

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of	)	
<b>CONSUMERS ENERGY COMPANY</b> for a	)	
certificate of public convenience and necessity	)	Case No. U-12558
to provide natural gas service in Leighton	)	
Township, Allegan County.	)	
_____	)	

At the March 7, 2001, meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. Laura Chappelle, Chairman  
Hon. David A. Svanda, Commissioner  
Hon. Robert B. Nelson, Commissioner

**ORDER APPROVING SETTLEMENT AGREEMENT**

On August 10, 2000, Consumers Energy Company (Consumers) filed an application, pursuant to the provisions of 1929 PA 69, as amended, MCL 460.501 et seq.; MSA 22.141 et seq., requesting a certificate of public convenience and necessity to extend its facilities and to provide natural gas service in Leighton Township, Allegan County.

Pursuant to due notice, a prehearing conference was held on October 3, 2000 before Administrative Law Judge James N. Rigas. Consumers and the Commission Staff participated in the proceedings.

Subsequently, the parties submitted a settlement agreement resolving all issues in this case.

According to the terms of the settlement agreement, attached as Exhibit A, the parties agree that (1) Consumers currently holds a non-exclusive franchise to provide natural gas service in Section 36 of Leighton Township, Allegan County, (2) the provision of natural gas service by Consumers to customers located in Section 36 of Leighton Township will serve the public convenience and necessity, and (3) a certificate of public convenience and necessity should be granted to Consumers to provide that service.

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. The settlement agreement is reasonable and in the public interest, and should be approved.

THEREFORE, IT IS ORDERED that:

- A. The settlement agreement, attached as Exhibit A, is approved.
- B. Consumers Energy Company is granted a certificate of public convenience and necessity to construct facilities and to provide natural gas service to customers located in Section 36 of Leighton Township, Allegan County.

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/ Laura Chappelle  
Chairman

( S E A L )

/s/ David A. Svanda  
Commissioner

/s/ Robert B. Nelson  
Commissioner

By its action of March 7, 2001.

/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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Commissioner

By its action of March 7, 2001.

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Its Executive Secretary

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Case No. U-12558

Suggested Minute:

“Adopt and issue order dated March 7, 2001 approving the settlement agreement and granting Consumers Energy Company a certificate of convenience and necessity to provide natural gas service in Section 36 of Leighton Township, Allegan County, as set forth in the order.”