

STATE OF MICHIGAN
COURT OF APPEALS

ATTORNEY GENERAL,

Appellant,

v

MICHIGAN PUBLIC SERVICE COMMISSION,
CONSUMERS ENERGY COMPANY, ADA
COGENERATION LIMITED PARTNERSHIP,
CADILLAC RENEWABLE ENERGY, LLC,
GENESEE POWER STATION, LP, GRAYLING
GENERATING STATION, LP, HILLMAN
POWER COMPANY, LLC, TES FILER CITY
STATION, LP, VIKING ENERGY OF
LINCOLN, INC, VIKING ENERGY OF
MCBAIN, INC, and MACKINAW POWER, LLC,

Appellees.

UNPUBLISHED
November 16, 2006

No. 261027
MPSC
LC No. 00-014031

Before: Murphy, P.J., and Meter and Davis, JJ.

MEMORANDUM.

Appellant Attorney General appeals as of right from an order of appellee Public Service Commission (PSC) approving with modifications a “Resource Conservation Plan” submitted by appellee Consumers Energy Company (Consumers). We affirm.

The scope of our review of a PSC order is very narrow: the challenging party must prove by clear and convincing evidence that the order is unlawful or unreasonable, meaning the PSC either violated a statutory provision or abused its discretion. *In re MCI Telecom Complaint*, 255 Mich App 361, 365; 661 NW2d 611 (2003); *In re MCI Telecom Complaint*, 460 Mich 396, 427; 596 NW2d 164 (1999). We defer to the PSC’s administrative expertise and will not substitute our judgment for that of the PSC. *In re Michigan Cable Telecom Ass’n Complaint*, 239 Mich App 686, 690; 609 NW2d 854 (2000). We also give great weight to any reasonable construction by the PSC of a regulatory scheme that it is empowered to administer. *Champion’s Auto Ferry, Inc v Pub Service Comm*, 231 Mich App 699, 707-708; 588 NW2d 153 (1998).

At oral argument, the Attorney General withdrew one challenge to the PSC’s order. We are simply not persuaded that the Attorney General has presented a sufficient quantum of proof that the remainder of the PSC’s order was illegal or irrational. In light of the applicable standard

of review, the Attorney General has not convinced us that the PSC's order cannot reasonably be considered within the PSC's purview or that the PSC's order defied reason. We therefore affirm.

/s/ William B. Murphy

/s/ Patrick M. Meter

/s/ Alton T. Davis