

# Order

**Michigan Supreme Court  
Lansing, Michigan**

March 27, 2013

Robert P. Young, Jr.,  
Chief Justice

146383-4 & (55)(58)

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

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In re APPLICATION OF INTERNATIONAL  
TRANSMISSION COMPANY FOR  
EXPEDITED SITING CERTIFICATE

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ASSOCIATION OF BUSINESSES  
ADVOCATING TARIFF EQUITY,  
Appellant/Cross-Appellee,

v

MICHIGAN PUBLIC SERVICE  
COMMISSION,  
Appellee,

and

INTERNATIONAL TRANSMISSION  
COMPANY, d/b/a ITC TRANSMISSION,  
Petitioner-Appellee/  
Cross-Appellant,

and

CONSUMERS ENERGY COMPANY,  
MICHIGAN PUBLIC POWER AGENCY,  
and MICHIGAN MUNICIPAL ELECTRIC  
ASSOCIATION,  
Appellees.

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MICHIGAN PUBLIC POWER AGENCY  
and MICHIGAN MUNICIPAL ELECTRIC  
ASSOCIATION,  
Appellees,

v

SC: 146383  
COA: 303009  
Public Service Commission:  
00-016200

SC: 146384  
COA: 303040  
Public Service Commission:  
00-016200

MICHIGAN PUBLIC SERVICE  
COMMISSION,  
Appellee,

and

INTERNATIONAL TRANSMISSION  
COMPANY, d/b/a ITC TRANSMISSION,  
Petitioner-Appellee/  
Cross-Appellant,

and

CONSUMERS ENERGY COMPANY  
Appellee,

and

ASSOCIATION OF BUSINESSES  
ADVOCATING TARIFF EQUITY,  
Appellant/Cross-Appellee.

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On order of the Court, the joint motion for immediate consideration is GRANTED. The application for leave to appeal the November 6, 2012 judgment of the Court of Appeals and the application for leave to appeal as cross-appellant are considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE, in part, the judgment of the Court of Appeals. The Michigan Public Service Commission correctly determined that issuance of an expedited siting certificate under 2008 PA 295 carries with it authorization to construct the transmission line that is the subject of the certificate. The Court of Appeals clearly erred in determining that Const 1963, art 4, § 25 would be violated if 2008 PA 295 authorizes such construction because 2008 PA 295 was enacted without re-enacting and publishing 1995 PA 30, which generally governs construction of electric transmission lines. 2008 PA 295, and particularly Part 4 of the act, provides a comprehensive legislative scheme for issuing expedited siting certificates, and clearly intends construction of approved transmission lines. Because 2008 PA 295 is an act complete in itself, Const 1963, art 4, § 25 is not violated. See *Alan v Wayne County*, 388 Mich 210, 276-277 (1972), and *People v Mahaney*, 13 Mich 481, 496-497 (1865). In all other respects, the applications are DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



h0320

I, Corbin R. Davis, 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.

March 27, 2013

*Corbin R. Davis*

Clerk