

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of)	
the CYPRESS CREEK QFs against)	
CONSUMERS ENERGY COMPANY)	Case No. U-20516
for unjust, unreasonable, and improper)	
practices under federal and state law.)	
_____)	

At the October 17, 2019 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Sally A. Talberg, Chairman
Hon. Daniel C. Scripps, Commissioner
Hon. Tremaine L. Phillips, Commissioner

ORDER

On April 5, 2019, the Cypress Creek QFs [qualifying facilities]¹ filed a joint complaint against Consumers Energy Company (Consumers) for violations of the Public Utility Regulatory Policies Act of 1978, Pub L No 95-617, 92 Stat 3117, 16 USC § 2601 *et seq.* (PURPA), implementing regulations promulgated by the Federal Energy Regulatory Commission, the Commission's orders in Case No. U-18090, and Consumers' tariff.

On August 8, 2019, Consumers filed an application in Case No. U-20615 for approval of a settlement agreement that broadly resolves the rights and obligations under PURPA between Consumers and QFs who are signatories to that agreement. Cypress Creek Renewables, LLC,

¹ The Cypress Creek QFs are 256 limited liability companies that are wholly owned subsidiaries of Cypress Creek Renewables Development, LLC, and Cypress Creek Renewables Development, LLC, is a wholly owned subsidiary of Cypress Creek Renewables, LLC.

signed the settlement agreement on behalf of itself and its wholly owned subsidiaries, the Cypress Creek QFs. On September 11, 2019, the Commission issued an order approving the settlement agreement. The order was docketed in Case No. U-20615 and in this complaint proceeding, Case No. U-20516. On September 20, 2019, the parties filed in this case a joint stipulation for voluntary withdrawal of the complaint and request for order dismissing the complaint with prejudice.

The Commission has reviewed the joint stipulation for voluntary withdrawal of the complaint and request for dismissal of the complaint with prejudice and finds that the request to dismiss the complaint with prejudice is reasonable and consistent with the settlement agreement approved on September 11, 2019, in Case No. U-20615.

THEREFORE, IT IS ORDERED that the complaint of the Cypress Creek QFs against Consumers Energy Company is dismissed with prejudice in accordance with the joint stipulation.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel.

Electronic notifications should be sent to the Executive Secretary at mpscedockets@michigan.gov and to the Michigan Department of the Attorney General – Public Service Division at pungp1@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General – Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Sally A. Talberg, Chairman

Daniel C. Scripps, Commissioner

Tremaine L. Phillips, Commissioner

By its action of October 17, 2019.

Lisa Felice, Executive Secretary


PROOF OF SERVICE

STATE OF MICHIGAN)

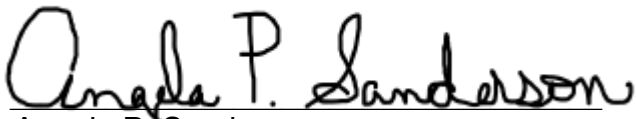
Case No. U-20516

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on October 17, 2019 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).


Brianna Brown

Subscribed and sworn to before me
this 17th day of October 2019.



Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2024

Service List for Case: U-20516

Name	Email Address
Consumers Energy Company 1 of 2	mpsc.filings@cmsenergy.com
Consumers Energy Company 2 of 2	michael.torrey@cmsenergy.com
Cypress Creek Renewables LLC	mckay@ccrenew.com
Emerson J. Hilton	emerson.hilton@cmsenergy.com
Heather M.S. Durian	durianh@michigan.gov
Jennifer U. Heston	jheston@fraserlawfirm.com
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Robert W. Beach	robert.beach@cmsenergy.com
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