

Order

Michigan Supreme Court
Lansing, Michigan

October 28, 2015

Robert P. Young, Jr.,
Chief Justice

150520-1

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

CONSUMERS ENERGY COMPANY, f/k/a
CONSUMERS POWER CO.,
Plaintiff-Appellee,

v

SC: 150520-1
COA: 316038, 316131
Court of Claims: 10-000069-MT

DEPARTMENT OF TREASURY, STATE OF
MICHIGAN,
Defendant-Appellant.

By order of March 3, 2015, the application for leave to appeal the October 16, 2014 judgment of the Court of Appeals was held in abeyance pending the decision in *Detroit Edison Co v Dep't of Treasury* (Docket No. 148753). On order of the Court, the case having been decided on July 22, 2015, 498 Mich 28 (2015), the application is again considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REVERSE in part Parts III.A. and III.B. of the Court of Appeals opinion, and we REMAND this case to the Court of Claims for reconsideration and application of the *Detroit Edison* decision and of the defendant's reasonable formula or method for determining the percentage of exempt use to total use. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



s1019

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.

October 28, 2015


Clerk