

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the joint request of )  
**THE DETROIT EDISON COMPANY, INDIANA** )  
**MICHIGAN POWER COMPANY, THE** )  
**MICHIGAN ELECTRIC AND GAS ASSOCIATION** )  
**and CONSUMERS ENERGY COMPANY** to )  
initiate an investigation of the licensing rules, and )  
regulations needed to address the effect of the )  
participation of Michigan retail customers, including )  
those associated with aggregators of retail customers, )  
in a regional transmission organization wholesale )  
market. )  
\_\_\_\_\_ )

Case No. U-16020

At the November 12, 2009 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. Orjiakor N. Isiogu, Chairman  
Hon. Monica Martinez, Commissioner  
Hon. Steven A. Transeth, Commissioner

**ORDER**

On September 29, 2009, the Commission issued an order in this proceeding that commenced an investigation at the request of The Detroit Edison Company, Indiana Michigan Power Company, the Michigan Electric and Gas Association, and Consumers Energy Company. The investigation concerns the appropriate regulatory response by this Commission to the direct participation of Michigan retail customers into regional transmission organization wholesale markets. The Commission solicited comments on the relief requested by the utilities and

temporarily restricted participation of Michigan retail customers in any regional transmission organization wholesale markets during the pendency of this proceeding.

On October 29, 2009, EnerNOC, Inc., filed a petition for rehearing and clarification.<sup>1</sup> Accompanying the petition for rehearing was a motion for admission pro hac vice, requesting permission for EnerNOC's out-of-state attorney, Jacqueline Lake Roberts, to appear and to participate as its counsel in this proceeding.

Because this matter is currently not a contested case proceeding, an administrative law judge has not been assigned to rule on the motion for admission pro hac vice. Therefore, the Commission finds that it is appropriate to rule on the motion.

Rule 309(2) of the Rules of Practice and Procedure provides that “[a]n attorney who is duly licensed to practice law in another state or in the courts of the United States may be permitted to practice before the commission on the same basis as in the circuit courts of this state.” Further, Michigan Court Rule (MCR) 8.126(A) provides for the temporary admission of out-of-state attorneys.

After examining the documentation submitted by EnerNOC, the Commission finds that its motion for the admission pro hac vice of Ms. Roberts to practice before the Commission should be granted.

**THEREFORE, IT IS ORDERED** that EnerNOC, Inc's., motion for the admission pro hac vice of Jacqueline Lake Roberts to practice before the Commission in this matter is granted.

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<sup>1</sup>Under R 460.17403(2) of the Commission's Rules of Practice and Procedure, Rule 403(2), parties have 21 days to file responses to a petition for rehearing. Accordingly, the Commission finds it is premature to address any of the allegations contained in EnerNoc's October 29, 2009 pleading.

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, under MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

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Orjiakor N. Isiogu, Chairman

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Monica Martinez, Commissioner

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Steven A. Transeth, Commissioner

By its action of November 12, 2009.

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Mary Jo Kunkle, Executive Secretary