

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

**Midwest Independent Transmission System) Docket No. ER04-961-000
Operator, Inc.**

**MOTION TO INTERVENE OUT OF TIME
OF THE
THE MICHIGAN PUBLIC SERVICE COMMISSION**

Pursuant to Rules 214(a)(2) and (a)(3) of the Commission's Rules of Practice and Procedure, 18 C.F.R. §§ 385.214(a)(2) and (a)(3)(2003), the Michigan Public Service Commission ("MPSC") hereby submits its motion to intervene out of time. In addition, the MPSC is also simultaneously filing comments in conjunction with the Indiana Utility Regulatory Commission and Pennsylvania Public Utility Commission in this proceeding. In support of its filing, the MPSC states the following.

I. Communications

Copies of all pleadings and correspondence in the proceeding should be addressed to:

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II. Basis for Intervention

The MPSC is an agency of the State of Michigan, created by 1939 Pub. Acts 3, Mich. Comp. Laws Ann. § 460.1 *et seq.* As the Michigan regulatory agency having jurisdiction and authority to control and regulate, rates, charges, and conditions of service for the retail sale of

electricity in the State, the MPSC intervenes in this matter pursuant to the authority conferred by applicable state statutes, rules, and procedures.

III. Background

On June 25, 2004, the Midwest Independent Transmission System Operator, Inc. (“Midwest ISO”) filed a proposed Schedule 21-Reactive Supply and Voltage Control from Independent Generation Resources Service, which would supplement Schedule 2 of the Midwest ISO Open Access Transmission Tariff (“Midwest ISO Tariff”), concerning the provision of reactive supply and voltage control from generation resource service. According to the Midwest ISO, the purpose of the of this filing is to implement a regional approach to the provision of Schedule 21 service that compensates all generators not already being compensated under Schedule 2 in the Midwest ISO footprint for their ability to provide reactive supply and voltage control services under the Midwest ISO Tariff.

On July 9, 2004, the Organization of MISO States (“OMS”) filed a Notice of Intervention and a Motion for Extended Comment Period to allow OMS and its constituent State Commission sufficient time to analyze the Midwest ISO’s proposal. The MPSC is a member agency of OMS. On July 14, 2004, FERC granted the extension and extended the time for the filing of comments and interventions to and including July 30, 2004. On July 29, 2004, OMS filed comments in the above-referenced proceeding.

IV. Motion to Intervene Out of Time

Good cause exists for granting the MPSC’s motion for late intervention in this proceeding. As explained in further detail in the joint comments that are being contemporaneously filed with this motion by the Indiana Utility Regulatory Commission, the Pennsylvania Public Utility Commission, and the MPSC, a separate intervention is necessary

because the MPSC could not have foreseen that the ultimate position adopted by OMS would be contrary to interests of the MPSC. While the MPSC is a member agency of OMS, and OMS intervened timely in this proceeding, the MPSC believes that its interest cannot be adequately represented by OMS or any other party in the proceeding. Legitimate differences of opinion exist between OMS and the MPSC in this instance thereby making it necessary for the MPSC to intervene separately. Given the early stage of this proceeding, the MPSC states that no disruption will result by permitting the MPSC to intervene, nor will any of the intervening parties be prejudiced by granting the MPSC's intervention. Furthermore, the MPSC will accept the record as it currently stands.

V. Conclusion

WHEREFORE, the MPSC hereby requests that this motion to intervene out of time be granted.

Respectfully submitted,

THE MICHIGAN PUBLIC SERVICE COMMISSION

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Dated: August 12, 2004

CERTIFICATE OF SERVICE

I hereby certify that I served copy of the foregoing document by first class United States mail, postage prepaid, to all parties listed on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C. this 12th day of August, 2004.

/s/ M. Denyse Zosa

M. Denyse Zosa