Court of Appeals, State of Michigan

ORDER

In re Application of Consumers Energy to Increase Electric Rates

Docket Nos. 317456; 317460

LC No. 00-017087

Peter D. O'Connell
Presiding Judge

Donald S. Owens

Stephen L. Borrello
Judges

The Court orders that the motion to dismiss is DENIED. Because MCL 462.26 allows a "party in interest," not only an actual party to proceedings before appellee Michigan Public Service Commission (MPSC), to bring an appeal of right from a MPSC order in this Court, we must reject appellee Consumers Energy Company's (Consumers) argument to the effect that appellants in both of these appeals are not aggrieved parties with standing to appeal because they did not intervene in and become parties to the MPSC proceedings. Otherwise, the words "in interest" would be improperly rendered nugatory or mere surplusage. See, e.g., *Johnson v Recca*, 492 Mich 169, 177; 821 NW2d 520 (2012). *American States Ins Co v Albin*, 118 Mich App 201, 210; 324 NW2d 574 (1982), is distinguishable because it involved an appeal from a circuit court case and, thus, did not implicate MCL 462.26. Further, arguments that appellants have not shown a concrete and particularized interest in their appeals are premature when they have not yet filed their briefs on appeal. We also note that no sound basis has been provided for holding that appellants must accept having their interests be represented by the Attorney General in his consolidated appeal in Docket No. 317434. Indeed, it is a well-established practice for natural persons to act in pro per in this Court.

Owens, J., would GRANT the motion to dismiss.

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

DEC 06 2013
Date

Chief Clerk