

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of	)	
<b>CMS MARKETING, SERVICES AND</b>	)	
<b>TRADING COMPANY</b> , a Michigan corporation,	)	Case No. U-11485
for a certificate of public convenience and necessity	)	
to render electric service to certain customers.	)	
_____	)	

At the August 20, 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 July 24, 1998, the Commission issued an order addressing issues concerning whether CMS Marketing, Services and Trading Company (MST), an affiliate of Consumers Energy Company (Consumers), should be permitted to serve customers under Consumers' Rate DA. In response, on August 7, 1998, MST filed a motion for clarification of the order. Specifically, MST asks whether it may compete to serve the 34.3 megawatts (MW) of capacity opened to Rate DA by the July 24, 1998 order in Cases Nos. U-10685, U-10754, and U-10787 without Consumers' having to agree to a further expansion of the Rate DA program beyond 100 MW. MST says that such a clarification is consistent with the order and will provide customers as much choice as possible for alternative suppliers.

The Commission grants the motion, which correctly states the intent of the July 24, 1998 order.

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.; 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 AACRS, R 460.17101 et seq.

b. MST may compete to serve the 34.3 MW of capacity opened to Rate DA by the July 24, 1998 order in Cases Nos. U-10685, U-10754, and U-10787 without Consumers' having to agree to a further expansion of the Rate DA program beyond 100 MW.

THEREFORE, IT IS ORDERED that CMS Marketing, Services and Trading Company may compete to serve the 34.3 megawatts of capacity opened to Rate DA by the July 24, 1998 order in Cases Nos. U-10685, U-10754, and U-10787 without Consumers Energy Company's having to agree to a further expansion of the Rate DA program beyond 100 megawatts.

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.

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MICHIGAN PUBLIC SERVICE COMMISSIO

/s/ John G. Strand  
Chairman

( S E A L )

/s/ John C. Shea  
Commissioner

/s/ David A. Svanda  
Commissioner

By its action of August 20, 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 COMMISSIO

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Chairman

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Commissioner

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Commissioner

By its action of August 20, 1998.

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Case No. U-11485

Suggested Minute:

“Adopt and issue order dated August 20, 1998 clarifying that CMS Marketing, Services and Trading Company may compete to serve the 34.3 megawatts of capacity opened to Rate DA by the July 24, 1998 order in Cases Nos. U-10685, U-10754, and U-10787 without Consumers Energy Company’s having to agree to a further expansion of the Rate DA program beyond 100 megawatts, as set forth in the order.”