

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

<b>In the Matter of an Investigation into</b>	)	
<b>Compliance with the Required</b>	)	
<b>Registration of Sellers of Electricity and</b>	)	<b>Case No. GO-2004-0195</b>
<b>Gas for Use or Consumption within</b>	)	
<b>Missouri</b>	)	

**MOTION TO DISMISS OF  
CMS ENERGY RESOURCE MANAGEMENT CO.  
(FORMERLY KNOWN AS CMS MARKETING, SERVICES AND TRADING CO.)**

CMS Energy Resource Management Company, formerly known as CMS Marketing, Services and Trading Company (hereinafter referred to as "CMS ERM"), respectfully moves that the Missouri Public Service Commission ("Commission") dismiss it from these proceedings.

In support of its Motion, CMS ERM states as follows:

1. CMS ERM is a Michigan corporation with its principal offices at One Energy Plaza, Jackson, Michigan 49201.
2. CMS ERM changed its name from CMS Marketing, Services and Trading Company effective February 3, 2004, consonant with the diminished scope of the activities of the company following a corporate restructuring, which closed all offices outside of Michigan, down-sized personnel and shifted the strategic direction of the company. Exhibit A to this Motion is a copy of the certificate of name change issued by the Bureau of Commercial Services of the Michigan Department of Labor & Economic Growth.
3. Following this restructuring, CMS ERM is now in the business of (a) selling merchant electric power produced from plants owned or operated by an affiliated company, CMS Generation Co.; (b) buying natural gas as fuel for those plants; (c) buying natural gas to service

three long term pre-paid gas sales agreements; and (d) serving as a marketing agent for certain natural gas producers with wells in the State of Michigan. None of the CMS Generation Co. plants is located in the State of Missouri, and none of the electricity produced by those plants is sold in the State of Missouri. None of the three natural gas pre-paid agreements involves business or facilities in the State of Missouri.

4. Accordingly, CMS ERM currently has no retail electric, gas or other energy sales in the State of Missouri and has no plans to pursue any such sales.

5. Formerly, CMS ERM and/or its affiliates did transact energy services business in the State of Missouri. CMS ERM paid Missouri sales tax in each of the years between 1998 and 2003, either for its own business activity or through its affiliation with Texon Limited Partnership. In addition, two other affiliated companies, CMS Viron Corp. and Panhandle Eastern Pipe Line Co., did conduct business activities in the State of Missouri. However, CMS ERM is no longer affiliated with either Texon Limited Partnership or Panhandle Eastern Pipe Line Co. CMS Viron Corp. is dormant except for winding up activities in the States of California and Maryland.

6. John E. Palincsar, Senior Counsel to CMS ERM, has verified the facts asserted in this Motion, as well as in his attached Affidavit.

WHEREFORE, CMS Energy Resource Management Co., conducting no business in Missouri, having no interest in the outcome of this matter, and not being an “energy supplier” under Section 393.297, et seq., respectfully requests that the Commission dismiss it from this proceeding and be relieved from all further participation as a party to this matter.

Respectfully submitted,

/s/ Karl Zobrist

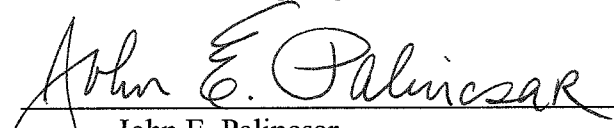
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Attorneys for CMS Energy Resource  
Management Company

State of Michigan )  
County of Wayne )

Being first duly sworn, I, John E. Palincsar, state the foregoing facts are true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
John E. Palincsar

Witness my hand and notarial seal this 7 day of March, 2004.

  
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Notary Public

LINDA J. WULFF  
NOTARY PUBLIC WAYNE CO., MI  
MY COMMISSION EXPIRES AUG 31, 2004

My Commission Expires:

8-31-2004

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was delivered by email or mailed by U.S. mail, postage prepaid on this 5<sup>th</sup> day of March, 2004, to all counsel of record in this case.

/s/ Karl Zobrist

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Attorney