

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of)	
ENERGY AMERICA, LLC , relating to)	Case No. U-13200
the gas customer choice program.)	
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At the December 20, 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

On November 20, 2001, Energy America, LLC, filed an application, in which it states that the October 24, 2000 order in Case No. U-12679 undermined the Commission's gas customer choice program by inhibiting the ability of marketers, like itself, to offer gas prices that would be competitive with the rates of Consumers Energy Company (Consumers) for gas supply service. The application requests that the Commission take steps to restore effective competition, but the only form of relief specifically described in the application is that choice customers be made eligible for the refund established in Case No. U-12679.

The refund obligation was created as a result of the accounting reclassification approved in Case No. U-12679 and will be implemented in Consumers' next available gas cost recovery

(GCR) reconciliation proceeding.¹ If Energy America's request for relief proves to have merit, the remedy it proposes in this case would affect the implementation of the refund obligation.

Therefore, Energy America should raise its request in that GCR reconciliation case.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1909 PA 300, as amended, MCL 462.2 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACCS, R 460.17101 et seq.

b. Energy America should raise matters relating to the implementation of the refund obligation in Consumers' GCR reconciliation process.

c. The application should be dismissed without prejudice.

THEREFORE, IT IS ORDERED that the application should be dismissed without prejudice to the claim of Energy America, LLC, as it relates to implementation of the refund obligation in Case No. U-12679, and that claim may be raised in an appropriate gas cost recovery reconciliation proceeding.

The Commission reserves jurisdiction and may issue further orders as necessary.

¹ The September 27, 2001 and today's orders in Case No. U-12887 affect how the refund obligation will be implemented.

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.

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 December 20, 2001.

/s/ Dorothy Wideman
Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner

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By its action of December 20, 2001.

Its Executive Secretary

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_____)

Case No. U-13200

Suggested Minute:

“Adopt and issue order dated December 20, 2001 finding that the relief requested in an application filed by Energy America, LLC, should be addressed in Consumers Energy Company’s gas cost recovery reconciliation proceedings and dismissing the application without prejudice, as set forth in the order.”