

121 FERC ¶ 61,307  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;  
Sudeen G. Kelly, Marc Spitzer,  
Philip D. Moeller, and Jon Wellinghoff.

Consumers Energy Company	Project Nos. 2436-241, 2447-229, 2448-232, 2449-195, 2450-191, 2451-190, 2452-200, 2453-226, 2468-206, 2580-259, 2599-226
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ORDER RESCINDING ORDER ON RETIREMENT STUDY REPORT  
AND DISMISSING REQUEST FOR REHEARING

(Issued December 31, 2007)

1. On October 23, 2007, Commission staff issued an order approving a retirement study report submitted under Article 204 of the Foote, Alcona, Mio, Loud, Cooke, Rogers, Hardy, Five Channels, and Croton Project licenses (Project Nos. 2436, 2447, 2448, 2449, 2450, 2451, 2452, 2453, and 2468, respectively) and Article 205 of the Tippy and Hodenpyl Project licenses (Project Nos. 2580 and 2599, respectively).<sup>1</sup> The projects are located on the Au Sable, Manistee, and Muskegon Rivers in Iosco, Alcona, Oscoda, Manistee, Wexford, Newaygo, and Mecosta Counties, Michigan.
2. The Michigan Department of Natural Resources (Michigan DNR) filed a timely request for rehearing of the October 23 Order.<sup>2</sup> Upon consideration of the record in this proceeding, we are rescinding the October 23, 2007 Order to provide for public notice and an opportunity to intervene and comment on the report. The rescission of the order renders the request for rehearing moot, and it will therefore be dismissed.

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<sup>1</sup> *Consumers Energy Company, et al.*, 121 FERC ¶ 62,049 (2007).

<sup>2</sup> Michigan DNR also filed a motion to intervene. By filing of December 4, 2007, the licensee opposes the motion to intervene as late-filed and lacking good cause for its lateness. Because the agency is an entity to be consulted on the report, and because no notice and opportunity to intervene was provided, Michigan DNR's motion is timely and will be granted. *See, e.g., Pacific Gas and Electric Co.*, 40 FERC ¶ 61,035 at n. 12 (1987); and 18 C.F.R. § 385.214(c)(2) (2007).

The Commission orders:

(A) The order approving the retirement study report issued in the above-captioned projects on October 23, 2007, is rescinded.

(B) The motion to intervene filed by Michigan Department of Natural Resources in these proceedings on November 19, 2007, and opposed by Consumers Energy Company by filing of December 4, 2007, is granted pursuant to 18 C.F.R. § 385.214(c)(2) (2007).

(C) The request for rehearing of the October 23, 2007 Order, filed by Michigan Department of Natural Resources in these proceedings on November 19, 2007, is dismissed as moot.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.