

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of)	
CONSUMERS POWER COMPANY for a)	
reconciliation of its gas cost recovery revenues)	Case No. U-10750-R
and expenses for the 12-month period ended)	
March 31, 1996.)	
_____)	

At the November 25, 1997 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. John G. Strand, Chairman
 Hon. John C. Shea, Commissioner
 Hon. David A. Svanda, Commissioner

ORDER DENYING REHEARING

On August 25, 1997, the Commission issued its order reconciling Consumers Energy Company's¹ (Consumers) gas cost recovery (GCR) revenues and expenses for the 12-month period ended March 31, 1996. Among other things, the Commission rejected arguments by Attorney General Frank J. Kelley (Attorney General) and others that revenues associated with Consumers' gas loan program and certain cooperative marketing agreements should be used to offset the GCR cost of gas.

On September 24, 1997, the Attorney General filed a petition for rehearing. On October 15, 1997, Consumers filed a response to the petition for rehearing.

Rule 403 of the Commission's Rules of Practice and Procedure, 1992 AACS, R 460.17403, provides that a petition for rehearing may be based on claims of error, newly discovered evidence, facts or circumstances

¹Effective March 11, 1997, Consumers Power Company became Consumers Energy Company.

arising after the hearing, or unintended consequences resulting from compliance with the order. A petition for rehearing is not merely another opportunity for a party to argue a position or to express disagreement with the Commission's decision. Unless a party can show the decision to be incorrect or improper because of errors, newly discovered evidence, or unintended consequences of the decision, the Commission will not grant a rehearing.

The Attorney General has failed to meet the Commission's standard for granting rehearing. Accordingly, the petition for rehearing is denied.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1909 PA 300, as amended, MCL 462.2 et seq.; MSA 22.21 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; MSA 22.1 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; MSA 22.13(1) et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; MSA 22.13(6h) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACRS, R 460.17101 et seq.

b. The petition for rehearing filed by the Attorney General should be denied.

THEREFORE, IT IS ORDERED that the petition for rehearing filed by Attorney General Frank J. Kelley is denied.

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, pursuant to MCL 462.26; MSA 22.45.

MICHIGAN PUBLIC SERVICE COMMISSION

John G. Strand
Chairman

(S E A L)

John C. Shea
Commissioner

David A. Svanda
Commissioner

By its action of November 25, 1997.

Dorothy Wideman
Executive Secretary

THEREFORE, IT IS ORDERED that the petition for rehearing filed by Attorney General Frank J. Kelley is denied.

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, pursuant to MCL 462.26; MSA 22.45.

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

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By its action of November 25, 1997.

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Case No. U-10750-R

Suggested Minute:

“Adopt and issue order dated November 25, 1997 denying the petition for rehearing filed by Attorney General Frank J. Kelley, as set forth in the order.”