998 – P1Griswold Offices,  
LLC, and CSFB 1998 – P1 Woodward Offices, LLC

Dated: February \_\_\_\_\_, 2004

By: \_\_\_\_\_

David E. S. Marvin (P26564)

Michael S. Ashton (P40474)

BUSINESS ADDRESS:

124 W. Allegan, Ste 1000

Lansing, MI 48933

Telephone: (517) 482-5800

FRASER  
TREBILCOCK  
DAVIS &  
DUNLAP,  
P.C.  
LAWYERS  
LANSING,  
MICHIGAN  
48933

STATE OF MICHIGAN

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In the Matter of the Application of **DETROIT** ) Case No. U-13691  
**THERMAL, LLC** for authority to implement )  
initial default tariffed rates for the provision of )  
steam service in the City of Detroit, Michigan. )

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**PROOF OF SERVICE**

Doreen Bowerman, being first duly sworn, deposes and says that on this 11<sup>th</sup> day of February, 2004, she served a copy of the Motion of Bagley Acquisition Corporation, HDC Partners, LLC, CSFB 1998 – P1 Griswold Offices, LLC, and CSFB 1998 – P1 Woodward Office, LLC’s, to Require Detroit Thermal, LLC, to Post a Valid Surety Bond upon the following individual(s):

See attached service list

via electronic mailing and by placing the same in an envelope(s) addressed to said individual(s) at the aforesaid business address(es) and depositing same in the U.S. mail.

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Doreen Bowerman

Subscribed and sworn to before me,  
this 11<sup>th</sup> day of February, 2004.

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Jennifer J. Joy, Notary Public  
Ingham County, Michigan  
My Commission Expires: 12/17/04

**SERVICE LIST FOR U-13691**

ALJ Barbara Stump  
Michigan Public Service Commission  
6545 Mercantile Way  
Lansing, MI 48911  
[bstump@michigan.gov](mailto:bstump@michigan.gov)

Arthur LeVasseur  
Fischer, Franklin & Ford  
500 Griswold St., Ste. 3500  
Detroit, MI 48226  
[levasseur@fischerfranklin.com](mailto:levasseur@fischerfranklin.com)

Ronald W. Bloomberg  
Loomis, Ewert, Parsley, Davis & Gotting  
232 S. Capitol Ave., Ste. 1000  
Lansing, MI 48933  
[rwbloomberg@loomislaw.com](mailto:rwbloomberg@loomislaw.com)

Michael Moco  
VanOverbeke, Michaud & Timothy, P.C.  
79 Alfred St.  
Detroit, MI 48201  
(On behalf of Detroit-Wayne Joint Building Authority)  
[memoco1@cs.com](mailto:memoco1@cs.com)

Anthony R. Paesano  
Michael J. Watza  
Kitch Drutchas Wagner DeNardis & Valitutti  
One Woodward Ave., Tenth Floor  
Detroit, MI 48226-3430  
[watzm1@kitch.com](mailto:watzm1@kitch.com)

Thomas E. McClear  
Assistant Attorney General  
Michigan Public Service Commission  
6545 Mercantile Way, Ste. 15  
Lansing, MI 48911  
[mccleart@michigan.gov](mailto:mccleart@michigan.gov)