

LOOMIS, EWERT, PARSLEY, DAVIS & GOTTING

A PROFESSIONAL CORPORATION

232 SOUTH CAPITOL AVENUE, SUITE 1000

LANSING, MICHIGAN 48933

TELEPHONE (517) 482-2400 FACSIMILE (517) 482-7227

JACK C. DAVIS, PC
KARL L. GOTTING, PC
DAVID M. LICK
HARVEY J. MESSING
JAMES R. NEAL
KENNETH W. BEALL
MICHAEL G. OLIVA
JEFFREY W. BRACKEN
CATHERINE A. JACOBS
RONALD W. BLOOMBERG
MICHAEL H. RHODES
HOWARD J. SOIFER
JEFFREY L. GREEN

GARY L. FIELD
SHERRI A. WELLMAN
KELLY K. REED
JEFFREY S. THEUER
DANIEL L. PULTER
ELDONNA M. RUDDOCK
KEVIN J. RORAGEN
THERESA A. SHEETS
LISA A. HANSON
MICHAEL C. RAMPE
SARA L. LaFLEUR
TRACY L. LACKMAN

PLUMMER SNYDER
(1900-1974)

HOWARD J. SOIFER
(1949-2003)

GEORGE W. LOOMIS
QUENTIN A. EWERT
WILLIAM D. PARSLEY
OF COUNSEL

September 11, 2003

Mr. Robert W. Kehres
Acting Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way
P.O. Box 30221
Lansing, MI 48909

Re: SEMCO Energy Gas Company
MPSC Case No.U-13880

Dear Mr. Kehres:

Enclosed for filing are an original and four (4) copies of Application. This document is also being electronically filed.

Also enclosed is a proposed Notice of Hearing and a disk on which the order has been entered.

Very truly yours,

LOOMIS, EWERT, PARSLEY,
DAVIS & GOTTING, P.C.

Sherri A. Wellman

SAW/kab
Enclosures

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of)
SEMCO ENERGY GAS COMPANY)
for a certificate of public convenience)
and necessity to construct facilities in and)
render natural gas service in Addison Township,)
Oakland County, Michigan)
_____)

Case No. U-13880

APPLICATION

SEMCO Energy Gas Company (“SEMCO Gas”), a division of SEMCO Energy, pursuant to Sections 2 and 3 of 1929 PA 69 (“Act 69”), as amended MCL 460.501 et seq, files this Application with the Michigan Public Service Commission (“Commission”) seeking a certificate of public convenience and necessity to operate and construct facilities and render natural gas service north along Dequindre Road from 36 Mile Road up to and including the residence located at 77945 Dequindre Road of Addison Township, Oakland County, Michigan and in support thereof represents:

1. SEMCO GAS is a Michigan corporation with its principal offices located at 405 Water Street, Port Huron, Michigan, and is engaged as a public utility in the business of supplying natural gas to the public in its various service areas in the state of Michigan.

2. SEMCO Gas seeks a certificate of public convenience and necessity from the Commission for construction and operation of natural gas distribution facilities north along Dequindre Road from 36 Mile Road up to and including the residence located at 77945 Dequindre Road of Addison Township, Oakland County, as shown on Attachment A, and to provide natural gas service to customers located along the path of facilities.

3. Presently there is a customer with a newly built residence located in Section 12 of

Addison Township, Oakland County. Although the newly built residence is located within Consumers Energy Company's ("Consumers") service territory, Consumers existing facilities are approximately 2500 feet from the new residence. While SEMCO Gas's existing facilities are located in Bruce Township across the Street from the new residence, as shown on Attachment A.

4. SEMCO Gas intends to extend its facilities to serve this new residential customer. SEMCO Gas has advised Consumers of its intent and Consumers has not objected.

5. As part of an application filed pursuant to Section 3 of Act 69, the applicant must show that it has secured the necessary consent or franchise from the appropriate municipality. Attachment B is a copy of the ordinance enacted by the Township of Addison on August 21, 2003 granting SEMCO Gas a franchise to construct facilities and provide natural gas service in the Township.

6. SEMCO Gas represents that its planned construction and operation of facilities in Addison Township is pursuant to the customer's request for service. SEMCO Gas concludes that the proposed construction and operation will serve the public convenience and necessity.

7. SEMCO Gas represents that the construction and operation of its facilities will be in accordance with the Michigan Gas Safety Code.

WHEREFORE, SEMCO Energy Gas Company respectfully requests that a certificate of public convenience and necessity be issued granting it authority to construct and operate distribution facilities and render natural gas service north along Dequindre Road from 36 Mile Road up to and including the residence located at 77945 Dequindre Road of Addison Township, Oakland County, Michigan.

Respectfully submitted,

SEMCO ENERGY GAS COMPANY

September 11, 2003

By: _____

One of Its Attorneys
Harvey J. Messing (P23309)
Sherri A. Wellman (P38989)
LOOMIS, EWERT, PARSLEY,
DAVIS & GOTTING, P.C.
232 S. Capitol Avenue, Suite 1000
Lansing, Michigan 48933

Attorneys for SEMCO ENERGY GAS COMPANY

PROPOSED SERVICE FOR
77945 DEQUINDRE ROAD



END OF EXISTING
SEMCO GAS MAIN

PEARL DR

EXISTING 2" PLASTIC SEMCO MAIN

ADDISON TWP

BRUCE TWP

DEQUINDRE RD

EXISTING 4" PLASTIC SEMCO MAIN

EXISTING 4" PLASTIC SEMCO MAIN

36 MILE RD

76955



500'

76755



5'

CMS ENERGY

LOW WOOD TRL



SEMCO ENERGY GAS COMPANY
2915 LAPEER RD., P.O. BOX 5004, PORT HURON, MI 48060
TELEPHONE# (810)987-7900 FAX# (810)987-1238
DRAFTING DEPARTMENT

NOT DRAWN TO SCALE

THE TOWNSHIP OF ADDISON
OAKLAND COUNTY
REVOCABLE FRANCHISE GRANTED TO
SEMCO ENERGY GAS COMPANY

Ordinance No. 126

An Ordinance, granting to SEMCO ENERGY GAS COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas supply business in Sections 1, 12, 13, 24, 25 and 36, Town 5 North, Range 11 East, of the Township of Addison, Oakland County, Michigan, for a period of thirty years.

THE TOWNSHIP OF ADDISON ORDAINS:

Section 1. **GRANT OF FRANCHISE.** The Township of Addison, Oakland County, Michigan, hereby grants to SEMCO ENERGY GAS COMPANY, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to construct, operate and maintain in the public streets, highways, alleys and other public places in Sections 1, 12, 13, 24, 25 and 36, Town 5 North, Range 11 East, of the Township of Addison, Oakland County, Michigan, all needful and proper gas pipes, mains, conductors, service pipes and other apparatus and facilities requisite for the transmission and distribution of gas to the said Sections of the Township, and the inhabitants thereof, and for conduction gas elsewhere to supply neighboring cities, villages and other territories supplied with gas by said Grantee, for a period of thirty years.

Section 2. **CONSIDERATION.** In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms thereof.

Section 3. **CONDITIONS.** No highway, street, alley, bridge or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when the work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

Section 4. **HOLD HARMLESS.** Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of

the permission herein given, said Grantee shall, upon notice defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

Section 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

Section 6. RATES. Said Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefore being made by either said Township, acting by its Township Board, or by said Grantee.

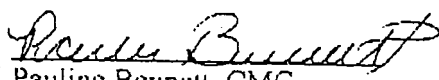
Section 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

Section 8. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Township.

Section 9. ASSIGNMENT OF FRANCHISE. Grantee shall not assign this Franchise to any other person, firm or corporation without the prior written approval of the Township Board. The Township shall not unreasonably withhold its consent to an assignment if the Assignee is financially able to carry out the Grantee's obligations under this Franchise. The assignment of this Franchise to a subsidiary, division, or affiliated corporation of Grantee or its parent corporation shall not be considered an assignment requiring the consent of the Township Board.

Section 10. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, the ordinance shall constitute a contract between said Township and said Grantee.

I certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the Township of Addison, Oakland County, Michigan, on the 21st day of August, 2003.



Pauline Bennett, CMC
Addison Township Clerk

Publication Date: 8/27/2003

Effective Date: Day after publication

Posted Summary: 8/25/03