

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion, to)	
investigate CONSUMERS ENERGY COMPANY's)	
compliance with the code of conduct adopted)	Case No. U-13830
pursuant to MCL 460.10a(4).)	
_____)	

In the matter of the complaint of)	
PHIL FORNER against CONSUMERS ENERGY)	Case No. U-13948
COMPANY.)	
_____)	

At the June 3, 2004 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. J. Peter Lark, Chair
Hon. Robert B. Nelson, Commissioner
Hon. Laura Chappelle, Commissioner

ORDER ESTABLISHING BRIEFING SCHEDULE

On April 22, 2004, Governor Jennifer M. Granholm signed into law 2004 PA 88 (Act 88), MCL 460.10a(4) et seq. This law, which was given immediate effect, established operating guidelines for appliance service programs (ASP) offered by electric utilities. Consumers Energy Company (Consumers) has such a program, which is the subject of these proceedings.

Insofar as Cases Nos. U-13830 and U-13948 concern Consumers' putative violations of the code of conduct in the operation of its ASP, the parties are hereby directed to submit briefs and reply briefs by June 18 and July 2, 2004, respectively, discussing whether the above-captioned cases are affected by Act 88.

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, 1999 AC, R 460.17101 et seq.

b. The parties to these proceedings should be directed to file briefs and reply briefs by June 18 and July 2, 2004, respectively.

THEREFORE, IT IS ORDERED that the parties to these proceedings shall file briefs and reply briefs by June 18 and July 2, 2004, respectively.

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

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ J. Peter Lark

Chair

(S E A L)

/s/ Robert B. Nelson

Commissioner

/s/ Laura Chappelle

Commissioner

By its action of June 3, 2004.

/s/ Mary Jo Kunkle

Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

Chair

Commissioner

Commissioner

By its action of June 3, 2004.

Its Executive Secretary