

Order

**Michigan Supreme Court
Lansing, Michigan**

September 19, 2008

Clifford W. Taylor,
Chief Justice

134667-69 & (45)
134671
134673-74
134676-77

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

ATTORNEY GENERAL,
Appellant,

v

MICHIGAN PUBLIC SERVICE COMMISSION,
DETROIT EDISON COMPANY, and
CONSTELLATION NEWENERGY, INC.,
Appellees.

SC: 134667
COA: 259845
MPSC: U-13808

DETROIT EDISON COMPANY,
Appellee,

v

MICHIGAN PUBLIC SERVICE COMMISSION,
ASSOCIATION OF BUSINESSES ADVOCATING
TARIFF EQUITY, MICHIGAN ENVIRONMENTAL
COUNCIL, PUBLIC INTEREST RESEARCH
GROUP IN MICHIGAN, and CONSTELLATION
NEWENERGY, INC.,
Appellees,

and

ATTORNEY GENERAL,
Appellant.

SC: 134668
COA: 264099
MPSC: U-13808

ATTORNEY GENERAL,
Appellant,

v

SC: 134669
COA: 264191
MPSC: U-13808

MICHIGAN PUBLIC SERVICE COMMISSION,
DETROIT EDISON COMPANY, ENERGY
MICHIGAN, INC., CONSTELLATION
NEWENERGY, INC., and ASSOCIATION OF
BUSINESSES ADVOCATING TARIFF EQUITY,
Appellees.

DETROIT EDISON COMPANY,
Appellee,

v

SC: 134671
COA: 264099
MPSC: U-13808

ASSOCIATION OF BUSINESSES ADVOCATING
TARIFF EQUITY, MICHIGAN ENVIRONMENTAL
COUNCIL, PUBLIC INTEREST RESEARCH
GROUP IN MICHIGAN, CONSTELLATION
NEWENERGY, INC., and ATTORNEY GENERAL,
Appellees,

and

MICHIGAN PUBLIC SERVICE COMMISSION,
Appellant.

DETROIT EDISON COMPANY,
Appellee,

v

SC: 134673
COA: 264099
MPSC: U-13808

MICHIGAN PUBLIC SERVICE COMMISSION,
ASSOCIATION OF BUSINESSES ADVOCATING
TARIFF EQUITY, CONSTELLATION
NEWENERGY, INC., and ATTORNEY GENERAL,
Appellees,

and

MICHIGAN ENVIRONMENTAL COUNCIL, and
PUBLIC INTEREST RESEARCH GROUP IN
MICHIGAN,
Appellants.

MICHIGAN ENVIRONMENTAL COUNCIL and
PUBLIC INTEREST RESEARCH GROUP IN
MICHIGAN,
Appellants,

v

SC: 134674
COA: 264131
MPSC: U-13808

MICHIGAN PUBLIC SERVICE COMMISSION,
DETROIT EDISON COMPANY, and
CONSTELLATION NEWENERGY, INC.,
Appellees.

DETROIT EDISON COMPANY,
Appellee,

v

SC: 134676
COA: 264099
MPSC: U-13808

MICHIGAN PUBLIC SERVICE COMMISSION,
MICHIGAN ENVIRONMENTAL COUNCIL,
PUBLIC INTEREST RESEARCH GROUP IN
MICHIGAN, CONSTELLATION NEWENERGY,
INC., and ATTORNEY GENERAL,
Appellees,

and

ASSOCIATION OF BUSINESSES ADVOCATING
TARIFF EQUITY,
Appellant.

ASSOCIATION OF BUSINESSES ADVOCATING
TARIFF EQUITY,
Appellant,

v

SC: 134677
COA: 264156
MPSC: U-13808

MICHIGAN PUBLIC SERVICE COMMISSION,
DETROIT EDISON COMPANY, ENERGY
MICHIGAN, INC., CONSTELLATION
NEWENERGY, INC., and ATTORNEY GENERAL,
Appellees.

On order of the Court, the motion of Detroit Edison Company to exceed the page limit is GRANTED. The applications for leave to appeal the July 3, 2007 judgment of

the Court of Appeals are considered, and they are GRANTED, limited to: (1) whether “transmission costs” may be included in the power supply cost recovery factor, MCL 460.6j(1)(a) and (b); and (2) whether the Court of Appeals erred in concluding that the Michigan Public Service Commission’s decision to prohibit recovery of the control premium that DTE Energy paid to acquire MCN Energy by including the premium in Detroit Edison’s rates was not supported by competent, material, and substantial evidence on the whole record. Const 1963, art 6, § 28; *In re Complaint of Rovas Against SBC Michigan*, 482 Mich 90 (July 23, 2008) (Docket Nos. 134493, 134500), slip op at 11-12.

We further ORDER that these cases be argued and submitted to the Court together with the case of *Attorney General v Michigan Public Service Commission* (Docket No. 136431), at such future session of the Court as these cases are ready for submission.



0916

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.

September 19, 2008

Corbin R. Davis

Clerk