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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

THE DETROIT EDISON COMPANY,

FILE NO. 12-_____-CZ

Plaintiff,

HON.

v

2012-128816-CZ
JUDGE RUDY NICHOLS

RALPH STENMAN and DONNA STENMAN,

Defendants.

CUMMINGS, MCCLOREY, DAVIS & ACHO, P.L.C.

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There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred or otherwise disposed of after having been assigned to a Judge in this Court.

COMPLAINT FOR DECLARATORY JUDGMENT,
INJUNCTIVE AND OTHER RELIEF

NOW COMES Plaintiff, THE DETROIT EDISON COMPANY, by and through its attorneys, CUMMINGS, MCCLOREY, DAVIS & ACHO, P.L.C., and in support of its Complaint for Declaratory Judgment, Injunctive and Other Relief, states as follows:

INTRODUCTION

Defendants have interfered with Detroit Edison's business, necessitating an immediate declaration of the rights and obligations of these parties, injunctive relief to prevent additional interference in the future, and a subsequent determination of damages as a result of Defendant's unlawful conduct.

COUNT I — ACTION FOR DECLARATORY JUDGMENT

1. Plaintiff The Detroit Edison Company is a public utility established and conducting business in the County of Oakland, State of Michigan.

2. The property which is the subject of this litigation is located at 21355 Parklane Street, in the City of Farmington Hills, County of Oakland, State of Michigan.

3. The named Defendants presumably own the subject property in Farmington Hills, Michigan, and Ralph Stenman is the customer of record for electrical service at that address.

4. Venue for this litigation is proper in Oakland County Circuit Court.

5. As part of Detroit Edison's program to improve the quality and reliability of delivering energy services to its customers, Detroit Edison is installing Advanced Metering Infrastructure (AMI), also known as *Smart Meters*, in Oakland County and eventually throughout Detroit Edison's service territory in other counties in Michigan.

6. By the year 2015, Detroit Edison expects to have installed about 2.6 million *Smart Meters* within its service territory.

7. Prior to installation of the *Smart Meter* at the subject property, Detroit Edison gave advanced notice of the installation to the Defendants on August 1, 2011. (Exhibit 1)

8. Detroit Edison installed its *Smart Meter* on Defendants' property in Farmington Hills, Michigan, on September 1, 2011.

9. Previously, on or before May 20, 2011, residential electric service was established in the name of Ralph Stenman, Defendant herein.

10. On March 27, 2012, Defendants threatened to tamper with, obstruct and remove Detroit Edison's *Smart Meter* and return it to Detroit Edison via U.S. mail. (Exhibit 2)

11. On or about May 21, 2012, Defendants (or their agents) did, in fact, tamper with, obstruct and remove Detroit Edison's *Smart Meter* and returned the *Smart Meter* to Detroit Edison via U.S. mail. (Exhibit 3)

12. Defendants' willful tampering, obstructing and removal of Detroit Edison's *Smart Meter* constitutes a felony, pursuant to MCL 750.383a. (See Exhibit 4.)

13. The Detroit Edison Company is an investor-owned "electric utility" as defined by MCL 460.562(e).

14. Pursuant to MCL 460.6(1), the Michigan Public Service Commission "is vested with complete power and jurisdiction to regulate all public utilities in the state. . ." This includes "the power and jurisdiction to regulate all. . . services, . . . conditions of service, and all other matters pertaining to the . . . operation . . . of public utilities."

15. In its rule-making capacity, the Michigan Public Service Commission has approved the tariff filed by The Detroit Edison Company, which establishes the rights and responsibilities of Detroit Edison and Defendants as Detroit Edison's customers. (See Exhibit 5.)

16. In pertinent part, **as a condition of taking service, customers, including Defendants Stenman, must authorize employees and agents of The Detroit Edison Company to access the customer's premises at all reasonable hours to install, turn on, disconnect, inspect, read, repair or remove its meters and other company property.** (Exhibit 5, C5-4, Access to Premises)

