

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of)	
WISCONSIN ELECTRIC POWER COMPANY)	
for approval of a power supply cost recovery plan)	Case No. U-12615
for the 12-month period ending December 31, 2001.)	
_____)	

At the February 25, 2002 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. Laura Chappelle, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

OPINION AND ORDER

On November 20, 2001, the Commission issued an order approving the Wisconsin Electric Power Company's (Wisconsin Electric) 2001 power supply cost recovery plan. On December 20, 2001, Michigan Community Action Agency Association, the Michigan Environmental Council, and the Public Interest Research Group in Michigan filed petitions for rehearing pursuant to R 460.17403. On January 10, 2002, Wisconsin Electric filed answers.

Rule 403 of the Commission's Rules of Practice and Procedure, 1992 AACS, R 460.17403, provides that a petition for rehearing may be based on claims of error, newly discovered evidence, facts or circumstances arising after the hearing, or unintended consequences resulting from compliance with the order. A petition for rehearing is not merely another opportunity for a party to argue a position or to express disagreement with the Commission's decision. Unless a party can

show the decision to be incorrect or improper because of errors, newly discovered evidence, or unintended consequences of the decision, the Commission will not grant a rehearing.

The Commission concludes that the petitions for rehearing do not meet the standard of Rule 403.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACCS, R 460.17101 et seq.

b. The petitions for rehearing should be denied.

THEREFORE, IT IS ORDERED that the petitions for rehearing filed by Michigan Community Action Agency Association, the Michigan Environmental Council, and the Public Interest Research Group in Michigan are 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.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ Laura Chappelle
Chairman

(S E A L)

/s/ David A. Svanda
Commissioner

/s/ Robert B. Nelson
Commissioner

By its action of February 25, 2002.

/s/ Dorothy Wideman
Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

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Suggested Minute:

“Adopt and issue order dated February 25, 2002 denying petitions for rehearing filed by Michigan Community Action Agency Association, the Michigan Environmental Council, and the Public Interest Research Group in Michigan, as set forth in the order.”