

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the formal complaint of the)
 Michigan Environmental Council, Public Interest)
 Research Group In Michigan, and Michigan)
 Consumer Federation, for commencement of a)
 generic investigation and contested case, for review)
 and audit of books and records, for establishment)
 of separate additional external nuclear plan site)
 decommissioning trusts, and for adoption of)
 additional ratemaking remedies relating to spent)
 nuclear fuel fees and costs collected in rates)
 by nuclear utilities serving Michigan, including)
 Consumers Energy Company, The Detroit Edison)
 Company, Indiana Michigan Power Company,)
 d/b/a American Electric Power, Wisconsin Electric)
 Power Company, and Wisconsin Public Service)
 Corporation.)
 _____)

Case No. U-13771

ERRATUM

On September 20, 2005, the Commission issued an order in Case No. U-13371 in the matter of the formal complaint of the Michigan Environmental Council, Public Interest Research Group In Michigan, and Michigan Consumer Federation, for commencement of a generic investigation and contested case. Footnote number 2 on page 5 should be corrected to read:

²See, also, *Maine Yankee Atomic Power Co v US*, 225 F3d 1336, 1342 (Fed Cir 2000) (finding the DOE in breach of the standard contract and noting that there are no schedules containing specific dates for disposing of any SNF, and finding it uncertain when they will be adopted and to what extent, if any, they will, or could effectively reflect the breach of the contract); *Nuclear Energy Institute, Inc v EPA*, 362 US App DC 204, 210; 373 F3d 1251, 1257 (2004) (finding the 10,000 year compliance period incorporated into the plans for Yucca Mountain to be in violation of the requirements of the Energy Policy Act); *Northern States Power Co v US*, 224 F3d 1361, 1366 (Fed Cir 2000) (finding the DOE in breach of the standard contract and precluding the DOE

from excusing its own delay on the grounds that it has not yet prepared a storage facility of any kind). The Commission has previously sought comment on the problems associated with the government's apparent default and the ongoing payments to the NWF in its January 28, 1997 order in Case No. U-11314.

MICHIGAN PUBLIC SERVICE COMMISSION

Mary Jo Kunkle
Its Executive Secretary

September 27, 2005
Lansing, Michigan