

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission’s own motion,)	
of the election by the Board of Directors of)	
HOMEWORKS TRI-COUNTY ELECTRIC)	Case No. U-16185
COOPERATIVE to become member-regulated in)	
accordance with 2008 PA 167, MCL 460.34.)	
_____)	

At the January 25, 2010 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. Orjiakor N. Isiogu, Chairman
Hon. Monica Martinez, Commissioner
Hon. Greg R. White, Commissioner

ORDER

On January 6, 2010, the Board of Directors of HomeWorks Tri-County Electric Cooperative (HomeWorks) adopted a resolution to become member-regulated in accordance with 2008 PA 167, MCL 460.31 *et seq.*, the Electric Cooperative Member-Regulation Act (the Act). *See*, MCL 460.34. By letter dated January 7, 2010, HomeWorks informed the Commission of the resolution. HomeWorks also submitted a copy of the November 23, 2009 notice of the meeting that was published in *Country Lines* and sent to all of its member-consumers.

“Member-regulation” means that the Board of Directors of HomeWorks will be responsible for establishing, maintaining, and applying all rates, charges, accounting standards, billing practices, and terms and conditions of service. MCL 460.32(f). Section 6(2) of the Act provides that:

Notwithstanding the provisions of this act, the commission shall retain jurisdiction and control over all member regulated cooperatives for matters involving safety, interconnection, code of conduct . . . , customer choice including, but not limited to, the ability of customers to elect service from an alternative electric supplier . . . , and the member-regulated cooperative's rates, terms, and conditions of service for customers electing service from an alternative electric supplier, service area, distribution performance standards, and quality of service, including interpretation of applicable commission rules and resolution of complaints and disputes, except any penalties pertaining to performance standards and quality of service shall be established by the cooperative's members.

MCL 460.36(2). In addition, Section 9 provides that the Commission retains jurisdiction over certificates of need, and enforcement of 1999 AC, R 460.3411, which deals with areas served and line extensions. MCL 460.39(1).

Assuming that HomeWorks fulfilled all of the notice and hearing requirements of Section 4 of the Act, HomeWorks will become member-regulated as of April 7, 2010. MCL 460.34(f). The Commission directs HomeWorks to file additional documentation, if any, upon which it intends to rely within seven days of the date of this order showing compliance with the notice and hearing requirements of Section 4(a)-(f) of the Act. MCL 460.34(a)-(f).

In order to establish an orderly process for the transition of HomeWorks to member-regulation, the Commission directs HomeWorks to begin a dialogue with the Commission Staff (Staff) no later than February 8, 2010 to discuss issues related to the transition. Given the apparent lack of any opposition to the cooperative's transition to member-regulation by its member-consumers, and the time and cost involved in travel to and from the Commission's offices, HomeWorks and the Staff may accomplish the necessary tasks through teleconferencing activity or other similar arrangements. The Staff is directed to file a written report in this docket by February 26, 2010 on the results of those discussions.

THEREFORE, IT IS ORDERED that:

A. HomeWorks Tri-County Electric Cooperative shall file additional documentation, if any, in this docket within seven days of the date of this order showing compliance with the notice and hearing requirements of MCL 460.34(a)-(f).

B. HomeWorks Tri-County Electric Cooperative shall begin a dialogue with the Commission Staff no later than February 8, 2010, to discuss issues regarding the orderly transition of the cooperative to member-regulation.

C. The Commission Staff shall report to the Commission on the results of discussions with HomeWorks Tri-County Electric Cooperative regarding transition no later than February 26, 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

Orjiakor N. Isiogu, Chairman

By its action of January 25, 2010.

Monica Martinez, Commissioner

Mary Jo Kunkle, Executive Secretary

Greg R. White, Commissioner