

CMS ENERGY CORP  
Form 4/A  
November 05, 2004

**FORM 4**

**UNITED STATES SECURITIES AND EXCHANGE COMMISSION**  
**Washington, D.C. 20549**

Check this box  
if no longer  
subject to  
Section 16.  
Form 4 or  
Form 5  
obligations  
may continue.  
See Instruction  
1(b).

**STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF  
SECURITIES**

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934,  
Section 17(a) of the Public Utility Holding Company Act of 1935 or Section  
30(h) of the Investment Company Act of 1940

## OMB APPROVAL

OMB  
Number: 3235-0287  
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2005  
Estimated average  
burden hours per  
response... 0.5

(Print or Type Responses)

1. Name and Address of Reporting Person \*  
**WHIPPLE KENNETH**

(Last) (First) (Middle)

**CMS ENERGY  
CORPORATION, ONE ENERGY  
PLAZA**

(Street)

**JACKSON, MI 49201-2276**

(City) (State) (Zip)

2. Issuer Name **and** Ticker or Trading  
Symbol  
**CMS ENERGY CORP [CMS]**

3. Date of Earliest Transaction  
(Month/Day/Year)  
**09/07/2004**

4. If Amendment, Date Original  
Filed(Month/Day/Year)  
**09/07/2004**

5. Relationship of Reporting Person(s) to  
Issuer

(Check all applicable)

☒ Director ☐ 10% Owner  
☐ Officer (give title below) ☐ Other (specify below)

6. Individual or Joint/Group Filing(Check  
Applicable Line)  
☒ Form filed by One Reporting Person  
☐ Form filed by More than One Reporting  
Person

**Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned**

1. Title of Security (Instr. 3)	2. Transaction Date (Month/Day/Year)	2A. Deemed Execution Date, if any (Month/Day/Year)	3. Code (Instr. 8)	4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5)	5. Amount of Securities Beneficially Owned Following Reported Transaction(s) (Instr. 3 and 4)	6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)	7. Nature of Indirect Beneficial Ownership (Instr. 4)
				(A) or (D)			
				Code V Amount (D) Price			
Common Stock (CMS)					28,104	I	By Family Trust

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

**Persons who respond to the collection of  
information contained in this form are not  
required to respond unless the form  
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SEC 1474  
(9-02)

**Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned  
(e.g., puts, calls, warrants, options, convertible securities)**

# Edgar Filing: CMS ENERGY CORP - Form 4/A

1. Title of Derivative Security (Instr. 3)	2. Conversion or Exercise Price of Derivative Security	3. Transaction Date (Month/Day/Year)	3A. Deemed Execution Date, if any (Month/Day/Year)	4. Transaction Code (Instr. 8)	5. Number of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5)	6. Date Exercisable and Expiration Date (Month/Day/Year)		7. Title and Amount of Underlying Securities (Instr. 3 and 4)		8. Price Paid (Instr. 3)
				Code	V (A) (D)	Date Exercisable	Expiration Date	Title	Amount or Number of Shares	
Phantom Stock Units (Salary)	(1)					(1)	(1)	Common Stock (CMS)	7,226	
Phantom Stock Units (Salary)	(2)	09/07/2004		M(2)	7,894 (2)	(2)	(2)	Common Stock (CMS)	7,894	\$ 9.

## Reporting Owners

Reporting Owner Name / Address	Relationships			
	Director	10% Owner	Officer	Other
WHIPPLE KENNETH CMS ENERGY CORPORATION ONE ENERGY PLAZA JACKSON, MI 49201-2276	X			

## Signatures

/s/MDVanHemert, Attny  
in Fact 11/05/2004

\_\_Signature of Reporting Person

Date

## Explanation of Responses:

\* If the form is filed by more than one reporting person, *see* Instruction 4(b)(v).

\*\* Intentional misstatements or omissions of facts constitute Federal Criminal Violations. *See* 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).

(1) These phantom stock units were granted pursuant to a deferred salary provision in Mr. Whipple's employment agreement with CMS Energy Corporation. These units were deemed acquired effective as of September 1, 2004 at the then current market price of CMS Energy Corporation's Common Stock of \$9.60, and will be settled in cash on the second anniversary of that deemed acquisition date based on the price of the Common Stock at that time.

(2) These phantom stock units were granted on September 1, 2002, pursuant to a deferred salary provision in Mr. Whipple's employment agreement with CMS Energy Corporation, at the then-current market price of \$10.56, and have been settled in cash on the second anniversary of the deemed acquisition date at a current market price of \$9.73 per unit.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure.

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