

April 25, 2003

Dear MAEC Members and Associates,

Many of you have been interested in hearing updates regarding the Michigan Public Service Commission Case No. U-11684 Atty Genl vs. Consumers Energy regarding Stray Voltage. A significant step in the case was reached on Tuesday (4/22/03). The Administrative Law Judge (ALJ) served his Proposal for Decision to all parties. Exceptions may be submitted on or before May 20, 2003 and replies to exceptions may be filed on or before June 10, 2003. Afterward, the process continues to the 3-Commissioners of the MPSC. While the process is not complete, I hope this update is informative. There is no timeline established as to when the Commissioners would act.

The entire ALJ Proposal for Decision is 81 pages in length. I have included the ALJ conclusion below so that it might summarize the document for you. The document is available from the MPSC by contacting the Commission's Case Management Section at (517) 241-6170 and should be available in the future on the MPSC web site at <http://www.cis.state.mi.us/mpsc/orders/alj/>.

MPSC U-11684 Proposal for Decision 4/17/03 page 76-77  
Issued and Served 4/22/03

"..... VII. Conclusion

The ALJ finds that the AG's complaint should be dismissed. The ALJ finds that the AG has the burden of proof to show by the preponderance of the evidence the allegations set forth in it's complaint including Count II of it's complaint. The ALJ finds that the AG has failed to show a stray voltage problem in Consumers' service territory or, that Consumers has violated the NESC or MPSC rules, or negligently operated or maintained it's distribution system. The AG has failed to show that Consumers electric rates are unreasonable as a result of the inclusion of costs attributable to stray voltage research and litigation.

Therefore, the ALJ recommends that the Commission dismiss with prejudice the AG's complaint in its entirety."

Sincerely,  
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