

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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| In the matter of the application of |) | |
| CHERRYLAND PROPANE, L.L.C. , for a |) | |
| certificate of public convenience and necessity |) | Case No. U-12458 |
| to provide gas service in Solon Township, |) | |
| Leelanau County. |) | |
| _____ |) | |

At the December 4, 2000 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. John G. Strand, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

ORDER APPROVING SETTLEMENT AGREEMENT

On May 31, 2000, Cherryland Propane, L.L.C., 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 provide gas service to a new development project located within the SW/4 of Section 35, Solon Township, Leelanau County.

Pursuant to due notice, a prehearing conference was held on July 12, 2000 before Administrative Law Judge James N. Rigas. Cherryland Propane, the Commission Staff, and Michigan Consolidated Gas Company 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, appended as Attachment A, Cherryland Propane acknowledges that it previously installed gas lines in the area covered by this application without first receiving the appropriate authority, and pledges to refrain from that practice in the future. The settlement agreement further indicates that, based on that acknowledgment and pledge, the parties agree that (1) Cherryland Propane has obtained the requisite franchise to provide gas service in the pertinent portion of Solon Township, (2) providing Cherryland Propane with a certificate of public convenience and necessity for that area will serve the public interest, and (3) the requested certificate of public convenience and necessity should be granted.

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 AACRS, R 460.17101 et seq.
- b. The settlement agreement is reasonable and in the public interest, and should be approved.
- c. Any further installation of gas lines by Cherryland Propane without prior receipt of all appropriate authority may result in the imposition of sanctions pursuant to MCL 462.43; MSA 22.61.

THEREFORE, IT IS ORDERED that:

A. The settlement agreement, appended as Attachment A, is approved.

B. Cherryland Propane, L.L.C., is granted a certificate of public convenience and necessity to extend its facilities and provide gas service to a new development project located within the SW/4 of Section 35, Solon Township, Leelanau 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/ John G. Strand
Chairman

(S E A L)

/s/ David A. Svanda
Commissioner

/s/ Robert B. Nelson
Commissioner

By its action of December 4, 2000.

/s/ Dorothy Wideman
Its Executive Secretary

THEREFORE, IT IS ORDERED that:

A. The settlement agreement, appended as Attachment A, is approved.

B. Cherryland Propane, L.L.C., is granted a certificate of public convenience and necessity to extend its facilities and provide gas service to a new development project located within the SW/4 of Section 35, Solon Township, Leelanau 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

Chairman

Commissioner

Commissioner

By its action of December 4, 2000.

Its Executive Secretary

In the matter of the application of)
CHERRYLAND PROPANE, L.L.C., for a)
certificate of public convenience and necessity)
to provide gas service in Solon Township,)
Leelanau County.)
_____)

Case No. U-12458

Suggested Minute:

“Adopt and issue order dated December 4, 2000 approving the settlement agreement and granting Cherryland Propane, L.L.C., a certificate of public convenience and necessity to construct facilities and provide gas service in a portion of Section 35, Solon Township, Leelanau County, as set forth in the order.”