

A CMS Energy Company

November 6, 2007

Via U.S. and Electronic Mail

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CASE NO. U-15320 – MCV APPLICATION RE AVAILABILITY CAPS

Dear Mr. Kreucher,

Enclosed are the Company's responses to discovery questions 15320-NCG-CE-1 through 6. These responses are being served in hard copy format only on the requesting party. The requesting party and all others will be served with the discovery responses by e-mail. In an effort to save time in preparing responses to discovery requests, all responses will no longer be notarized.

In providing these responses, the Company does not necessarily concede that the requested information is relevant or material to these proceedings. The Company therefore specifically reserves the right to raise objections to the introduction into evidence, through cross-examination or otherwise, of any material supplied pursuant to a discovery request.

The Company intends to supplement a prior response if it becomes aware of a relevant and material error in the response. The Company also intends to supplement a prior response if it becomes aware that there has been a significant change in circumstances unknown to the requesting party which would substantially alter a prior response in a manner which is material and relevant to this case. However, the Company does not keep prior responses under continuous review.

Enclosed with this transmittal is a copy of your October 26, 2007 interrogatories with our internal numbering system annotated in the margins. This will assist you in cross-referencing and tracking our responses.

Sincerely,



Digitally signed by John C. Shea
Date: 2007.11.05 14:21:25 -05'00'

John C Shea

CC Hon. Daniel E. Nickerson, Jr. (letter only via e-mail)
Mary Jo Kunkle, Executive Secretary (letter & proof of service via e-file)
George Evans (via e-mail), gwe@slater-consulting.com (& Hard C. of AG Reqs.)
Michael McGarry (via e-mail), mmcgarry@blueridgecs.com (& Hard C. of AG Reqs.)
Howard Solganick (via e-mail), howard@energytactics.com (& Hard C. of AG Reqs.)
Parties of Record

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of Midland)
Cogeneration Venture Limited Partnership for the)
Commission to eliminate the "availability caps" which)
Limit Consumers Energy Company's recovery of)
Capacity payments with respect to its power purchase)
Agreement with Midland Cogeneration Venture Limited)
Partnership)
_____)

Case No. U-15320

PROOF OF SERVICE

STATE OF MICHIGAN)
) SS
COUNTY OF JACKSON)

Cheryl A. Dempski, being first duly sworn, deposes and says that she is employed by Consumers Energy Company; that she served a copy of the materials provided in response to discovery question nos.15320-NCG-CE-1 through 6 upon Jon D. Kreucher, Esq., Howard & Howard Attorneys, P.C., 39400 Woodward Ave., Suite 101, Bloomfield Hills, MI 48304-5151, by depositing the same on November 6, 2007, in the United States mail in the City of Jackson, Michigan, with first-class postage thereon fully paid.

Cheryl A. Dempski

Subscribed and sworn to before me this 6th day of November, 2007.

Mark E. Mathias
Notary Public
State of Michigan, County of Jackson
Acting in the County of Jackson
My Commission Expires: October 18, 2013

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of Midland)	
Cogeneration Venture Limited Partnership for the)	
Commission to eliminate the “availability caps” which)	Case No. U-15320
Limit Consumers Energy Company’s recovery of)	
Capacity payments with respect to its power purchase)	
Agreement with Midland Cogeneration Venture Limited)	
Partnership)	
_____)	

PROOF OF SERVICE

STATE OF MICHIGAN)
) SS
 COUNTY OF JACKSON)

Sharon K. Davis, being first duly sworn, deposes and says that she is employed in the Legal Department of Consumers Energy Company; that on November 6, 2007 she served an electronic copy of the materials provided in response to discovery questions 15320-NCG-CE-1 through 6 upon the persons listed in Attachment 1 hereto, at the e-mail addresses listed therein. She further states that she also served an electronic copy of the cover letter only to the Honorable Daniel E. Nickerson, Jr., Administrative Law Judge, at denicke@michigan.gov.

 Sharon K. Davis

Subscribed and sworn to before me this 6th day of November, 2007.

 Mary K. Polack, Notary Public
 State of Michigan, County of Jackson
 My Commission Expires: 09/09/12
 Acting in the County of Jackson

ATTACHMENT 1 TO CASE NO. U-15320 – E-Mail Service List

Party	Name	E-mail Address
Administrative Law Judge	Hon. Daniel E. Nickerson, Jr.	denicke@michigan.gov
Counsel for the Michigan Public Service Commission Staff	David A. Voges, Esq. Vincent J. Leone, Esq.	vogesd@michigan.gov leonev@michigan.gov
Counsel for the Association of Businesses Advocating Tariff Equity (“ABATE”)	Robert A. W. Strong, Esq. Leland R. Rosier, Esq.	rstrong@clarkhill.com lrosier@clarkhil.com
Counsel for Midland Cogeneration Venture Limited Partnership (“MCV”)	Richard J. Aaron, Esq.	raaron@honigman.com
Michigan Environmental Council (“MEC”) and Public Interest Research Group In Michigan (“PIRGIM”)	Don L. Keskey, Esq.	dkeskey@clarkhill.com
Counsel for Dow Corning Corporation	David E. S. Marvin	dmarvin@fraserlawfirm.com
Counsel for the Attorney General Michael A. Cox	Donald E. Erickson, Esq.	ericksond@michigan.gov
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