

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the request of	)	
<b>KATHLEEN GUZMAN, SUSAN BOOTH,</b>	)	
<b>CHRISTINE GOOD, and GLORIA SCHAFFER</b>	)	Case No. U-10242
for a declaratory ruling.	)	
_____	)	

At the February 11, 1998 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**

On December 10, 1992, Kathleen Guzman, Susan Booth, Christine Good, and Gloria Schaffer (Petitioners) filed a request for declaratory ruling regarding certain billing practices of Consumers Energy Company (Consumers).

On September 29, 1993, the Commission issued a declaratory ruling finding, among other things, that Consumers' conduct did not violate the Michigan Consumer Protection Act (MCPA), 1974 PA 269, as amended, MCL 445.901 et seq.; MSA 19.418(1) et seq.

Petitioners appealed the declaratory ruling to the Ingham County Circuit Court, which issued an opinion on October 5, 1994 in File No. 93-76006-AA reversing and vacating the Commission's declaratory ruling with regard to the scope of the MCPA. The Commission and Consumers

appealed the Circuit Court's ruling to the Court of Appeals, which, in an order issued November 14, 1997, affirmed the Circuit Court's order.

On January 8, 1998, the Commission issued an order requesting the parties to this proceeding to file additional comments regarding the issues raised by the request for declaratory ruling that were not resolved on appeal. In response, counsel for Petitioners advised the Commission in writing that claims and concerns of two of the Petitioners were resolved subsequent to the Court of Appeals' decision. Further, counsel advised that the other two Petitioners had abandoned the proceeding following issuance of the September 29, 1993 declaratory ruling by the Commission and were not participants in the appeal process.

Under the circumstances, the Commission finds that further proceedings in this matter are not warranted and that the docket should be closed.

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.; 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 AACR, R 460.17101 et seq.

b. Further proceedings in this matter are not warranted and the docket should be closed.

THEREFORE, IT IS ORDERED that the docket is closed.

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

/s/ John G. Strand  
Chairman

( S E A L )

/s/ John C. Shea  
Commissioner

/s/ David A. Svanda  
Commissioner

By its action of February 11, 1998.

/s/ Dorothy Wideman  
Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

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Chairman

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Commissioner

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By its action of February 11, 1998.

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Suggested Minute:

“Adopt and issue order dated February 11, 1998 dismissing the request for a declaratory ruling filed by Kathleen Guzman, Susan Booth, Christine Good, and Gloria Schaffer, as set forth in the order.”