

STATE OF MICHIGAN  
BEFORE THE PUBLIC SERVICE COMMISSION

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In the matter of the application of	)	
<b>UPPER PENINSULA POWER COMPANY</b>	)	
for a waiver of the monthly meter reading	)	Case No. U-16064
requirement in the Commission's billing	)	
rules applicable to residential and	)	
non-residential electric and gas customers.	)	
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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 GRANTING REHEARING**

On August 12, 2009, Upper Peninsula Power Company (UPPCo) filed an application in this docket requesting an extension of the waivers of the monthly meter reading requirement under 1999 AC, R 460.113(1) and R 460.1608(1) of the Commission's billing rules applicable to residential and non-residential electric and gas customers, respectively. On September 29, 2009, the Commission issued an order denying UPPCo's request for a waiver of R 460.113(1), but granting UPPCo a waiver from R 460.1608(1). On October 9, 2009, UPPCo filed a petition for rehearing.

In its petition for rehearing, UPPCo argues that the Commission granted UPPCo a three-year temporary waiver from R 460.113(1) with no requirement for annual renewals on November 8, 2007 in Case No. U-14851. In the alternative, UPPCo states that, if the waiver did expire prior to

the filing of the August 12, 2009 application for extension of the waiver in Case No. U-16064, UPPCo amends its application to request a temporary waiver of R 460.113(1).

Replies to the petition for rehearing were due on or before October 30, 2009. No replies were filed.

After examining all the applications and orders in all related cases before the Commission pertaining to UPPCo's August 12, 2009 application, the Commission finds that there is a lack of clarity as to the Commission's prior orders and the request made by UPPCo in Case No. U-16064 to indefinitely extend the waiver granted in Case No. U-14851. The November 8, 2007 order in Case No. U-14851 granted UPPCo's request for a waiver of R 460.113(1), which was phrased by UPPCo as extending for *up to* three years. In its August 12, 2008 order in Case No. U-14851, which mentioned the November 8, 2007 waiver of R 460.113(1) in addressing other waiver requests, the verbiage indicates that "UPPCo and WPS Corp requested that the waivers extend through June 2008. The Commission's November 8, 2007 order granted the waivers requested by the utilities." Order, p. 2. In the November 13, 2008 order in Case No. U-15603, the Commission granted UPPCo a *one-year* waiver from R 460.1608(1). In UPPCo's August 12, 2009 application, the company did not specify the period of time for which it was requesting waivers from R 460.113(1) and R 460.1608(1). In addition, it is unclear why UPPCo filed a premature request to extend the waiver of R 460.113(1) one year prior to the purported expiration of the waiver.

Without placing blame for the confusion, the Commission will recognize UPPCo's position that the November 8, 2007 order in Case No. U-14851 could be interpreted as having granted the company a three-year waiver from R 460.113(1) expiring on November 8, 2010.

Under the circumstances, the Commission finds that it is appropriate to grant UPPCo's request for a rehearing and to grant UPPCo a temporary waiver from the requirements of R 460.113(1)

until November 8, 2010. However, in all future requests for waivers from the residential and non-residential billing rules, UPPCo shall request a specific time period, not to exceed one year, and shall file an application for an extension of a waiver no more than two months prior to the expiration of the previous waiver.

THEREFORE, IT IS ORDERED that:

A. Upper Peninsula Power Company's petition for rehearing is granted.

B. Upper Peninsula Power Company's request for waiver of R 460.113(1) is granted until November 8, 2010.

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

By its action of November 12, 2009.

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Monica Martinez, Commissioner

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Mary Jo Kunkle, Executive Secretary

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Steven A. Transeth, Commissioner