

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

\* \* \* \* \*

In the matter of the application of	)	
<b>BLUESTAR ENERGY SERVICES, INC.,</b>	)	
for approval of a renewable energy plan to	)	Case No. U-15825
comply with the requirements of Public Act	)	
295 of 2008.	)	
_____	)	

At the April 16, 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 21, 2008, the Commission opened a docket in this case addressing the regulatory issues created by the passage of Public Act 286 of 2008, an amendment to the “Customer Choice and Electricity Reliability Act,” 2000 PA 141; MCL 460.10 *et seq.*, and Public Act 295 of 2008, the “Clean, Renewable and Efficient Energy Act,” MCL 460.1001 *et seq.* (Act 295). In the order, the Commission required BlueStar Energy Services, Inc., (BlueStar), a licensed alternative electric supplier (AES), to file with the Commission a plan for establishing a renewable energy program. The plan was to be filed within 90 days after the Commission issued a temporary order pursuant to Section 191 of Act 295. The Commission issued a temporary order in Case No. U-15800 on December 4, 2008.

On March 5, 2009, BlueStar filed with the Commission a letter regarding its renewable energy plan. In the letter, BlueStar states that it has not marketed to, acquired, or served any retail

customers in the State of Michigan, nor has it opened a physical office in Michigan. BlueStar claims that it is exempt from filing a renewable energy plan. However, in the event BlueStar opens a physical office in Michigan and begins serving retail customers during the 2009 calendar year or thereafter, an application for approval of its renewable energy plan will be submitted to the Commission pursuant to the requirements of Act 295.

The Commission Staff (Staff) reviewed BlueStar's letter and agrees that BlueStar does not have retail customers in Michigan, has no affected parties to notify, and is not required to file a renewable energy plan. The Staff recommends the Commission find that BlueStar is in compliance with the requirements of Act 295 and order BlueStar to file an application for approval of a renewable energy plan in the event BlueStar opens a physical office in Michigan and begins serving retail customers.

THEREFORE, IT IS ORDERED, that:

A. BlueStar Energy Services, Inc., shall not be required to file a renewable energy plan until it opens a physical office in Michigan and begins serving retail customers.

B. BlueStar Energy Services, Inc., shall not be required to file an annual report with the Commission. In the event BlueStar Energy Services, Inc., opens a physical office in Michigan and begins serving retail customers, it shall file an annual report with the Commission describing the status of compliance with the requirements of Public Act 295 of 2008 by May 1, 2010, and annually thereafter until further order of the Commission.

C. BlueStar Energy Services, Inc., shall file with the Commission every two years from the date of the Commission's initial order in this case a statement that it continues to have no physical office in Michigan and serves no retail customers or, in the alternative, a renewable energy plan meeting the requirements of Public Act 295 of 2008.

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, under MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

---

Orjiakor N. Isiogu, Chairman

---

Monica Martinez, Commissioner

---

Steven A. Transeth, Commissioner

By its action of April 16, 2009.

---

Mary Jo Kunkle, Executive Secretary