

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

WOLVERINE POWER SUPPLY
COOPERATIVE, INC.

Docket No. **ER10-69-000**

**NOTICE OF INTERVENTION OF THE
MICHIGAN PUBLIC SERVICE COMMISSION**

Pursuant to Rules 211 and 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission ("Commission"), 18 C.F.R. §385.214 (2008), the Michigan Public Service Commission ("MPSC") hereby submits its Notice of Intervention. In support of its intervention, the MPSC states as follows.

I. Description of the Filing

On October 15, 2009, Wolverine Power Supply Cooperative, Inc. ("Wolverine") submitted a rate filing pursuant to Section 205 of the Federal Power Act ("FPA") and Section 35.13 of the regulations of the Federal Energy Regulatory Commission ("FERC" or the "Commission"). In its rate filing, Wolverine requests a proposed increase in the wholesale requirements rates to its distribution cooperative member-owners to become effective on January 1, 2010, and an extension of the Power Supply Development Fund Charge ("PSDFC") currently applicable to its distribution cooperative member-owners to become effective November 1, 2009.

II. Notice of Intervention

The MPSC is an agency of the State of Michigan, created by 1939 Pub. Act 3, Mich. Comp. Laws §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 is a "state commission" as defined in 16 U.S.C. §796(15) and 18 C.F.R. §1.101(k) (2006).

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

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III. Intervention

The PSDFC was approved as part of a settlement of Wolverine's last FERC rate case, ER04-132. The parties to that case were the MPSC, FERC Staff, and Wolverine. The settlement provided for a charge up to 0.5 cents/kWh, limited to a \$70 million cap, and is set to expire at the end of 2009. In its rate filing in this docket, Wolverine proposes to continue the charge fixed at the maximum of 0.5 cents/kWh and to eliminate the \$70 million cap.

With its rate filing, Wolverine includes the testimony of its witness, Eric D. Baker.

Mr. Baker testifies that:

The sole purpose of the PSDFC continues to be the accumulation of equity funds and cash flow necessary to attract adequate debt financing required to provide Wolverine with the ability to acquire long-term power supply for its distribution-cooperative members.¹

The PSDFC was originally established by a settlement in Docket No. ER04-132. The imposition of the proposed surcharge represents a significant regulatory policy decision to collect revenues and subsequently use them to offset future power supply expenses. Because this filing

¹ WPS-1, page 6.

impacts retail rates and schedules for which the MPSC retains jurisdiction, the MPSC requests intervention to monitor the proceeding.

IV. Conclusion

The MPSC hereby provides its Notice of Intervention in this proceeding.

Respectfully submitted,

THE MICHIGAN PUBLIC SERVICE COMMISSION

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November 5, 2009

CERTIFICATE OF SERVICE

I hereby certify that I have this day served, via electronic mail or first class mail, the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Lansing, Michigan this 5th day of November, 2009.

/s/ Patricia S. Barone
