

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the complaint and application of )	
<b>ENERGY MICHIGAN</b> against <b>THE DETROIT</b> )	Case No. U-15074
<b>EDISON COMPANY</b> for tariff amendment. )	
_____ )	
)	
In the matter of the complaint and application of )	
<b>ENERGY MICHIGAN</b> against <b>CONSUMERS</b> )	Case No. U-15075
<b>ENERGY COMPANY</b> for tariff amendment. )	
_____ )	
)	
In the matter of the application of )	
<b>CONSTELLATION NEWENERGY, INC.,</b> for )	
<i>ex parte</i> waiver or amendment of notification )	Case No. U-15097
deadlines in <b>CONSUMERS ENERGY COMPANY'S</b> )	
retail access services tariffs. )	
_____ )	
)	
In the matter of the application of )	
<b>CONSTELLATION NEWENERGY, INC.,</b> for )	
<i>ex parte</i> waiver or amendment of notification )	Case No. U-15098
deadlines in <b>THE DETROIT EDISON COMPANY'S</b> )	
retail access services tariffs. )	
_____ )	
)	

At the October 24, 2006 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

PRESENT: Hon. J. Peter Lark, Chairman  
Hon. Laura Chappelle, Commissioner  
Hon. Monica Martinez, Commissioner

**ORDER**

On September 22, 2006, Energy Michigan filed pleadings in Case Nos. U-15074 and U-15075 that were styled as complaints and applications against The Detroit Edison Company (Detroit

Edison) and Consumers Energy Company (Consumers), respectively. The pleadings requested that the Commission amend Section 5.3.1 of Detroit Edison's Retail Access Service Rider and Section F2.5 of Consumers' Retail Open Access Service Standards, which pertain to return to service notification requirements for retail open access (ROA) customers that intend to take service from the utilities during the June 1 to September 30 timeframe. Specifically, Energy Michigan alleged that the current ROA notification deadline of December 1 should be permanently pushed back by three months to March 1.

On October 11, 2006, Constellation NewEnergy, Inc. (CNE), filed applications in Case Nos. U-15097 and U-15098 seeking *ex parte* approval of the same tariff changes sought by Energy Michigan. On the same date, CNE filed petitions to intervene in Case Nos. U-15074 and U-15075.

On October 16, 2006, the Association of Businesses Advocating Tariff Equity filed comments in Case Nos. U-15075 and U-15075 in support of the relief requested by Energy Michigan.

On October 24, 2006, Energy Michigan, CNE, Detroit Edison, and Consumers filed stipulations seeking dismissal of these cases due to their agreement that the Commission should approve a change in the December 1, 2006 return to service deadline to January 5, 2007. The parties also agreed that they could pursue further changes to the return to service tariff provisions in the utilities' future rate cases.

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. These cases should be dismissed.

c. The current ROA notification deadline of December 1, 2006 should be revised to January 5, 2007.

THEREFORE, IT IS ORDERED that:

A. These cases are dismissed.

B. The current retail open access return to service notification deadline of December 1, 2006 for The Detroit Edison Company and Consumers Energy Company is revised to January 5, 2007.

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/ J. Peter Lark

Chairman

( S E A L )

/s/ Laura Chappelle

Commissioner

/s/ Monica Martinez

Commissioner

By its action of October 24, 2006.

/s/ Mary Jo Kunkle

Its Executive Secretary

c. The current ROA notification deadline of December 1, 2006 should be revised to January 5, 2007.

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MICHIGAN PUBLIC SERVICE COMMISSION

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Chairman

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Commissioner

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Commissioner

By its action of October 24, 2006.

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Its Executive Secretary