

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the complaint of)	
ENVIRONMENTAL DISPOSAL SYSTEMS, INC.,)	Case No. U-13506
against THE DETROIT EDISON COMPANY.)	
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At the February 20, 2003 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

ORDER

On August 23, 2002, Environmental Disposal Systems, Inc., (EDS) filed a complaint against The Detroit Edison Company (Detroit Edison) alleging that Detroit Edison had failed to properly respond to EDS's request for electrical service at its waste disposal facility in Romulus.

On October 7, 2002, Detroit Edison filed an answer to the complaint, stating among other things that EDS's failure to obtain a permit for electrical service from the City of Romulus prevents Detroit Edison from energizing the facility in accordance with applicable rules. However, Detroit Edison indicated its willingness to obey a Commission order requiring it to provide electrical service to EDS without the benefit of a permit from the city.

On October 22, 2002, the parties filed a stipulation of facts that they deemed necessary to a Commission decision in this case. The parties requested that a decision be made without the need for an evidentiary hearing.

On December 6, 2002, the Commission issued an order in which it required that the City of Romulus be given an opportunity to present its position to the Commission. The City of Romulus responded by filing a brief on January 2, 2003. Thereafter, a prehearing conference took place before Administrative Law Judge Daniel E. Nickerson, Jr. (ALJ). At that time the parties agreed to a schedule for exceptions and replies following the issuance of the Proposal for Decision (PFD).

On January 28, 2003, the ALJ issued the PFD, in which he recommended that the Commission deny EDS's complaint based on a lack of authority to grant the requested relief. Exceptions were due by February 4, 2003. No exceptions have been filed.

The Commission finds that the PFD is based on the record and presents a correct analysis of the facts and the law. Therefore, the Commission finds that the PFD should be adopted and the complaint filed by EDS should be dismissed with prejudice.

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.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACS, R 460.17101 et seq.

b. The findings and conclusions in the PFD should be adopted, and the complaint filed by EDS should be dismissed with prejudice.

THEREFORE, IT IS ORDERED that the findings and conclusions in the Proposal for Decision are adopted and the complaint filed by Environmental Disposal Systems, Inc., against The Detroit Edison Company is dismissed with prejudice.

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 20, 2003.

/s/ Dorothy Wideman
Its Executive Secretary

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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

Chairman

Commissioner

Commissioner

By its action of February 20, 2003.

Its Executive Secretary

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against **THE DETROIT EDISON COMPANY.**)
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Case No. U-13506

Suggested Minute:

“Adopt and issue order dated February 20, 2003 adopting the findings and conclusions of the Proposal for Decision and dismissing with prejudice the complaint of Environmental Disposal Systems, Inc., against The Detroit Edison Company, as set forth in the order.”