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CMS ENERGY CORP
Form 8-K
April 01, 2003

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, DC 20549

FORM 8-K

CURRENT REPORT
Pursuant to Section 13 or 15(d) of the
Securities Exchange Act of 1934

March 31, 2003
Date of Report (Date of earliest event reported)

| Commission File Number | Registrant; State of Incorporation; Address; and Telephone Number | IRS Employer Identification |
|---------------------------|---|--------------------------------|
| 1-9513 | CMS ENERGY CORPORATION (A Michigan Corporation) Fairlane Plaza South, Suite 1100 330 Town Center Drive Dearborn, Michigan 48126 (313) 436-9261 | 38-2726431 |
| 1-5611 | CONSUMERS ENERGY COMPANY (A Michigan Corporation) 212 West Michigan Avenue Jackson, Michigan (517) 788-1030 | 38-0442310 |

ITEM 9. REGULATION FD DISCLOSURE

On March 31, 2003, CMS Energy Corporation ("CMS Energy") and Consumers Energy Company ("Consumers") determined that there was an inadvertent disclosure regarding Consumers' internal forecast of corporate EBITDA for fiscal years 2003 and 2004. For fiscal year 2003, that internal forecasted number was \$898 million, and for fiscal year 2004, that internal forecasted number was \$936 million. As a matter of company policy, CMS Energy and Consumers do not publicly disclose this information, and this Form 8-K is being furnished solely to satisfy the requirements of Regulation FD in light of the inadvertent disclosure. Neither CMS Energy nor Consumers intends to update these numbers or release EBITDA information in the future.

This Form 8-K contains "forward-looking statements" within the meaning of the safe harbor provisions of the federal securities laws. It should be read in conjunction with the "CMS Energy Forward-Looking Statements, Cautionary Factors and Uncertainties" in CMS Energy's Form 10-K for the Year Ended December 31,

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2002 and the "Consumers Forward-Looking Statements, Cautionary Factors and Uncertainties" in Consumers' Form 10-K for the Year Ended December 31, 2002 that discuss important factors that could cause CMS Energy's and Consumers' results to differ materially from those anticipated in such statements.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the Registrants have duly caused this report to be signed on their behalf by the undersigned hereunto duly authorized.

CMS ENERGY CORPORATION

Dated: April 1, 2003

By: /s/ Thomas J. Webb

Thomas J. Webb
Executive Vice President and Chief
Financial Officer

CONSUMERS ENERGY COMPANY

Dated: April 1, 2003

By: /s/ Thomas J. Webb

Thomas J. Webb
Executive Vice President and Chief
Financial Officer