

STATE OF MICHIGAN  
IN THE COURT OF APPEALS

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DETROIT MEDICAL CENTER, HENRY  
FORD HOSPITAL SYSTEM, WILLIAM  
BEAUMONT HOSPITAL, AND TRINITY  
HEALTH-MICHIGAN,

Court of Appeals No. 307204

MPSC Case Nos. U-16472, U-16489

Appellants,

v

MICHIGAN PUBLIC SERVICE  
COMMISSION and  
THE DETROIT EDISON COMPANY,

Appellees.

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**APPELLEE MICHIGAN PUBLIC SERVICE COMMISSION'S  
MOTION TO WITHDRAW ITS MOTION FOR REMAND**

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Dated: January 4, 2012

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In accordance with MCR 7.211, Appellee Michigan Public Service Commission (MPSC or Commission), by and through undersigned counsel, respectfully submits this Motion to Lodge the Commission's December 20, 2011 Opinion on Remand in Case Nos. U-16472 & U-16489 and requests to withdraw its Motion for Remand. In support of its request, the MPSC states as follows:

1. On October 29, 2010, the Detroit Edison Company (Detroit Edison) filed an Application for the authority to increase its electric rates by approximately \$443 million annually, to amend its rate schedules and rules governing the distribution and supply of electric energy, and for miscellaneous accounting authority.

2. Detroit Medical Center, Henry Ford Hospital System, William Beaumont Hospital, and Trinity Health-Michigan (referred to collectively as "the Hospitals") were granted intervention in the contested case proceeding. 1 TR 7-8, 2 TR 18, 4 TR 57-59; see also MPSC Case Nos. U-16472 & U-16489, Ruling Granting the Late-Filed Petition to Intervene of Trinity Health-Michigan, April 7, 2011.

3. In January 5, 2011, Case Nos. U-16472 and U-16489 were consolidated.

4. After a complete contested case proceeding, the Commission issued its Opinion and Order on October 20, 2011, which granted, in part, Detroit Edison's Application to increase its electric rates. A component of the MPSC Order discussed and amended Detroit Edison's rate schedules. See MPSC Case Nos. U-16472 & U-16489, Opinion and Order, October 20, 2011.

5. In accordance with MCL 460.351 and Rule 403 of the MPSC's Rules of Practice and Procedure, on November 21, 2011, the Hospitals timely filed a Petition for Rehearing of the Commission's October 20<sup>th</sup> Opinion and Order. See MPSC Case Nos. U-16472 & U-16489, Detroit Medical Center, Henry Ford Health System, William Beaumont Hospital and Trinity Health-Michigan's Petition for Re-Hearing and/or Reconsideration, November 21, 2011.

6. On November 21, 2011, the same day that it filed its Petition for Rehearing with the Commission, the Hospitals filed its claim of appeal pursuant to MCL 462.26(1).

7. On December 5, 2011, the Commission filed a Motion for Remand with the Court indicating that the proceeding before the Commission is ongoing and not ripe for appeal due to the Hospital's request for rehearing.

8. Following its review of the Petitions for Rehearing and the Responses filed, the Commission issued its Opinion on Rehearing on December 20, 2011. See MPSC Case Nos. U-16472 & U-16489, Opinion on Rehearing, December 20, 2011 (attached as Attachment A). In response to the Hospitals' Petition, the Commission denied their request for rehearing and found that: "the Hospitals are simply re-arguing the positions that they presented in the rate case, which were considered and rejected by the Commission in the October 20 order." *Id.* at 11.

9. On December 22, 2011, the Hospitals filed a Response to the MPSC's Motion for Remand.

10. The Commission issued its final order in this proceeding on October 20, 2011 and the Commission's December 20, 2011 Opinion on Rehearing concludes the proceeding at the administrative level and operate as the final order for those parties who requested rehearing. Consequently, the Commission requests to withdraw its Motion for Remand as no further action is necessary by the Commission and the basis for the Motion for Remand is now moot.

Therefore, Appellee Michigan Public Service Commission respectfully asks this Court to withdraw its Motion for Remand.

Respectfully submitted,

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