

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of)	
PRESQUE ISLE ELECTRIC & GAS CO-OP)	
for a certificate of public convenience and)	Case No. U-11170
necessity relative to Allis Township.)	
_____)	

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 DENYING PETITION FOR REHEARING

On December 3, 1997, Aurora Gas Company (Aurora) filed a petition for rehearing of the Commission's November 7, 1997 order that permitted Presque Isle Electric & Gas Co-op (Presque Isle) to withdraw its September 4, 1996 application for a certificate of public convenience and necessity to provide natural gas service in Allis Township, Presque Isle County. On December 22, 1997, Presque Isle filed its answer to the petition for rehearing.

Rule 403 of the Commission's Rules of Practice and Procedure, 1992 AACCS, R 460.17403, provides that a petition for rehearing may be based on claims of error, newly discovered evidence, facts or circumstances 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 Commission is persuaded that Aurora's petition for rehearing fails to meet the standards required by Rule 403. Accordingly, the Commission finds that Aurora's December 3, 1997 petition for rehearing should be dismissed.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1929 PA 69, as amended, MCL 460.501 et seq.; MSA 22.141 et seq.; 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 AACCS, R 460.17101 et seq.

b. Aurora's December 3, 1997 petition for rehearing fails to meet the standards required by Rule 403.

THEREFORE, IT IS ORDERED THAT the December 3, 1997 petition for rehearing filed by Aurora Gas Company is dismissed.

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

Chairman

Commissioner

Commissioner

By its action of February 11, 1998.

Its Executive Secretary

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Suggested Minute:

“Adopt and issue order dated February 11, 1998 denying the petition for rehearing filed by Aurora Gas Company, as set forth in the order.”