

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of)
NORTHERN STATES POWER COMPANY -)
WISCONSIN, d/b/a XCEL ENERGY, for a gas)
cost reconciliation for the 12-month period ended)
March 31, 2002.)
_____)

Case No. U-12751-R

At the March 12, 2003 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

OPINION AND ORDER

On June 27, 2002, Northern States Power Company-Wisconsin, d/b/a Xcel Energy, (NSP-W) filed an application, with supporting testimony and exhibits, seeking a reconciliation of its gas cost recovery (GCR) revenues and expenses for the 12-month period ended March 31, 2002.

Pursuant to due notice, a prehearing conference was held on August 15, 2002 before Administrative Law Judge Daniel E. Nickerson, Jr. NSP-W 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, NSP-W overrecovered \$425,559 during its GCR plan year ended March 31, 2002, including a rolled-in underrecovery from its previous GCR reconciliation, the roll-in of pipeline refunds during the plan

period, and interest. The settlement provides that the overrecovery should be rolled into NSP-W's current GCR plan in accordance with its standard refund procedures.

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.; 1982 PA 304, as amended, MCL 460.6h et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACS, 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. Northern States Power Company-Wisconsin, d/b/a Xcel Energy, shall roll the overrecovery of \$425,559 into its current gas cost recovery plan pursuant to its standard refund procedures.

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.

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 12, 2003.

/s/ Dorothy Wideman
Its Executive Secretary

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NORTHERN STATES POWER COMPANY -)	
WISCONSIN d/b/a Xcel Energy)	Case No. U-12751-R
for a gas cost reconciliation for the)	
12-month period ended March 31, 2002.)	
_____)	

SETTLEMENT AGREEMENT

As provided in § 78 of the Administrative Procedures Act of 1969 (APA), as amended, MCL 24.278, and Rule 333 of the Commission's Rules of Practice and Procedure, 2000 AC, R 460.17333, Northern States Power Company - Wisconsin d/b/a Xcel Energy (NSP-W) and the Michigan Public Service Commission Staff (Staff) have resolved through settlement discussions the contested issues regarding this proceeding and hereby agree as follows:

1. As directed by the Michigan Public Service Commission (Commission) in its May, 9, 1989 Order Approving Settlement Agreement (as amended by ERRATUM dated May 15, 1989), in Case No. U-9297, NSP-W filed, on June 27, 2002, an Application, supporting testimony, and exhibits, seeking to reconcile, under the provisions of 1982 PA 304 (Act 304), its gas revenues and costs for the 12-month period ended March 31, 2002, and to roll-in to its current GCR plan a net GCR over-recovery, inclusive of pipeline refunds.

2. On July 16, 2002, the Commission issued its Notice of Hearing directing NSP-W to mail a copy of the Notice to all cities, incorporated villages, townships and counties in its Michigan gas service area. Further, the Commission directed NSP-W to publish the Notice in daily newspapers of general circulation throughout its Michigan gas service area.

3. Complying with the Notice of Hearing, NSP-W submitted the requisite Affidavit of Mailing and Proof of Publication prior to the prehearing conference held before Administrative Law Judge Daniel E. Nickerson, Jr., on August 15, 2002. No persons sought to intervene.

4. Subsequently, the parties entered into settlement discussions and, as a result, the parties agree to the following:

A. The Staff has reviewed NSP-W's filing and does not dispute the reasonableness and prudence of NSP-W's gas purchases.

B. During the GCR period ended March 31, 2002, NSP-W over-recovered a net total of \$430,233 from its Michigan gas customers, which includes pipeline refunds and the roll-in of the net underrecovery reconciliation balance from the previous GCR reconciliation. Interest calculated on this amount equals (\$4,674), and when added to the GCR over-recovery results in a total GCR over-recovery of \$425,559. The parties agree that NSP-W will roll-in the total net over-recovered amount of \$425,559 into NSP-W's current GCR plan in accordance with its standard roll-in refund methodology approved in Case No. U-10491-R.

5. Proceedings in this gas cost reconciliation were conducted as a contested case as defined in § 3.3 of the APA, MCL 24.203(3).

6. All of the signatories are of the opinion that this settlement agreement will promote the public interest, will aid the expeditious conclusion of this case, and will minimize the time and expense which would otherwise have to be devoted to this matter by the Commission and all of the parties.

7. This settlement is intended for a final disposition of this proceeding, and the parties join in respectfully requesting that the Commission grant prompt approval. The Staff certifies that

this settlement agreement is just, reasonable, and in the public interest. The parties agree not to appeal, challenge, or contest the Commission's order accepting and approving this settlement agreement without modification. If the Commission does not accept the settlement agreement without modification, the Agreement shall be withdrawn and shall not constitute any part of the record in this proceeding or be used for any other purpose whatsoever.

8. The settlement agreement and order adopting same, and all offers of settlement and discussions, are privileged, and shall not be cited as precedent or used in a manner, nor be admissible for any other purpose in connection with this proceeding or any other proceeding except to verify the contents of this settlement agreement.

9. All signatories agree to waive § 81 of the APA, as amended, MCL 24.281, as applied to the issues in this proceeding.

Dated: February 11, 2003

By: Michael C. Rampe
Harvey J. Messing (P23309)
Sherri A. Wellman (P38989)
Michael C. Rampe (P58189)
LOOMIS, EWERT, PARSLEY,
DAVIS & GOTTING, P.C.
232 S. Capitol Avenue, Suite 1000
Lansing, MI 48933

Dated: February 11, 2003

MICHIGAN PUBLIC SERVICE
COMMISSION STAFF
By: Patricia S. Barone
Patricia S. Barone (P29560)
Assistant Attorney General
Public Service Division
6545 Mercantile Way, Suite 15
Lansing, MI 48911