

STATE OF MICHIGAN

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BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

JUL 30 2003  
MICHIGAN PUBLIC SERVICE COMMISSION  
ADMINISTRATIVE SERVICES DIVISION  
LANSING, MICHIGAN

In the matter of the application of )  
CONSUMERS ENERGY COMPANY )  
for Confirmation of Compliance With )  
MCL 460.10f )  
\_\_\_\_\_ )

Case No. U-13750

**STIPULATION**

Consumers Energy Company ("Consumers Energy") filed its application in this matter on March 31, 2003. In its application Consumers Energy requested a Commission order confirming that Consumers Energy was in compliance with MCL 460.10f. For purposes of settling this proceeding, the undersigned parties stipulate and agree as follows:

1. The parties request that the Commission issue an order granting the relief sought by Consumers Energy in its March 31, 2003 application filed in this matter and find that Consumers Energy has met the market test under Section 10f of Act 141; MCL 460.10f.

2. This Settlement Agreement is entered into for the sole and express purpose of reaching a compromise among the positions of the parties. All offers of settlement and discussions relating to this settlement are, and shall be considered, privileged under MRE 408. If the Commission approves this Settlement Agreement without modification, neither the parties to this Settlement Agreement nor the Commission shall make any reference to, or use, this Settlement Agreement or the order approving it, as a reason, authority, rationale or example for taking any action or position or making any subsequent decision in any other case or proceeding; provided, however, such references may be made to enforce or implement the provisions of this Settlement Agreement and the order approving it.

3. This Settlement Agreement is based on the facts and circumstances of this case and is intended for final disposition of Case No. U-13750. If the Commission approves this Settlement Agreement without any modification, the parties agree not to appeal, challenge, or otherwise contest the Commission order approving this Settlement Agreement.

4. The Staff certifies this Agreement is reasonable and in the public interest.

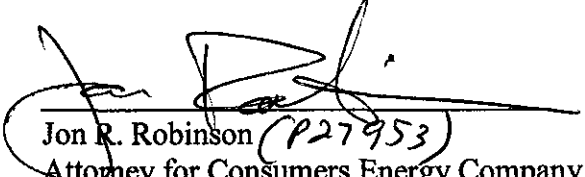
5. The parties agree to waive Section 81 of the Administrative Procedures Act of 1969 (MCL 24.281), as it applies to this proceeding, if the Commission approves this Settlement Agreement without modification.

WHEREFORE, the undersigned parties respectfully request that the Commission issue an order approving this Stipulation and granting the relief sought by Consumers Energy in its March 31, 2003 application filed in this matter.

CONSUMERS ENERGY COMPANY

Dated: June 24, 2003

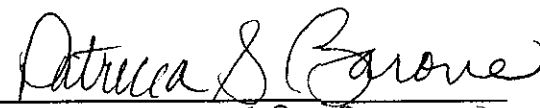
By:

  
Jon R. Robinson (P27953)  
Attorney for Consumers Energy Company

MICHIGAN PUBLIC SERVICE COMMISSION STAFF

Dated: June 24, 2003

By:

  
Patricia S. Barone (P29560)  
Assistant Attorney General for the Staff

MIDLAND COGENERATION VENTURE LIMITED PARTNERSHIP

Dated: June \_\_, 2003

By:

\_\_\_\_\_  
Michael J. Brown  
Attorney for Midland Cogeneration Venture Limited Partnership

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CONSUMERS ENERGY COMPANY

Dated: June 24, 2003

By: \_\_\_\_\_  
Jon R. Robinson  
Attorney for Consumers Energy Company

MICHIGAN PUBLIC SERVICE COMMISSION STAFF

Dated: June 24, 2003

By: \_\_\_\_\_  
Patricia S. Barone  
Assistant Attorney General for the Staff

MIDLAND COGENERATION VENTURE LIMITED PARTNERSHIP

Dated: June 24, 2003

By: Michael J. Brown  
Michael J. Brown (P43015)  
Attorney for Midland Cogeneration Venture Limited Partnership

CONSUMERS ENERGY COMPANY

Dated: June \_\_, 2003

By: \_\_\_\_\_  
Jon R. Robinson  
Attorney for Consumers Energy Company

MICHIGAN PUBLIC SERVICE COMMISSION STAFF

Dated: June \_\_, 2003

By \_\_\_\_\_  
Patricia S. Barone  
Assistant Attorney General for the Staff

MIDLAND COGENERATION VENTURE LIMITED  
PARTNERSHIP

Dated: June \_\_, 2003

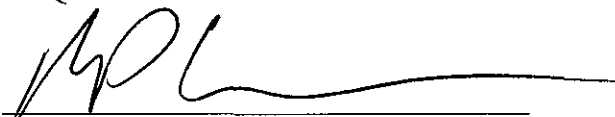
By \_\_\_\_\_  
Michael J. Brown  
Attorney for Midland Cogeneration Venture  
Limited Partnership

**STATEMENT OF NON-OBJECTION**

The Association of Businesses Advocating Tariff Equity does not object to the foregoing Stipulation.

ASSOCIATION OF BUSINESSES ADVOCATING  
TARIFF EQUITY

Dated: June 27, 2003

By  \_\_\_\_\_  
Michael P. Calabrese  
Attorney for Association of Businesses Advocating  
Tariff Equity