

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of)	
KIMBALL POWER COMPANY for ex parte)	
approval of a certificate of public convenience and)	Case No. U-11277
necessity to serve retail wheeling customers in the)	
Consumers Power Company electric service territory)	
or a declaratory ruling that no certificate of public)	
convenience and necessity is required for such service.)	
_____)	

At the June 26, 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 December 9, 1996, Kimball Power Company filed an application requesting a certificate of public convenience and necessity to provide service in the Consumers Energy Company electric service territory. On January 13, 1997, it filed a revised application.

By letter dated June 2, 1998, the applicant requested to withdraw its revised application without prejudice.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1929 PA 69, as amended, MCL 460.501 et seq.; MSA 22.141 et seq.; 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.; 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 application should be dismissed without prejudice.

THEREFORE, IT IS ORDERED that Kimball Power Company's application is dismissed without prejudice.

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

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 June 26, 1998.

/s/ Dorothy Wideman

Its Executive Secretary

MSA 22.13(1) 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 AACS, R 460.17101 et seq.

b. The application should be dismissed without prejudice.

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Suggested Minute:

“Adopt and issue order dated June 26, 1998 dismissing the application filed by Kimball Power Company, as set forth in the order.”