

regard to Dow Chemical Company's drastically changed circumstances. The information thus far shows that further detailed hearings are absolutely necessary.

3. Those hearings should be unfettered and uncompromised by the continuation of construction. The evidence thus far shows that Consumers' need for power arguments are not supported, and that, based upon the facts as they exist now, Dow Chemical Company would not sign a contract with Consumers if it had that option. The fact that a contract has already been signed is not controlling, since the signing of the contract cannot countermand the underlying mandate of NEPA, which requires a full, up-to-date assessment of the facts.

4. Intervenors offer their motion to halt construction once again at this time because Consumers' attempts to stop this proceeding are not only erroneous in law but (as we have demonstrated in our contemporaneous filing in opposition to any stay of the proceedings) are also grounded in dishonest and manipulative tactics, as has been Consumers' participation in the remanded hearings from the outset.

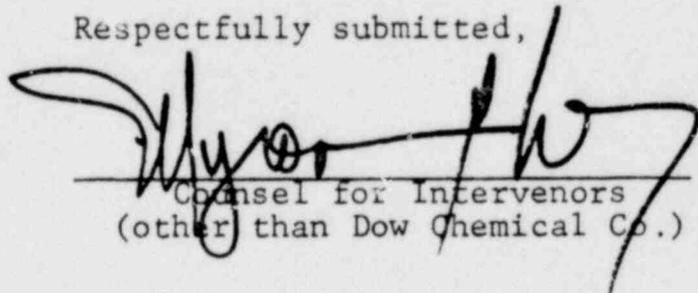
5. The grant of a license to continue construction is a privilege, not a right. Consumers has forfeited that right by its total and complete lack of candor and dishonesty, and by its inability to support its position in these suspension hearings.

6. It is almost one year now since the Court of Appeals mandated these ongoing hearings. This Commission has permitted Consumers to spend hundreds of millions of dollars in pursuit of

an ill-fated project which is not necessary to the community of Midland and which in fact jeopardizes the entire electrical supply in Michigan. The Commission must bite the bullet in terms of fairness, and immediately halt construction, since it is clear on the record thus far that Dow Chemical is prepared to wait until 1984 for the completion of the facility. That means that Consumers can halt construction, according to its own figures, and still meet Dow's deadline in the event that remanded hearings take that long and Consumers is successful.*

For all of these reasons, and on the basis of the entire record, we ask the Commission to stop construction immediately.

Respectfully submitted,



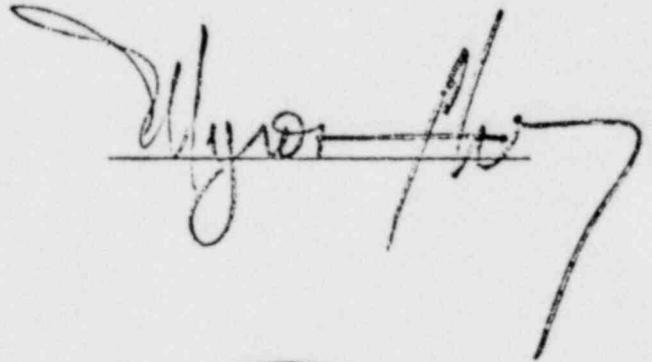
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* The recent discovery by Consumers of severe problems in construction of the pressure vessel indicate that Consumers itself is going to suffer delays which will take it beyond its own suggested schedule date. To halt construction now will only recognize the fact that Consumers cannot meet its own construction schedule, and may not have funds sufficient to complete the project. The time to conduct an orderly re-examination of Consumers' situation is now, before additional millions of

CERTIFICATION

I certify that six copies of the foregoing opposition as well as Intervenors' accompanying Motion for immediate suspension of construction were mailed postage prepaid and properly addressed special delivery to the Secretary of the Commission on March 12, 1976 and that copies were sent on the same date to counsel for the regulatory staff Consumers Power and Dow Chemical Company.

A handwritten signature in cursive script, appearing to read "W. J. ...", written over a horizontal line.

March 12, 1977

