

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 - remand**
(e-file paperless)

The Michigan Public Service Commission Staff's
Answer to the Petition to Intervene of Michelle Rison

Staff opposes the late-filed Petition to Intervene of Michelle Rison for the following reasons:

1. Ms. Rison seeks to intervene in this late-stage of the proceedings based on essentially the same arguments that were put forth in the late-filed petitions to intervene that were filed in the Case No. U-15768 remand. In that case, the Commission affirmed the decision of the Administrative Law Judge to deny the petitions to intervene. See Order Affirming Denial of Petitions to Intervene, Case No. U-15768-remand, December 6, 2012.

2. Staff further submits Ms. Rison fundamentally misapprehends the nature of the issue that is at stake in this remand proceeding, i.e., whether the rates as originally approved were just and reasonable. For instance, she claims at Paragraph 10 of her late-filed Petition that the tariffs under which Consumers provides service are a “contract” between the customer and the utility. This is incorrect. The tariffs are rates that the utility may lawfully charge a customer. They do not provide any contractual rights between the utility and the customer,

other than the right to receive service consistent with the requirements of the tariff. Further, Ms. Rison claims that the utility was seeking in rate case, U-15645, approval to force a new device upon customers. This is also not true. The utility was seeking to have costs included in rates associated with new meters. The utility has the obligation to measure its customers' usage pursuant to regulation.

R 460.102(a), R 460.113, R 460.115, R 460.116, R 460.122, R 460.123, R 460.105, R 460.106, R 460.137

3. Further, Ms. Rison does not claim that the rates approved in Case No. U-15645 must be adjusted by a certain amount. Rather, she claims the right to manage the utility and select the manufacturer of its meters, a proposition that the Commission has recently rejected in its order in Case No. U-17053, May 15, 2013, page 18. Furthermore, other issues mentioned by Ms. Rison are clearly outside the scope of a rate case, and are the current subject of Commission proceedings regarding cyber security and privacy, Case No. U-17102.

Wherefore, Staff urges the Administrative Law Judge to deny the late-filed Petition to Intervene.

Respectfully submitted,

**MICHIGAN PUBLIC SERVICE COMMISSION
STAFF**

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DATED: November 12, 2013

15645/Ans to Petition to Intervene by Rison

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PROOF OF SERVICE

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

Pamela A. Pung, being first duly sworn, deposes and says that on
November 12, 2013, she served a true copy of the **The Michigan Public Service
Commission Staff's Answer to the Petition to Intervene of Michelle Rison**
upon the parties on the attached Service List **VIA E-MAIL only**.

Pamela A. Pung

Subscribed and sworn to before me
this **12th** day of **November, 2013**.

Corinna C. Swafford, Notary Public
State of Michigan, County of Ionia
Acting in the County of Ingham
My Commission Expires: 12-13-2019

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