

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission’s own motion, to)
 implement Section 6q(2) of 2008 PA 286, as it applies)
 to **ALPENA POWER COMPANY, CONSUMERS**)
ENERGY COMPANY, THE DETROIT EDISON)
COMPANY, EDISON SAULT ELECTRIC)
COMPANY, INDIANA MICHIGAN POWER)
COMPANY, NORTHERN STATES POWER)
COMPANY-WISCONSIN, UPPER PENINSULA)
POWER COMPANY, WISCONSIN PUBLIC)
SERVICE CORPORATION, WISCONSIN)
ELECTRIC POWER COMPANY; ALGER DELTA)
COOPERATIVE ELECTRIC ASSOCIATION,)
BAYFIELD ELECTRIC COOPERATIVE,)
CHERRYLAND ELECTRIC COOPERATIVE,)
CLOVERLAND ELECTRIC COOPERATIVE,)
GREAT LAKES ENERGY COOPERATIVE,)
MIDWEST ENERGY COOPERATIVE,)
ONTONAGON COUNTY RURAL)
ELECTRIFICATION ASSOCIATION,)
PRESQUE ISLE ELECTRIC AND CO-OP,)
THUMB ELECTRIC COOPERATIVE,)
TRI-COUNTY ELECTRIC COOPERATIVE;)
MICHIGAN CONSOLIDATED GAS COMPANY,)
MICHIGAN GAS UTILITIES CORPORATION,)
 and **SEMCO ENERGY, INC.**)
 _____)

Case No. U-15795

At the March 18, 2009 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Orjiakor N. Isiogu, Chairman
 Hon. Monica Martinez, Commissioner
 Hon. Steven A. Transeth, Commissioner

ORDER

On October 6, 2008, Governor Jennifer M. Granholm signed 2008 PA 286 (Act 286),
amending 1939 PA 3. Section 6q of Act 286 addresses the merger and acquisition of jurisdictional

regulated utilities. Section 6q(2) of Act 286 provides that “After notice and hearing, the commission shall issue an order stating what constitutes acquisition, transfer of control, merger activities, or encumbrance of assets that are subject to this section.” MCL 460.6q(2). Jurisdictional regulated utilities are those electric and gas utilities whose rates are regulated by the Commission. MCL 460.6q(12)(b).

In order to implement Section 6q(2), the Commission has scheduled a prehearing conference before Administrative Law Judge Mark E. Cummins (ALJ), to be held on May 5, 2009, at 9:00 a.m. at the Commission’s offices at 6545 Mercantile Way, Lansing, Michigan 48911. All parties to this proceeding as well as prospective intervenors who are interested in being heard on the issue of what constitutes acquisition, transfer of control, merger activities, or encumbrance of assets that are subject to Section 6q shall attend the prehearing conference. At that time, a schedule for the proceeding will be determined by the ALJ.

THEREFORE, IT IS ORDERED that a prehearing conference before Administrative Law Judge Mark E. Cummins (ALJ), shall be held on May 5, 2009, at 9:00 a.m. at the Commission’s offices at 6545 Mercantile Way, Lansing, Michigan 48911.

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

MICHIGAN PUBLIC SERVICE COMMISSION

Orjiakor N. Isiogu, Chairman

Monica Martinez, Commissioner

Steven A. Transeth, Commissioner

By its action of March 18, 2009.

Mary Jo Kunkle, Executive Secretary