

# Order

Michigan Supreme Court  
Lansing, Michigan

June 24, 2011

Robert P. Young, Jr.,  
Chief Justice

Rehearing No. 579

Michael F. Cavanagh  
Marilyn Kelly

6 November 2010

Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

139541-2 & (82)

139544-5 & (82)

GREAT WOLF LODGE OF TRAVERSE  
CITY, L.L.C.,

Plaintiff-Appellee,

v

SC: 139541-2

COA: 281398, 281404

Ingham CC: 06-001484-AA

MPSC: U-14593

MICHIGAN PUBLIC SERVICE COMMISSION,  
Defendant-Appellant,

and

CHERRYLAND ELECTRIC COOPERATIVE,  
Defendant-Appellee.

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GREAT WOLF LODGE OF TRAVERSE  
CITY, L.L.C.,

Plaintiff-Appellee,

v

SC: 139544-5

COA: 281398, 281404

Ingham CC: 06-001484-AA

MPSC: U-14593

MICHIGAN PUBLIC SERVICE COMMISSION,  
Defendant-Appellee,

and

CHERRYLAND ELECTRIC COOPERATIVE,  
Defendant-Appellant.

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On order of the Court, the motion to intervene or to file brief amicus curiae is considered. The motion to intervene is DENIED. The motion for leave to file brief amicus curiae is GRANTED. The motion for rehearing is considered, and it is DENIED.

MARKMAN, J. (*dissenting*).

I respectfully dissent. For the reasons stated in my dissenting opinion in this case, 489 Mich 46 (2011), I would grant plaintiff's motion for rehearing, and vacate that part of the Court of Appeals' decision holding that Cherryland Electric Cooperative may be entitled to provide electricity services to plaintiff. I do not believe this is in accord with the law of our state. Rather, pursuant to Mich Admin Code, R 460.3411, once all the buildings on plaintiff's property had been demolished, Cherryland no longer had any "customer" on such property, and thus its "entitle[ment] to serve the entire electric load on the premises of that customer" was extinguished. I would then remand to the trial court for further proceedings.

HATHAWAY and ZAHRA, JJ., join the statement of MARKMAN, J.



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I, Corbin R. Davis, 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 24, 2011

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk