CLARK HILL

Clark Hill PLC
212 East Grand River Avenue
Lansing, Michigan 48906
T (517) 318-3100
F (517) 318-3099

clarkhill.com

Thomas E. Maier
T (517) 318-3017
F (517) 318-3070
Email: tmaier@clarkhill.com

April 9, 2009

Ms. Mary Jo Kunkle
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way
PO Box 30221
Lansing, MI 48909

Re: In the matter of the application of **CONSUMERS ENERGY COMPANY** for authority to increase its rates for the generation and distribution of electricity and for other relief.
MSPC Case No. U-15645
(E-File/Paperless)

Dear Ms. Kunkle:

Enclosed for filing, in the above-captioned proceeding, please find: Association of Businesses Advocating Tariff Equity's Motion for Issuance of a "Temporary Order" Per 2008 Public Act 286, and for Immediate Consideration; Association of Businesses Advocating Tariff Equity's Brief in Support of Motion for Issuance of a "Temporary Order" Per 2008 Public Act 286, and for Immediate Consideration; and Notice of Hearing. Proof of Service upon the Parties of Record is also included. These documents are being filed electronically, in paperless format, on the Commission's Electronic Case Filing System.

Very truly yours,

CLARK HILL PLC

Digitally signed by
Thomas E. Maier

Thomas E. Maier

TEM:met
Enclosures

cc: Chairman Orjiakor N. Isiogu (Via Hand Delivery)
Commissioner Monica Martinez (Via Hand Delivery)
Commissioner Steven A. Transeth (Via Hand Delivery)
Parties of Record

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

*** * * * ***

In the Matter of the application of CONSUMERS ENERGY COMPANY for authority to increase its rates for the generation and distribution of electricity and for other relief.	))))	Case No. U-15645

ASSOCIATION OF BUSINESSES ADVOCATING TARIFF EQUITY'S MOTION FOR ISSUANCE OF A "TEMPORARY ORDER" PER 2008 PUBLIC ACT 286, AND FOR IMMEDIATE CONSIDERATION

The Association of Businesses Advocating Tariff Equity ("ABATE") by its attorneys, Clark Hill PLC, pursuant to MCL 460.1 *et seq.*, and pursuant to Rule 335 of the Rules of Practice and Procedure before the Commission (R 460.17335) hereby moves that the Michigan Public Service Commission ("Commission" or "MPSC") issue a Temporary Order preventing or delaying Consumers Energy Company ("Consumers") from implementing its proposed rates after 180 days as permitted by Section 6a(1) of 2008 Public Act 286 (hereinafter "Act 286"); MCL 460.6a(1).

1. On November 14, 2008, Consumers filed an Application for a general rate case with the Commission seeking, among other things, a substantial annual increase (approximately $215 million) in its general electric rates and other ratemaking relief.

2. Act 286 permits public utilities to self-implement rate increases if the Commission does not issue an order within 180 days of the filing of a complete general rate case.

3. The date for Consumers to self-implement is May 14, 2009.

4. Act 286 provides that: "For good cause, the commission may issue a temporary order preventing or delaying a utility from implementing its proposed rates or charges." MCL 460.6a(1).

5. Good cause exists for the issuance of such a "Temporary Order" by the Commission in this case as demonstrated by ABATE's accompanying Brief in Support of this Motion.

6. If the Commission does not issue an order by May 13, 2009, Consumers will be able to self-implement its proposed increased electric rates totaling approximately 215 million dollars to the detriment of Michigan's ratepayers as more fully described in ABATE's accompanying Brief in Support of this Motion.

7. Immediate consideration by the Commission is necessary and appropriate to permit the Commission to issue an order before the statutorily-imposed deadline.

RELIEF

WHEREFORE, the Association of Businesses Advocating Tariff Equity requests that the Commission: grant Immediate Consideration, including holding a special meeting, if necessary; issue a Temporary Order on or before May 13, 2009, preventing Consumers from self-implementing its proposed approximately 215 million dollar rate increase; and grant such other relief as is just and reasonable.

Respectfully Submitted,

CLARK HILL PLC

By: Digitally signed by Thomas E. Maier

Thomas E. Maier (P34526)
Robert A.W. Strong (P27724)
Attorneys For ABATE
212 East Grand River Avenue
Lansing, Michigan 48906
(517) 318-3100
(517) 318-3099 Fax
E-Mail: tmaier@clarkhill.com
rstrong@clarkhill.com

Dated: April 9, 2009

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

*** * * * ***

In the Matter of the application of CONSUMERS ENERGY COMPANY for authority to increase its rates for the generation and distribution of electricity and for other relief.	))))	Case No. U-15645

ASSOCIATION OF BUSINESSES ADVOCATING TARIFF EQUITY'S BRIEF IN SUPPORT OF MOTION FOR ISSUANCE OF A "TEMPORARY ORDER" PER 2008 PUBLIC ACT 286, AND FOR IMMEDIATE CONSIDERATION

The Association of Businesses Advocating Tariff Equity ("ABATE") by its attorneys, Clark Hill PLC, files this Brief in Support of its Motion For Issuance Of A "Temporary Order" Per 2008 Public Act 286, And For Immediate Consideration.

INTRODUCTION

2008 Public Act 286 ("Act 286") represents a dramatic shift in Michigan's energy policy and the manner in which rate cases are handled before the Commission. As a result, multiple general rate cases have been filed since the effective date of Act 286, including this case filed by Consumers. Act 286 now places strict timelines on the Commission with regard to its completion of general rate cases filed by public utilities, permits public utilities to self-implement rate increases if the Commission does not act within 180 days of a rate case filing,[1] and provides that if the Commission does not issue a final order within 12 months of the date a complete general rate case is filed, the application filed by the public utility is considered approved. MCL 460.6a(1).

[1] MCL 460.6a(1). That Section also provides that if it is found in the next 180 days that the amount requested and self-implemented by the utility was excessive, some refunds, with interest would occur; however, refunds would not necessarily be in the correct amount overcharged to the ratepayers actually overcharged.

Act 286 made other significant changes to Michigan's energy policy, including a requirement that cost base rates be phased in over a five year period. In addition, 2008 Public Act 295 ("Act 295") simultaneously implemented other major changes to Michigan's energy landscape. These changes relate to renewable energy and energy optimization plans to be implemented by public utilities. The result has been the commencement of more than 100 new cases before the Commission to deal with these new requirements as well.

Both Acts 286 and 295 mandated that the Commission take multiple actions within a very short time period to implement the requirements of those Acts. At the same time, as noted above, several public utilities seized upon the changes in Act 286 to file multiple general rate cases. Under the prior statutory language, these general rate cases were less frequent, but sometimes lengthy proceedings. The new requirement under Act 286 that the Commission complete these general rate cases within 12 months has placed a severe strain upon the Commission, its Staff, and the numerous parties and ratepayers who are affected by these proceedings. Despite this burden, ratepayers now face looming deadlines when various public utilities, including Consumers, may self-implement multi-million dollar rate increases before any testimony or exhibits have been placed in evidence in those cases and before any party has had the chance to cross-examine the witnesses supporting the utilities' requested rate increases.

Act 286 does give the Commission and Michigan's ratepayers one safety valve: For good cause, the Commission may issue a temporary order preventing or delaying a utility from implementing its proposed rates or charges. MCL 460.6a(1). ABATE contends that such good cause exists and requests that, **before the 180 days passes**, the Commission issue a Temporary Order in this case prohibiting Consumers from implementing its proposed multi-million dollar rate increases.

BACKGROUND

On November 14, 2008, Consumers filed an Application for a general rate case with the Commission seeking, among other things, a substantial annual increase (approximately $215 million) in its general electric rates and other ratemaking relief. Consumers simultaneously filed 382 pages of testimony and 360 pages of exhibits that allegedly support its Application. Numerous parties intervened in the proceedings,[2] Statements of Position have been filed under Rule 207 of the Rules of Practice and Procedure before the Commission (R 460.17207), and Comments have been filed by numerous entities and individuals opposing Consumers' proposed rate increase.

In its Application, Consumers stated:

> "As set forth in 2008 PA 286, if the Commission has not acted on the Company's application within 180 days of the filing, the Company may implement up to the amount of the proposed annual rate request through equal percentage increases applied to all rates. The Company reserves the right to exercise this option"
> Application, p 7. Section V., Paragraph 19.

Thus, a multi-million dollar rate increase looms for all of Consumers' ratepayers on May 14, 2009, unless the Commission takes action. However, it is clear that the Commission will not have issued a final Order in this case by May 13th. In fact, the schedule for this case set by the Administrative Law Judge ("ALJ") will not result in **any** testimony or exhibits being placed in evidence until June 8-19, 2009, with the ALJ's target date for her Proposal For Decision being September 2, 2009. See, Scheduling Memorandum dated December 19, 2008, attached as

[2] In addition to ABATE, the following parties have also intervened: MPSC Staff, Attorney General of Michigan, Michigan Environmental Council ("MEC"), Public Interest Research Group in Michigan ("PIRGIM"), Metal Technologies, Inc., Ravenna Casting Center, Inc., Gerdau MacSteel, Michigan Municipal League, Michigan Townships Association, City of Wyoming, City of Grand Rapids, and other municipalities, Michigan State Utility Workers Council, Utility Workers Union of America, AFL-CIO, Midland Cogeneration Venture Limited Partnership, Michigan Cable Telecommunications Association, Hemlock Semiconductor Corporation, Constellation NewEnergy, Inc., Kroger Company, Energy Michigan, Inc., and Phil Forner.

Exhibit A. Dates for filing Exceptions to the PFD and Replies to those Exceptions will be set at the close of the hearings, but are expected to be two weeks for Exceptions and ten days for Replies. (1 Tr. 26). Thus, the evidentiary record will not even be before the Commission until more than four months after Consumers is allowed to self-implement its proposed rate increase. In fact, the testimony and exhibits of MPSC Staff and intervenors is not due to be filed until April 27, with rebuttal testimony and exhibits to be filed May 18. Hearings for the actual placing into evidence of all testimony and exhibits and cross-examination of witnesses will not be commenced until June 8, and are scheduled to continue through June 19, 2009.

Section 6a(1) of Act 286 provides, in pertinent part:

> "A gas or electric utility shall not increase its rates and charges or alter, change, or amend any rate or rate schedules, the effect of which will be to increase the cost of services to its customers, without first receiving commission approval as provided in this section. The utility shall **place in evidence** facts relied upon to support the utility's petition or application to increase its rates and charges, or to alter, change, or amend any rate or rate schedules. The commission shall require notice to be given to all interested parties within the service area to be affected, and **all interested parties shall have a reasonable opportunity for a full and complete hearing**.
>
> . . .
>
> If the commission has not issued **an order** within 180 days of the filing of a complete application, the utility may implement up to the amount of the proposed annual rate request through equal percentage increases or decreases applied to all base rates.
>
> . . .
>
> **For good cause, the commission may issue a temporary order preventing or delaying a utility from implementing its proposed rates or charges.**
>
> . . .

> Nothing in this section impairs the commission's ability to issue a show cause order as part of its rate-making authority." MCL 460.6a(1) (emphasis added).

ABATE requests that the Commission issue just such a Temporary Order preventing Consumers from implementing its proposed increased rates.

ARGUMENT

I. GOOD CAUSE EXISTS FOR THE COMMISSION TO ISSUE A TEMPORARY ORDER PREVENTING OR DELAYING CONSUMERS FROM SELF-IMPLEMENTING ITS PROPOSED APPROXIMATELY 215 MILLION DOLLAR RATE INCREASE.

A. No Facts Have Been Placed In Evidence Supporting Consumers' Proposed Rate Increases.

Section 6a(1) of Act 286, like its predecessor, requires that before an increase can occur, a utility shall place in evidence facts relied upon to support the utility's application to increase its rates. MCL 460.6a(1). The Michigan Administrative Procedures Act similarly requires that evidence in a contested case must be offered and made a part of the record. MCL 24.276. As of this date, and as of May 14, 2009, the date upon which Consumers may self-implement its proposed rate increase, there will be absolutely no testimony or exhibits whatsoever placed in evidence in support of Consumers' Application. Consumers has the burden of proof to demonstrate its need for the proposed rate increase. *In the matter of the application of Michigan Gas Company*, MPSC October 28, 1993 Order, Case Nos. 10149, 10150; 1993 Mich PSC LEXIS 230; 147 PUR 4th 1. Not only has Consumers failed to meet this burden as of this date, but there has not even been an opportunity for intervenors to address this evidence, either through their own testimony and exhibits or through cross-examination of Consumers' witnesses.

Other due process issues are also readily apparent. For example, Act 286 provides that all interested parties shall have a reasonable opportunity for a full and complete hearing. MCL 460.6a(1). MCL 460.6a(2)(a) provides, in pertinent part:

> "'Full and complete hearing' means a hearing that provides interested parties a reasonable opportunity to present and cross-examine evidence and present arguments relevant to the specific element or elements of the requests that are the subject of the hearing." MCL 460.6a(2)(a).

Consumers previously contended that the definition only applied to proceedings involving fuel and purchased power and did not apply to proceedings involving partial and immediate rate relief. The Michigan Supreme Court disagreed with this interpretation, finding that the definition found in MCL 460.6a(2) should be used whenever the phrase "full and complete hearing" was involved in the statute. Therefore, it applied to the procedures for granting partial and immediate rate relief. *ABATE* v *PSC*, 430 Mich 33; 420 NW2d 81 (1988).

Based upon the foregoing, it is clear that any proceeding which will increase rates, such as this general rate case, must be conducted in such a fashion that there is a reasonable opportunity for parties to present and cross-examine evidence and present arguments relevant to the specific elements of the requests that are subject to the hearing. These statutory and constitutional rights may not be lawfully ignored as a result of the time requirements and self-implementation provisions of Act 286.

The Michigan Administrative Procedures Act similarly provides that the parties in a contested case should be given the opportunity for a hearing without undue delay. MCL 24.271. Moreover, the Administrative Procedures Act provides that a party may cross-examine witnesses. MCL 24.272. None of these will have occurred prior to May 14, the date upon which Consumers may self-implement its proposed approximately 215 million dollar rate increase. Likewise, because self-implementation may occur through the Commission's **inaction**, other parties' rights to judicial review guaranteed by the Michigan Constitution may also be impaired. See, *Const 1963, art 6, § 28*.

Good cause clearly exist because of these potential violations of the statutory, constitutional and due process rights of the other interested parties. The Commision has a duty to protect Michigan ratepayers and must act now and issue a Temporary Order to prevent Consumers from self-implementing its proposed 215 million dollar rate increase.

B. Self-Implementation Of The Rate Increases By Consumers Would Be Contrary To Positions Taken By Any Party In The Case And Would Pose An Undue Hardship Upon Primary And Secondary Business Class Customers.

In the testimony and exhibits filed by Consumers with its Application, Consumers is proposing that Primary Business Class customers as a whole receive a rate **decrease** of 0.6%. Consumers proposed Exhibit A-67 (SPS-1), page 1 of 48, Column m, attached as Exhibit B. Consumers also proposes that Secondary Business Class customers receive a rate increase of only 5.1%. *Id*. Nevertheless, should Consumers self-implement on May 14, 2009, both of those classes would receive rate **increases** of 8.5%. Consumers proposed Exhibit A-72 (SPS-6), page 1 of 1, Column e, attached as Exhibit C. Given the state of Michigan's economy, and the current state of affairs for many industrial customers and other businesses in the state of Michigan, an 8.5% increase in their electric rates effective May 14, 2009, would only compound what is already a bad situation. **No** party to this case has suggested that Primary Business customers receive a rate increase, because they already pay rates exceeding the cost to serve them. Nevertheless, not only would those customers not receive the rate decrease to which even Consumers suggests they are entitled, they would be hit with an 8.5% increase at a time when such additional expenses may very well impact the prospects for survival for some of these customers.

To compound this injustice, although Act 286 purports to provide a mechanism for a possible refund, its application is ambiguous. Act 286 provides:

> "If a utility implements increased rates or charges under this subsection before the commission issues a final order, that utility shall refund to customers, with interest, **any portion of the total revenues collected through application of the equal percentage increase that exceed the total that would have been produced by the rates or charges subsequently ordered by the commission in its final order.** The commission shall allocate any refund required by this section among primary customers based upon their pro rata share of the total revenue collected through the applicable increase, and among secondary and residential customers in a manner to be determined by the commission. The rate of interest for refunds shall equal 5% plus the London interbank offered rate (LIBOR) for the appropriate time period. For any portion of the refund which, exclusive of interest, exceeds 25% of the annual revenue increase awarded by the commission in its final order, the rate of interest shall be the authorized rate of return on the common stock of the utility during the appropriate period." MCL 460.6a(1) (emphasis added).

This section has never been applied by the Commission. It is unclear whether the phrase: "**any portion of the total revenues collected through application of the equal percentage increase that exceed the total that would have been produced by the rates or charges subsequently ordered by the commission in its final order**" refers to rates as a whole or by class. If the former, any excess amount may not be sufficient to repay the overcharges paid by Primary and Secondary Business customers following the conclusion of this case. It is also unclear how this section is to operate when some classes of ratepayers will be underpaying and others grossly overpaying through self-implementation. Moreover, making these customers overpay for electricity for 6 months or more with only the hope for a possible refund later may mean the difference between survival and bankruptcy in these times.

The Commission is now dealing with the new statutory requirement of a phase-in of cost base rates. Because of this, the rate differentials between classes may be higher than in prior Commission cases. The cost requiring any of Michigan's ratepayers to bankroll Consumers during the course of these proceedings, hoping for some refund at the end, would be unconscionable. Moreover, making Primary and Secondary Business customers overpay for electricity because of the timing of this new Michigan energy policy is inappropriate and the Commission should act to prevent Consumers from self-implementing its proposed rate increase.

C. MCL 460.6a(1), As Amended By Act 286, Is Unconstitutionally Vague, Internally Inconsistent, And Violates Michigan Ratepayers' Rights Of Fundamental Fairness And Due Process.

MCL 460.6a(1), as amended by Act 286, begins as follows:

> "A gas or electric utility **shall not increase its rates and charges** or alter, change, or amend any rate or rate schedules, the effect of which will be to increase the cost of services to its customers, **without first receiving commission approval** as provided in this section . The utility shall place in evidence facts relied upon to support the utility's petition or application to increase its rates and charges, or to alter, change, or amend any rate or rate schedules. The commission shall require notice to be given to all interested parties within the service area to be affected, and **all interested parties shall have a reasonable opportunity for a full and complete hearing.**" MCL 460.6a(1) (emphasis added).

This is a clear requirement, consistent with prior law, that no gas or electric utility may increase its rates without **first** receiving approval from the Commission, and that interested parties must be given a reasonable opportunity for a full and complete hearing. However, that Section later appears to permit such utilities to self-implement rates if the Commission has not issued "an order" within 180 days of the filing of a complete application. *Id.* Those two provisions are irreconcilable. It is clear that, in this case, Consumers will not have received approval from the Commission, after a reasonable opportunity for a full and complete hearing, before expiration of the 180-day period. Thus, the first sentence of Section 6a(1) makes it abundantly clear that the Consumers cannot then increase its rates on March 14, 2009.

The United States Supreme Court has stated that a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law. *State Treasurer v Wilson (On Remand), 150 Mich App 78, 80-82; 388 NW2d 312 (1986) (*citing *Lanzetta v New Jersey, 306 U.S. 451, 453; 59 S Ct 618; 83 L Ed 888 (1939)).* The Michigan Court of Appeals in that case went on to state that:

> "In addition to notions of due process, principles relating to statutory construction require some degree of definiteness or certainty in the wording of any statute. While this Court will not hesitate to interpret or construe an ambiguous statute in order to effect the intent of the Legislature, when there is absolutely no reasonable and practical construction which can be given to its language, such a statute will be declared void." *Id.*

Section 6a(1)'s mandate that a utility receive prior Commission approval **before** it raises rates simply cannot be reconciled with the ability of a utility to self-implement if the Commission does not act.

This conflicting language also again raises the due process issues regarding the failure of to provide interested parties with any reasonable opportunity for a full and complete hearing as required by both MCL 460.6a(1) and the Michigan Administrative Procedures Act, as well as issues of fundamental fairness in these proceedings.

Although the Commission may not be empowered to make constitutional determinations, issuance of a Temporary Order preventing Consumers from self-implementing its proposed rate increases would avoid the necessity of such a determination. The Commission has a duty to issue such a Temporary Order to protect Michigan ratepayers.

D. Implementation Of Michigan's New Energy Policy Has Strained The Commission's And Other Parties' Resources.

As noted above, Act 286 and Act 295 embody a major shift in Michigan's energy policy and how the Commission is to operate. The multiple requirements of those Acts have resulted in numerous general rate cases, Energy Optimization Plan cases, and Renewable Energy Plan cases having been filed before the Commission. Further, the Commission has been required to issue Temporary Orders and deal with other administrative matters as mandated by Acts 286 and 295. In addition, the Commission will now be interpreting this new statutory scheme. Under these circumstances, the resources of the Commission, its Staff, as well as other parties being forced to simultaneously participate in multiple cases have been severely strained. Because this general rate case falls under the new statutory scheme, it would inappropriate to simply allow self-implementation where the Commission and the parties are now addressing the multiple new issues raised under the new legislation. Therefore, the Commission should issue an order preventing Consumers from self-implementing its proposed rate increase.

E. Consumers' Proposed Rate Increases Are Too Speculative.

The approximately 215 million dollars in annual rate increases proposed by Consumers is too speculative to permit self-implementation. Consumers filed its Application in November, 2008, requesting a massive rate increase based upon a **projected** 2009 test year. Thus, more scrutiny than normal is appropriate as Consumers alleged evidence is based on its own projections.

Furthermore, Consumers' own proposed testimony and exhibits allege that the average rate base jurisdictional revenue deficiency for the year ended 2007 was $55,917,000. Consumers proposed Exhibit A-1 (AKR-1), page 1 of 2, Column c, attached as Exhibit D. These are Consumers' numbers and have yet to be placed into evidence or subjected to cross-examination or contrary evidence by any other party. Nevertheless, Consumers has filed exhibits showing a **projected** revenue deficiency for the 2009 test year in the jurisdictional amount of $214,484,000. Consumers proposed Exhibit A-5 (AKR-19), page 1 of 1, Column c, attached as Exhibit E. Again, these are based on Consumers' projections and have yet to be placed into evidence or subjected to contrary testimony or cross-examination. The difference in revenue deficiency of nearly $160,000,000, or more than a 300% increase, is far too speculative to permit Consumers to self-implement a nearly 215 million dollar rate increase before any testimony or exhibits have been placed **in evidence** or subjected to cross-examination by the other parties to this case. This enormous increase includes an increase in non-fuel generation O&M expense of 42 million dollars or 33% from the 2007 alleged actual levels filed by Consumers. It also includes an increase in the rate of return on common equity from 10.7% to 11%, and an overall rate of return increase from 6.93% to 7.2%. As of this time, Consumers has failed to demonstrate the need for these increases, and the Commission should issue a Temporary Order preventing Consumers from self-implementing its proposed rate increases.

F. This Case Incorporates New Policy Changes Which Should Be The Subject Of A Full And Complete Hearing Before Any Rate Increase Is Implemented.

As noted above, there are many new policy issues stemming from the enactment of Acts 286 and 295. The Commission must now analyze, interpret, and implement the new legislation, and the Commission should hold a full and complete hearing and make its determinations with regard to the new legislation and its effects prior to permitting any rate increases to be implemented.

One of these new policy changes, as noted above, has been the requirement of a phase-in of cost based rates. This is causing major shifts in rates amongst various classes of customers. Nevertheless, the statute requires any "self-implemented rate increase" be done "through equal percentage increases or decreases applied to all base rates." MCL 460.6a(1). This results in the unintended consequences noted above in that a large class of customers that should, based on costs, receive a rate **decrease** will instead be forced to pay a major rate **increase** if self-implementation is permitted.

In addition, the implementation of this phase-in of cost based rates has raised several issues concerning Consumers' filings in this case. A motion for summary disposition or involuntary dismissal has been filed by MEC/PIRGIM and supported by the Attorney General and Energy Michigan based on claims that Consumers' filing was incomplete or that its filing fails to comply with statutory requirements. A hearing on this motion has not yet been held. Regardless of the outcome of this hearing before the ALJ, it is entirely likely that the result will be appealed to the Commission by one or more parties. Further appeals to the Michigan Court of Appeals may result once the Commission has made its determination on these appeals. Moreover, the relief granted on that motion may impact the schedule in this case or Consumers' filing. Given that intervenors have yet to file their testimony in this case, any such relief would have a major impact on the ability of these parties to fully and completely participate under the schedule currently established. Nevertheless, the self-implementation deadline looms for all ratepayers. Given these circumstances, the Commission should issue a Temporary Order preventing Consumers from self-implementing its proposed rate increases.

G. Act 286 Self-Implementation Is Far Different From Partial And Immediate Rate Relief.

Under prior law, utilities were permitted to file a motion requesting partial and immediate rate relief and the Commission was empowered with the discretion to grant such an order only after a reasonable opportunity for a full and complete hearing which provided interested parties a reasonable opportunity to present and cross-examine evidence.[3] See, *ABATE v Michigan Public Service Commission*, 430 Mich 33; 420 NW2d 81 (1988). Although the current Section 6a(1)

[3] Prior to the adoption of Proposal H, which amended the former MCL 460.6(a), various cases held that the Commission could issue an order granting partial and immediate rate relief without permitting intervenors or other parties to submit evidence. *See, e.g., Great Lakes Steel v PSC*, 416 Mich 166; 330 NW2d 380 (1982), reh den 417 Mich 1105 (1983). However, even those cases required that the facts relied upon by public utilities, in the form of testimony and exhibits, be placed **in evidence** and intervenors were given an opportunity for cross-examination of the utilities' witnesses.

still requires that the public utility place **in evidence** the facts it relies upon to support its application to increase rates and that parties be given a reasonable opportunity for a full and complete hearing, it has deleted the provision granting the Commission discretion to issue an order granting partial and immediate rate relief. Instead, it has permitted utilities to self-implement multi-million dollar rate increases if the Commission has not "issued an order within 180 days of the filing of a complete application." MCL 460.6a(1). Given the complexity of multi-hundred million dollar general rate cases before the Commission, it is entirely unreasonable to expect the Commission to issue a final order in a general rate case within 180 days from the date of filing. This is especially true when the rate case involves new issues of energy policy recently enacted by the Michigan Legislature and yet to be addressed by the Commission.

While there may come a time when the Commission is in a position to require that hearings be held so that testimony and exhibits can actually be placed **in evidence** and witnesses cross-examined prior to the 180 day deadline, that is not the case here and is unlikely to be the case in the near future with the multiple cases currently pending before the Commission on the numerous items addressed by Acts 286 and 295. Ratepayers should not be placed in the position of **full and immediate** rate increases without the ability to address at all a utility's filing of projected numbers. The Commission must act now to protect ratepayers by issuing a Temporary Order preventing self-implementation by Consumers.

H. The Commission's Temporary Order Must Prevent Consumers' Self-Implementation Of Any Rate Increase.

Section 6a(1) of Act 286 provides, in pertinent part:

> "For good cause, the commission may issue a temporary order **preventing or delaying a utility from implementing** its proposed rates or charges." MCL 460.6a(1).

As described above, Act 286 **deleted** the Commission's authority to grant partial and immediate rate relief. The Commission possesses no common-law powers but is a creature of the Legislature, and all of its authority must be conferred by **clear and unmistakable** l**anguage in specific statutory enactments**, because doubtful power does not exist. *Union Carbide Corp v PSC*, 431 Mich 135; 428 NW2d 322 (1988). *Consumers Power Co v PSC*, 460 Mich 148; 596 NW2d 126 (1999). Therefore, the Commission no longer has authority to grant partial and immediate rate relief and must issue a Temporary Order that deals with the entirety of any potential self-implementation by Consumers.

The Michigan Supreme Court stated a standard for reviewing statutory language in *DiBenedetto v West Shore Hospital*, 461 Mich 394, 402; 605 NW2d 300 (2000).

> "When reviewing questions of statutory construction, our purpose is to discern and give effect to the Legislature's intent. *Murphy v Michigan Bell Telephone Co*, 447 Mich. 93, 98; 523 N.W.2d 310 (1994). **We begin by examining the plain language of the statute. Where that language is unambiguous, we presume that the Legislature intended the meaning clearly expressed--no further judicial construction is required or permitted, and the statute must be enforced as written.** *Tryc v Michigan Veterans' Facility*, 451 Mich. 129, 135; 545 N.W.2d 642 (1996). We must give the words of a statute their plain and ordinary meaning, and only where the statutory language is ambiguous may we look outside the statute to ascertain the Legislature's intent. *Turner v Auto Club Ins Ass'n*, 448 Mich. 22, 27; 528 N.W.2d 681 (1995).
>
> The primary goal of judicial interpretation of statutes is to ascertain the intent of the Legislature. The first criterion in determining intent is the specific language of the statute. The Legislature is presumed to have intended the meaning it plainly expressed. **If the plain language of the statute is clear, no further judicial interpretation is necessary**. [*In re Worker's Compensation Lien (Ramsey v Kohl*), 231 Mich. App. 556, 561; 591 N.W.2d 221 (1998) (internal citations omitted).]" (Emphasis supplied).

The plain language of Section 6a(1) could not be more clear. It means exactly what it clearly says. Thus, the Commission must issue a Temporary Order that deals with the entirety of any potential self-implementation by Consumers.

II. IMMEDIATE CONSIDERATION IS NECESSARY AND APPROPRIATE.

The May 14, 2009 date for self-implementation by Consumers is fast approaching. The Commission **must act** and issue an order by May 13th to prevent Consumers from increasing its electric rates by up to 215 million dollars in a way that is clearly discriminatory to many ratepayers and prior to **any** evidentiary hearings or other true due process for Michigan ratepayers. Immediate consideration by the Commission is necessary to meet this looming catastrophe.

CONCLUSION

For the reasons set forth in its Motion and this Brief, the Association of Businesses Advocating Tariff Equity requests that the Commission: grant Immediate Consideration, including holding a special meeting, if necessary; issue a Temporary Order on or before May 13, 2009, preventing Consumers from self-implementing its proposed approximately 215 million dollar rate increase; and grant such other relief as is just and reasonable.

Respectfully Submitted,

CLARK HILL PLC

By: Digitally signed by Thomas E. Maier

Thomas E. Maier (P34526)
Robert A.W. Strong (P27724)
Attorneys For ABATE
212 East Grand River Avenue
Lansing, Michigan 48906
(517) 318-3100
(517) 318-3099 Fax
E-Mail: tmaier@clarkhill.com
rstrong@clarkhill.com

Dated: April 9, 2009

Exhibit A

STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
INTEROFFICE COMMUNICATION
TO THE MICHIGAN PUBLIC SERVICE COMMISSION

TO: Case No. U-15645

FROM: Sharon L. Feldman

DATE: December 19, 2008

SUBJECT: Consumers Energy Company (Rate Application)

SCHEDULE FILING	New Dates
Testimony (Staff and Intervenors)	April 27, 2009
Rebuttal Testimony	May 18, 2009
Motions to Strike	May 29, 2009
Responses to Motions	June 4, 2009
Briefs	July 9, 2009
Reply Briefs (RTW)	July 23, 2009
PFD Target Date	September 2, 2009

SCHEDULE HEARING

Cross-Exam Scheduled (All parties, all testimony)	June 8 through June19, 2009 (weekdays)

Intervenor Status Granted To:

Attorney General Mike Cox (Assistant Attorney General Michael E. Moody)

MEC/PIRGIM (Don L. Keskey)

Michigan Municipal League, Michigan Townships Association, City of Wyoming, City of Greand Rapids and other member municipalities (Leland R. Rosier, Roderick S. Coy)

Constellation New Energy, Inc. (John M. Dempsey)

Energy Michigan (Eric J. Schneidewind)

Midland Cogeneration Limited Partnership (Richard J. Aaron, Ross K. Bower II)

ABATE (Robert A.W. Strong)

Gerdau MacSteel (Jennifer L. Copland)

Hemlock Semiconductor Corporation (Jennifer Utter Heston)

Metal Technologies, Inc. and Ravenna Casting Center, Inc. (Robert B. Nelson, Jeffrey L. Turner)

Kroger Company (Michael L. Kurtz)

Michigan Cable Television Association (David E.S. Marvin)

Michigan State Utility Workers Council, Utility Workers Union of America, AFL-CIO (Steven D. Weyhing)

Phil Forner (pro se)

Exhibit B

MICHIGAN PUBLIC SERVICE COMMISSION
CONSUMERS ENERGY COMPANY

Case No. U-15645
Exhibit A-67 (SPS-1)
Witness S.P.Stubleski
Date November 2008
Page 1 of 48

SCHEDULE E-4

Calculation Of Present And Proposed Revenues By Rate Schedule

Summary Of Present & Proposed Revenues

Line No.	Rate Schedules	Sales (MWhs)	Present Revenues ($000)	Proposed Revenues: Cost Based ($000)	Residential Subsidy ($000)	Senior & Low Income Subsidy ($000)	Life Support & Small Farm Subsidy ($000)	Rate E-1 Base Tariff Subsidy ($000)	Metal Melting Subsidy ($000)	Pumping Subsidy ($000)	Education Subsidy Offset ($000)	Billed ($000)	Difference ($000) (k - b)	Percent Change (%) (l / b)	Page(s)
		(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)
	Residential Class														
1	Residential Service RS	12,852,269	1,085,489	1,305,447	(58,196)	(3,801)	(105)	16,283	1,585	2,745	-	1,263,958	178,469	16.4	4
2	Residential TOD Service RT	45,098	3,418	4,053	(204)	94	3	57	6	10	-	4,018	600	17.6	5
3	Total Residential Service	12,897,366	1,088,907	1,309,500	(58,400)	(3,707)	(103)	16,340	1,591	2,755	-	1,267,976	179,069	16.4	
	Secondary Business Class														
4	General Service GS	3,005,740	295,374	292,433	18,297	3,181	88	1,929	188	(319)	(0)	315,797	20,423	6.9	6 - 8
5	General Demand Service GSD	4,909,251	348,101	357,195	2,633	458	13	278	27	47	-	360,650	12,549	3.6	9 - 10
6	Total Secondary Business Service	7,914,992	643,474	649,628	20,930	3,639	101	2,207	215	(272)	(0)	676,446	32,972	5.1	
	Primary Business Class														
7	General Service GP	1,230,476	87,760	72,787	15,700	29	1	17	2	(511)	-	88,025	264	0.3	11 - 13
8	General Demand Service GPD	12,881,962	642,589	619,945	21,663	40	1	24	(1,807)	(1,972)	(6)	637,887	(4,702)	(0.7)	14 - 43
9	General Large Economic Development E-1	942,926	28,489	47,077	-	-	-	(18,588)	-	-	-	28,489	-	-	44
10	Total Primary Business Service	15,055,363	758,838	739,809	37,363	68	2	(18,547)	(1,806)	(2,483)	(6)	754,400	(4,438)	(0.6)	
	Lighting & Unmetered Class														
11	General Unmetered Lighting Service GUL	152,169	25,583	30,398	-	-	-	-	-	-	-	30,398	4,816	18.8	45
12	General Metered Lighting Service GML	7,276	476	536	-	-	-	-	-	-	-	536	59	12.5	46
13	General Unmetered Service GU	118,699	5,018	6,013	-	-	-	-	-	-	-	6,013	994	19.8	47
14	Total Unmetered & Lighting Service	278,144	31,077	36,947	-	-	-	-	-	-	-	36,947	5,869	18.9	
	Self-Generation Class														
15	Secondary Self-Gen Service GSG-1	-	-	-	-	-	-	-	-	-	-	-	-	NA	
16	General Self-Generation Service GSG-2	57,629	2,112	2,392	107	0	0	0	0	0	6	2,506	394	18.7	48
17	Total Self-Generation Service	57,629	2,112	2,392	107	0	0	0	0	0	6	2,506	394	18.7	
18	Jurisdictional Billed Sales	36,203,494	2,524,409	2,738,276	-	0	-	(0)	0	(0)	0	2,738,276	213,867	8.5	
19	Jurisdictional Unbilled Sales	1,482	(732)									(802)	(70)	9.6	
20	Miscellaneous Revenues		42,405									43,157	752	1.8	
21	Total Jurisdictional Revenues (Collected)		2,566,083									2,780,631	214,548	8.4	
22	Revenue Increase (Decrease) From Rounding											(48)	(48)		
23	PSCR Factor		986,625									986,625	-	-	
24	Intersystem Sales Revenues		125,200									125,200	-	-	
25	Total Electric Operating Revenue	36,204,976	3,677,907									3,892,407	214,500	5.8	
26	Variance: MBT & General Taxes		-									(23)	(23)	NA	
27	Revenue Requirement (1)		3,677,907									3,892,384	214,477	5.8	

(1) See Exhibit A-5 (AKR-19)

Exhibit C

MICHIGAN PUBLIC SERVICE COMMISSION
CONSUMERS ENERGY COMPANY

Case No. U-15645
Exhibit A-72 (SPS-6)
Witness S.P.Stubleski
Date November 2008
Page 1 of 1

Calculation Of Self Implemented Proposed Revenues By Rate Schedule

Equal Percentage Increase Surcharge

Line No.	Rate Schedules	Sales (MWhs) (a)	Present Revenues ($000) (b)	Ratio (b_i / b_T) (c)	Proposed Increase ($000) (d)	Percent Change (d / b)x100 (e)	Surcharge ($ / kWh) (d / a) (f)
	Residential Class						
1	Residential Service RS	12,852,269	1,085,489	43.0	92,225	8.5	0.0071760
2	Residential TOD Service RT	45,098	3,418	0.1	290	8.5	0.0064390
3	Total Residential Service	12,897,366	1,088,907	43.1	92,515	8.5	
	Secondary Business Class						
4	General Service GS (Full)	2,971,791	294,610	11.7	25,030	8.5	0.0084230
5	General Demand Service GSD (Full)	4,713,461	345,433	13.7	29,348	8.5	0.0062270
6	Secondary Open Access Service ROA-S	229,740	3,431	0.1	292	8.5	0.0012690
7	Total Secondary Business Service	7,914,992	643,474	25.5	54,670	8.5	
	Primary Business Class						
8	General Service GP (Full)	1,210,389	87,478	3.5	7,432	8.5	0.0061400
9	General Demand Service GPD (Full)	11,418,290	634,724	25.1	53,927	8.5	0.0047230
10	General Large Economic Development E-1	942,926	28,489	1.1	2,420	8.5	0.0025670
11	Primary Open Access Service ROA-P	1,483,758	8,147	0.3	692	8.5	0.0004670
12	Total Primary Business Service	15,055,363	758,838	30.1	64,472	8.5	
	Lighting & Unmetered Class						
13	General Unmetered Lighting Service GUL	152,169	25,583	1.0	2,174	8.5	0.0142840
14	General Metered Lighting Service GML	7,276	476	0.0	40	8.5	0.0055640
15	General Unmetered Service GU	118,699	5,018	0.2	426	8.5	0.0035920
16	Total Unmetered & Lighting Service	278,144	31,077	1.2	2,640	8.5	
	Self-Generation Class						
17	Secondary Self-Gen Service GSG-1	-	-	-	-	NA	NA
18	General Self-Generation Service GSG-2	57,629	2,112	0.1	179	8.5	0.0031140
19	Total Self-Generation Service	57,629	2,112	0.1	179	8.5	
20	Jurisdictional Billed Sales	36,203,494	2,524,409	100.0	214,477	8.5	8.5

Exhibit D

MICHIGAN PUBLIC SERVICE COMMISSION

Case No: U-15645
Witness: AK Rogus
Exhibit: A-1 (AKR-1)
Date: November 2008
Page 1 of 2

Consumers Energy Company
Computation of Electric Revenue Deficiency
for the Year Ended 2007

Section A
Schedule A-1
(000)

Average Rate Base

		2007 Actual Results	
Line No.	Description	Total Electric Amount	Jurisdictional Amount
	(a)	(b)	(c)
1	Rate Base - Average	$ 5,282,810	$ 5,247,621
2	Rate of Return	7.17%	7.17%
3	Income Required	$ 378,576	$ 376,054
4	Adjusted Net Operating Income	336,937	340,399
5	Income Deficiency	$ 41,639	$ 35,655
6	Revenue Multiplier	1.5683	1.5683
7	Revenue Deficiency (Sufficiency)	$ 65,301	$ 55,917

Source:
Line 1: Ex. A-2 (AKR-2), Schedule B-1, page 1.
Line 2: Ex. A-4 (AKR-13), Schedule D-1.
Line 4: Ex. A-3 (AKR-6), Schedule C-1, page 1.
Line 6: Ex. A-3 (AKR-9), Schedule C-5.

Exhibit E

MICHIGAN PUBLIC SERVICE COMMISSION

Case No: U-15645
Witness: AK Rogus
Exhibit: A-5 (AKR-19)
Date: November 2008
Page 1 of 1

Consumers Energy Company
Electric Revenue Deficiency
for the 2009 Test Year

Section B
Schedule A-1
(000)

Line No.	Description	Total Electric Amount	Jurisdictional Amount	Source
	(a)	(b)	(c)	(d)
1	Rate Base	$ 6,292,682	$ 6,267,846	Ex. A-6 (AKR-23), Sch. B-1
2	Rate of Return	7.22%	7.22%	Ex. A-48 (DVR-1)
3	Income Required	$ 454,332	$ 452,538	
4	Adjusted Net Operating Income	318,707	321,140	Ex. A-7 (AKR-26), Sch. C-1
5	Income Deficiency	$ 135,625	$ 131,398	
6	Revenue Multiplier	1.6323	1.6323	Ex. A-5 (AKR-22), Sch. A-4
7	Revenue Deficiency	$ 221,383	$ 214,484	

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the Matter of the application of CONSUMERS ENERGY COMPANY for authority to increase its rates for the generation and distribution of electricity and for other relief.	))))	Case No. U-15645

NOTICE OF HEARING

PLEASE TAKE NOTICE that the Association Of Businesses Advocating Tariff Equity's Motion For Issuance Of A "Temporary Order" Per 2008 Public Act 286, And For Immediate Consideration will be brought on for hearing before the Michigan Public Service Commission ("Commission") as soon as possible, including a special meeting, if necessary, so that the Commission may issue an Order on or before May 13, 2009.

CLARK HILL PLC

By: Digitally signed by Thomas E. Maier

Thomas E. Maier (P34526)
Robert A.W. Strong (P27724)
Attorneys For ABATE
212 East Grand River Avenue
Lansing, Michigan 48906
(517) 318-3100
(517) 318-3099 Fax
E-Mail: tmaier@clarkhill.com
rstrong@clarkhill.com

Dated: April 9, 2009

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of **CONSUMERS ENERGY COMPANY** for the generation and distribution of electricity and for other relief.	)))))	Case No. U-15645 (E-file/Paperless)

PROOF OF SERVICE

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

Mary E. Turney, being duly sworn, deposes and says that she is an employee of Clark Hill PLC, and that on April 9, 2009, in the above-captioned proceeding, she served a copy of Association of Businesses Advocating Tariff Equity's Motion for Issuance of a "Temporary Order" Per 2008 Public Act 286, and for Immediate Consideration; Association of Businesses Advocating Tariff Equity's Brief in Support of Motion for Issuance of a "Temporary Order" Per 2008 Public Act 286, and for Immediate Consideration; Notice of Hearing; and this Proof of Service upon:

SEE ATTACHED SERVICE LIST

Service was accomplished by depositing same in a U.S. mail receptacle with fully prepaid postage to the designated party on the attached service list and via electronic mail to all parties on the attached service list.

Digitally signed by Mary E. Turney

Mary E. Turney

Subscribed and sworn to before me
this 9th day of April, 2009.

Digitally signed by Tema L. Crowell

Tema L. Crowell, Notary Public
Gratiot County, Michigan
Acting in Ingham County, Michigan
My Commission Expires: November 16, 2012.

5819191.1 07411/125698

ADMINISTRATIVE LAW JUDGE

Hon. Sharon L. Feldman
6545 Mercantile Way, Suite 15
Lansing, MI 48911
feldmans@michigan.gov

CONSUMERS ENERGY COMPANY

Mr. Raymond E. McQuillan
Consumers Energy Company
EP11-241
One Energy Plaza
Jackson, MI 49201
remcquillan@cmsenergy.com
(Via Electronic and U. S. Mail)

Mr. H. Richard Chambers
Consumers Energy Company
EP11-223
One Energy Plaza
Jackson, MI 49201
hrchambers@cmsenergy.com

Mr. M. Bryan Little
Consumers Energy Company
EP11-230
One Energy Plaza
Jackson, MI 49201
mblittle@cmsenergy.com

Mr. John C. Shea
Consumers Energy Company
EP11-225
One Energy Plaza
Jackson, MI 49201
jcshea@cmsenergy.com

Mr. Jon R. Robinson
Consumers Energy Company
EP11-224
One Energy Plaza
Jackson, MI 49201
jrrobinson@cmsenergy.com
mpscfilings@cmsenergy.com

ENERGY MICHIGAN, INC.

Mr. Eric J. Schneidewind
Varnum, Riddering, Schmidt & Howlett LLP
The Victor Center, Suite 810
201 N. Washington Square
Lansing, MI 48933
ejschneidewind@varnumlaw.com

KROGER COMPANY

Mr. Michael L. Kurtz
Mr. Kurt J. Boehm
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, OH 42502
mkurtz@BKLlawfirm.com
kboehm@BKLlawfirm.com

MPSC STAFF

Mr. Michael J. Orris
Michigan Public Service Commission
6545 Mercantile Way, Ste. 15
Lansing, MI 48911
orrism@michigan.gov

Ms. Patricia S. Barone
Ms. Anne M. Uitvlugt
Assistant Attorneys General
Public Service Division
6545 Mercantile Way, Ste. 15
Lansing, MI 48944
baronep@michigan.gov
uitvlugta@michigan.gov

ASSOCIATION OF BUSINESSES ADVOCATING TARIFF EQUITY

Mr. Robert A. W. Strong
Clark Hill PLC
151 S. Old Woodward, Suite 200
Birmingham, MI 48009
rstrong@clarkhill.com

Mr. Thomas E. Maier
Clark Hill PLC
212 East Grand River Ave.
Lansing, MI 48906
tmaier@clarkhill.com

CONSTELLATION NEW ENERGY

John M. Dempsey, Esq.
Dickinson Wright, PLLC
215 S. Washington Square, Ste. 200
Lansing, MI 48933
jdempsey@dickinson-wright.com

MICHIGAN MUNICIPAL LEAGUE

Mr. Roderick S. Coy
Mr. Leland R. Rosier
212 East Grand River Avenue
Lansing, MI 48906
rcoy@clarkhill.com
lrrosier@clarkhill.com

MICHIGAN CABLE TELECOMMUNICATIONS ASSOCIATION

Mr. David E. S. Marvin
Fraser Trebilcock Davis & Dunlap, P.C.
124 West Allegan Street, Suite 1000
Lansing, MI 48933
dmarvin@fraserlawfirm.com

HEMLOCK SEMICONDUCTOR CORPORATION

Ms. Jennifer Utter Heston
Fraser Trebilcock Davis & Dunlap, P.C.
124 West Allegan Street, Suite 1000
Lansing, MI 48933
jheston@fraserlawfirm.com

MICHIGAN ENVIRONMENTAL COUNCIL AND PUBLIC INTEREST RESEARCH GROUP IN MICHIGAN

Mr. Don L. Keskey
Clark Hill PLC
212 East Grand River Avenue
Lansing, MI 48906
dkeskey@clarkhill.com

(CO-COUNCIL FOR MICHIGAN ENVIRONMENTAL COUNCIL)

Mr. Christopher M. Bzdok
Olson, Bzdok & Howard
420 East Front Street
Traverse City, MI 49686
chris@envlaw.com\

ATTORNEY GENERAL MICHAEL A. COX

Mr. Michael E. Moody
Assistant Attorney General
Tobacco & Special Litigation Division
Seventh Floor Williams Bldg
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909
moodyme@michigan.gov

MIDLAND COGENERATION VENTURE LIMITED PARTNERSHIP

Mr. Richard J. Aaron
Mr. Ross K. Bower II
Fahey Schultz Burzych Rhodes PLC
4151 Okemos Road
Okemos, MI 48864
raaron@fsblawyers.com
rbower@fsblawyers.com

MICHIGAN STATE UTILITY WORKERS COUNCIL

Mr. Steven D. Weyhing
Kelley Cawthorne, PLC
208 N. Capitol Ave., 3rd Floor
Lansing, MI 48933-1356
sweyhing@kelley-cawthorne.com

SELF

Mr. Phil Forner
PO Box 296
Allendale, MI 49401
aheat@altelco.net

GERDAU MACSTEEL

Ms. Jennifer L. Copland
Dickinson Wright PLLC
301 E. Liberty, Suite 500
Ann Arbor, MI 48104
jcopland@dickinsonwright.com

METAL TECHNOLOGIES, INC. & RAVENNA CASTING CENTER, INC. d/b/a RAVENNA DUCTILE IRON PLANT

Mr. Robert B. Nelson
Fraser Trebilcock & Dunlap, P.C.
124 W. Allegan, Suite 1000
Lansing, MI 48933
rnelson@fraserlawfirm.com

AREA AGENCIES ON AGING ASSOCIATION OF MICHIGAN & MICHIGAN LEAGUE FOR HUMAN SERVICES

Mr. David L. Shaltz
Attorney at Law
2270 Jolly Oak Road
Suite 2A
Okemos, MI 48864-4528
dshaltz@sbcglobal.net

MICHIGAN ALLIANCE FOR FAIR COMPETITION, MICHIGAN CHAPTER OF AIR CONTRACTORS OF AMERICA, SOUTHEAST CHAPTER AIR CONDITIONING CONTRACTORS OF AMERICA, WESTERN MICHIGAN AIR CONDITIONING CONTRACTORS OF AMERICA, NATIONAL FEDERATION OF INDEPENDENT BUSINESSES, ASSOCIATED BUILDERS AND CONTRACTORS OF MICHIGAN

Mr. Roderick S. Coy
Mr Haran C. Rashes
CLARK HILL PLC
212 East Grand River Avenue
Lansing, MI 48906
rcoy@clarkhill.com