

Order

Michigan Supreme Court
Lansing, Michigan

June 21, 2019

Bridget M. McCormack,
Chief Justice

158307-8

David F. Viviano,
Chief Justice Pro Tem

In re RELIABILITY PLANS OF ELECTRIC
UTILITIES FOR 2017-2021.

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

ASSOCIATION OF BUSINESSES
ADVOCATING TARIFF EQUITY,
Appellee,

v

MICHIGAN PUBLIC SERVICE
COMMISSION,
Appellant,

and

CONSUMERS ENERGY COMPANY,
ENERGY MICHIGAN, INC., and
MICHIGAN ELECTRIC AND GAS
ASSOCIATION,
Appellees.

SC: 158307
COA: 340600
MPSC: 00-018197

ENERGY MICHIGAN, INC.,
Appellee,

v

MICHIGAN PUBLIC SERVICE
COMMISSION,
Appellant,

and

CONSUMERS ENERGY COMPANY and
MICHIGAN ELECTRIC AND GAS
ASSOCIATION,
Appellees.

SC: 158308
COA: 340607
MPSC: 00-018197

On order of the Court, the application for leave to appeal the July 12, 2018 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing whether the Court of Appeals erred in holding that 2016 PA 341 does not authorize the Michigan Public Service Commission to impose a local clearing requirement on individual alternative electric suppliers. In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellees shall file a supplemental brief within 21 days of being served with the appellant's brief. The appellees shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the respective appellee's brief. The parties should not submit mere restatements of their application papers.

We further ORDER that this case be argued and submitted to the Court together with the case of *In re Reliability Plans of Electric Utilities for 2017-2021* (Docket Nos. 158305-6), at such future session of the Court as both cases are ready for submission. The total time allowed for oral argument shall be 40 minutes: 20 minutes for Consumer Energy Company and Michigan Public Service Commission, and 20 minutes for Energy Michigan, Inc. and Association of Business Advocating Tariff Equity, to be divided at their discretion. MCR 7.314(B)(2).

The Michigan Chamber of Commerce, Midcontinent Independent System Operator, and DTE Electric Company are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issue presented in this case may move the Court for permission to file briefs amicus curiae. Motions for permission to file briefs amicus curiae and briefs amicus curiae regarding these cases should be filed in *In re Reliability Plans of Electric Utilities for 2017-2021* (Docket Nos. 158305-6) only and served on the parties in both cases.



s0618

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 21, 2019

A handwritten signature in black ink, appearing to read "Larry S. Royster", written over a horizontal line.

Clerk