

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION
NOTICE OF HEARING
CASE NO. U-20635**

The Michigan Public Service Commission will consider the complaint of Circle Power, LLC against Upper Peninsula Power Company.

- A pre-hearing in this matter will be held:

DATE/TIME: **Wednesday, November 6, 2019 at 9:00 AM**

LOCATION: Michigan Public Service Commission
7109 West Saginaw Highway
Lansing, Michigan

BEFORE: **Administrative Law Judge Jonathan Thoits**

PARTICIPATION: Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 284-8090 in advance to request mobility, visual, hearing or other assistance.

On September 12, 2019, attorney Timothy J. Lundgren filed a formal complaint on behalf of his client, Circle Power, LLC (Complainant) against Upper Peninsula Power Company (UPPCO), requesting the Michigan Public Service Commission to consider the following actions: 1) enter an order requiring UPPCO to immediately begin to negotiate in good faith Power Purchase Agreements (PPA) with Circle Power for each of the 22 Scotia Wind and Norton Wind Projects, or else to accept the form PPA offered by Circle Power; 2) recognize that UPPCO has a legally enforceable obligation under PURPA to purchase energy and capacity from Circle Power, effective on the respective dates on which the Circle Power notified UPPCO of its commitment to sell capacity and energy from the Scotia Wind and Norton Wind Projects to UPPC; 3) require UPPCO to purchase both capacity and energy from Circle Power at the avoided cost rate set in U-18094, as requested by Circle Power from UPPCO, or such other just and reasonable avoided cost that does “[n]ot discriminate against qualifying cogeneration and small power production facilities” and that recognizes the legally enforceable obligations obtained by Circle Power for UPPCO to enter into contracts at avoided cost rates in effect at the time the obligations were established; and 4) grant such other and further relief.

On October 10, 2019, the Commission served the complaint upon Upper Peninsula Power Company, directing a response on or before October 30, 2019.

The complaint may be dismissed if the Complainant fails to attend the hearing without requesting an adjournment pursuant to Michigan Office of Administrative Hearings and Rules R 792.10422 and R 792.10432. The same complaint may not be refiled at a later time unless a compelling reason is provided for not appearing or requesting another hearing. Requests for further information on adjournment should be directed to (517) 284-8130.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended by 1987 PA 81, MCL 460.6h et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and Parts 1 & 4 of the Michigan Office of Administrative Hearings and Rules, Mich. Admin Code, R 792.10106 and R 792.10401 through R 792.10448; and PL 95-617, 92 STAT 3117; and 18 CFR 292 et. seq.

MICHIGAN PUBLIC SERVICE COMMISSION

Lisa Felice
Executive Secretary

October 24, 2019

R 792.10422 Adjournments.

Rule 422

(1) Unless the presiding officer allows otherwise, a request for adjournment shall be by motion or stipulation made orally at a hearing or in writing and shall be based on good cause.

(2) A motion or stipulation for adjournment shall state the party who is requesting the adjournment and the reason for the adjournment.

(3) An adjournment may be granted for good cause and shall be in writing or on the record.

(4) In granting an adjournment, the presiding officer, administrative law manager assigned by the hearing system to the commission, or commission may impose reasonable conditions.

R 792.10432 Motion practice.

Rule 432

(1) In a pending proceeding, a request to the commission or presiding officer for a ruling or order, other than a final order, shall be by motion. Unless made during a hearing, a motion shall be in compliance with all of the following provisions:

(a) Be in writing.

(b) State with particularity the grounds and authority on which the motion is based.

(c) State the relief or order sought.

(d) Be signed by the party or the party's attorney.

(2) Unless a different time is set by the commission or presiding officer or unless the motion is one that may be heard ex parte, a written motion, notice of the hearing on the motion, and any supporting brief or affidavits shall be served as follows:

(a) Not less than 9 days before the hearing, if served electronically or by mail.

(b) Not less than 7 days before the hearing, if served electronically or by delivery to the attorney or party under Michigan court rule 2.107(c)(1) or (2).

(3) Unless a different time is set by the commission or presiding officer, any response to a motion, including a brief or an affidavit, shall be served as follows:

(a) Not less than 5 days before the hearing, if served electronically or by mail.

(b) Not less than 3 days before the hearing, if served electronically or by delivery to the attorney or party under Michigan court rule 2.107(c)(1) or (2).

(4) Motions shall be noticed for hearing at the time designated by the commission or presiding officer.

(5) When a motion is based on facts not appearing on the record, the commission or presiding officer may hear the motion on affidavits presented by the parties or may direct that the motion be heard wholly or partly as oral testimony or deposition.

(6) The commission or presiding officer may limit oral arguments on motions and may require the parties to file briefs in support of, and in opposition to, a motion. The commission may dispense with oral argument on matters brought before the commission.

Lisa Felice
Notary Public, Eaton County, Michigan
My Commission Expires: April 15, 2020

Service List - Case No. U-20635

Name	Email Address
Circle Power LLC	chris@circlepowerco.com
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