

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion, of)
the implementation of 2000 PA 141.)
_____)

Case No. U-12464

At the June 19, 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

OPINION AND ORDER

On June 3, 2000, Governor John Engler signed Enrolled Senate Bill No. 937. The bill was
filed on June 5, 2000, and became Public Act 141 of 2000. Section 10a provides in part:

(1) No later than January 1, 2002, the commission shall issue orders establish-
ing the rates, terms, and conditions of service that allow all retail customers of an
electric utility or provider to choose an alternative electric supplier. The orders
shall provide for full recovery of a utility's net stranded costs and implementation
costs as determined by the commission.

* * *

(5) The orders issued by the commission before the effective date of the
amendatory act that added this section that allow customers of an electric utility to
choose an alternative electric supplier, including orders that determine and autho-
rize recovery of net stranded costs and implementation costs and that confirm any
voluntary commitments of electric utilities, are in compliance with this act and
enforceable by the commission. An electric utility that has not had voluntary
commitments to provide customer choice previously approved by orders of the
commission shall file a restructuring plan to allow customers to choose an alterna-
tive electric supplier no later than the date ordered by the commission. The plan

shall propose a methodology to determine the electric utility's net stranded costs and implementation costs.

MCL 460.10a; MSA 22.13(10a). Subsection 10x(1) provides in part:

Any retail customer of a cooperative with a peak load of 1 megawatt or greater shall be provided the opportunity to choose an alternative electric supplier no later than January 1, 2002.

MCL 460.10x(1); MSA 22.13(10x)(1).

To implement these provisions of the act, each investor owned electric utility, other than Consumers Energy Company and The Detroit Edison Company, shall file, no later than October 2, 2000, a restructuring plan in compliance with the act that permits all of its retail customers to choose an alternative electric supplier no later than January 1, 2002. Each filing shall be in a new docket, and will be subject to contested case proceedings. Each cooperative electric utility with any customer having a peak load of one megawatt or more shall do likewise. Any cooperative that does not have a customer with a peak load of one megawatt or more at this time shall file its plan within 30 days of commencing service to a customer with a peak load of one megawatt or more.

The Commission has selected these cases for participation in its Electronic Filings program. All documents filed in this case must be submitted in both paper and electronic versions. An original and four paper copies and an electronic copy in the portable document format (PDF) should be filed with the Commission. Specifications for filing electronic documents can be found in the Commission's Electronic Filings Users Manual at:

<http://ermisbbs.cis.state.mi.us/efile/usersmanual.pdf>. Contact the Commission Staff at 800.292.9555, 517.241.6170, or by E-mail at efile@ermisbbs.cis.state.mi.us prior to filing to obtain access privileges and with any questions.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; MSA 22.151 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. Electric utilities and cooperatives should file restructuring implementation plans to comply with Act 141.

THEREFORE, IT IS ORDERED that:

A. Each investor owned electric utility, other than Consumers Energy Company and The Detroit Edison Company, shall file, no later than October 2, 2000, a restructuring plan in compliance with 2000 PA 141 that permits all of its retail customers to choose an alternative electric supplier no later than January 1, 2002.

B. Each cooperative electric utility with any customer having a peak load of one megawatt or more shall file, no later than October 2, 2000, a restructuring plan in compliance with 2000 PA 141 that permits any customer with a peak load of one megawatt or more to choose an alternative electric supplier no later than January 1, 2002. Any cooperative that does not have a customer with a peak load of one megawatt or more at this time shall file its plan within 30 days of commencing service to a customer with a peak load of one megawatt or more.

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

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 June 19, 2000.

/s/ Dorothy Wideman
Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

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By its action of June 19, 2000.

Its Executive Secretary

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Suggested Minute:

“Adopt and issue order dated June 19, 2000 requiring each electric utility and cooperative to file a restructuring plan in compliance with 2000 PA 141 that permits its retail customers to choose an alternative electric supplier no later than January 1, 2002, as set forth in the order.”