

Court of Appeals, State of Michigan

ORDER

In re Reliability Plans of Electric Utilities for 2017-2021

Amy Ronayne Krause
Presiding Judge

Docket Nos. 340600; 340607

Patrick M. Meter

LC No. 00-018197

Brock A. Swartzle
Judges

The motion for immediate consideration of the motion to dismiss the appeal in Docket Number 340600 is GRANTED.

The motion to dismiss the appeal in Docket Number 340600 for lack of jurisdiction is DENIED. Appellee Michigan Public Service Commission (MPSC) has not established that its arguments as to ripeness regard this Court's jurisdiction over the appeal. The language in *King v Dep't of State Police*, 303 Mich App 162, 188; 841 NW2d 914 (2013), cited by the MPSC with regard to ripeness involved this Court's review of a trial court decision to deny a motion for summary disposition, and, thus, did not address whether the ripeness of an appeal is a matter that concerns this Court's jurisdiction over the appeal. Further, in *Citizens Protecting Michigan's Constitution v Secretary of State*, 280 Mich App 273, 282; 761 NW2d 210 (2008), this Court, albeit in dicta, expressed that ripeness and jurisdiction are distinct issues.

The motion to expedite the appeal in Docket Number 340600 is GRANTED TO THE EXTENT specified in this order. Also, on the Court's own motion, the appeals in Docket Numbers 340600 and 340607 are CONSOLIDATED, and the appeal in Docket Number 340607 is also EXPEDITED. The standard briefing periods under the court rules apply to both appeals but no extension of time shall be allowed except on a motion showing good cause. Further, after briefing in both appeals is completed, the Clerk's Office shall submit these consolidated appeals on the next available case call.

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on



NOV 15 2017

Date

The signature of Jerome W. Zimmer Jr., Chief Clerk, in cursive ink.