

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of)	
CONSUMERS POWER COMPANY for approval)	
of a power supply cost recovery plan and factors)	Case No. U-10973
for calendar year 1996.)	
_____)	

At the July 24, 1998 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. John G. Strand, Chairman
Hon. John C. Shea, Commissioner
Hon. David A. Svanda, Commissioner

ORDER

On May 7, 1997, the Commission issued an order approving a power supply cost recovery plan and factor for Consumers Energy Company (Consumers).¹ On June 6, 1997, Consumers filed a petition for rehearing. Attorney General Frank J. Kelley, the Association of Businesses Advocating Tariff Equity, and the Commission Staff filed responses in opposition.

The sole issue that Consumers raises on rehearing is whether the cost of 325 megawatts of capacity purchased from the Midland Cogeneration Venture Limited Partnership should be allocated between retail and wholesale sales. The Commission provided Consumers the opportunity to address that issue fully in Case No. U-11180. In an order issued today in that docket, the Commis-

¹Effective March 11, 1997, Consumers Power Company became Consumers Energy Company.

sion decides the issue against Consumers' position. Because the Commission need not provide multiple opportunities to litigate an issue, the petition for rehearing should be denied.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; MSA 22.151 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; MSA 22.1 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; MSA 22.13(1) et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; MSA 22.13(6h) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACCS, R 460.17101 et seq.
- b. The petition for rehearing should be denied.

THEREFORE, IT IS ORDERED that the May 7, 1997 petition for rehearing filed by Consumers Energy Company is denied.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26; MSA 22.45.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ John G. Strand
Chairman

(S E A L)

/s/ John C. Shea
Commissioner

/s/ David A. Svanda
Commissioner

By its action of July 24, 1998.

/s/ Dorothy Wideman
Its Executive Secretary

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26; MSA 22.45.

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

By its action of July 24, 1998.

Its Executive Secretary

In the matter of the application of)
CONSUMERS POWER COMPANY for approval)
of a power supply cost recovery plan and factors)
for calendar year 1996.)
_____)

Case No. U-10973

Suggested Minute:

“Adopt and issue order dated July 24, 1998 denying Consumer Energy Company’s petition for rehearing, as set forth in the order.”