

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the complaint of)
PHILLIP BOUYER, DOROTHY HARDY, BOUYER)
FUNERAL HOME, and the estate of TERRY L.) Case No. U-11443
HARDY against **MICHIGAN CONSOLIDATED**)
GAS COMPANY.)
_____)

At the May 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 DISMISSING COMPLAINT

On June 27, 1997, Phillip Bouyer, Dorothy Hardy, Bouyer Funeral Home, Inc., and the estate of Terry L. Hardy filed a series of documents that the Commission has treated as a single complaint. The complaint alleged, among other things, that Michigan Consolidated Gas Company (Mich Con) had violated its rules and regulations and had rendered erroneous billings for gas service to 652 Arden Park, Detroit, Michigan.

Pursuant to due notice, a hearing was held on February 25, 1998 before Administrative Law Judge Daniel E. Nickerson, Jr., (ALJ). At that time, Mr. Bouyer, acting on his own behalf, called witnesses. At the conclusion of Mr. Bouyer's evidentiary presentation, Mich Con moved for a directed verdict based on the lack of evidence that Mich Con had violated any rules or regulations,

or that it had rendered an inaccurate bill. The ALJ granted Mich Con's motion in a Proposal for Decision (PFD) issued orally on the record. The ALJ recommended that the Commission dismiss the complaint with prejudice.

The ALJ provided for the filing of exceptions by March 27, 1998, which was later extended at Mr. Bouyer's request to April 13, 1998. No exceptions have been filed.

After a review of the record, the Commission is persuaded that the PFD is well reasoned and supported by the record and should be adopted.

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 AACRS, R 460.17101 et seq.
- b. The complaint should be dismissed with prejudice.

THEREFORE, IT IS ORDERED that the complaint is dismissed with prejudice.

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 May 11, 1998.

/s/ Dorothy Wideman

Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

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Commissioner

By its action of May 11, 1998.

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Suggested Minute:

“Adopt and issue order dated May 11, 1998 dismissing the complaint with prejudice, as set forth in the order.”