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February 13, 2002

Ms. Dorothy Wideman
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way
PO Box 30221
Lansing, MI 48909

Re: MPSC Case No. U-12488

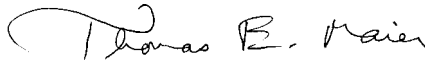
Dear Ms. Wideman:

Please find enclosed for filing the original and 4 copies of the Association of Business Advocating Tariff Equity's Motion To Accept Filing Out Of Time. The accompanying Proof of Service is also enclosed.

Please feel free to contact me if you have any questions.

Very truly yours,

CLARK HILL PLC



Thomas E. Maier

TEM:pgs

cc: Parties of Record

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the rates, terms, and)
conditions for retail customers of)
CONSUMERS ENERGY COMPANY)
to choose an alternate electric supplier)
_____)

Case No. U-12488

THE ASSOCIATION OF BUSINESSES ADVOCATING TARIFF EQUITY'S
MOTION TO ACCEPT FILING OUT OF TIME

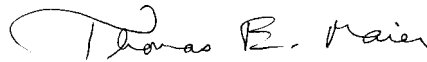
The Association of Businesses Advocating Tariff Equity (AABATE®), by and through its attorneys, Clark Hill PLC, hereby submits this Motion to Accept Filing Out of Time pursuant to Rule 335 of the Michigan Public Service Commission's Rules of Practice and Procedure, 1992 AACS, R 460.17335. ABATE respectfully moves the Commission to accept its Answer In Support Of Energy Michigan's Petition For Rehearing And Clarification. Answers were due to be filed February 12, 2002. Due unexpected staff absences, ABATE was delayed in preparing and filing its Answer. The delay in filing will not prejudice the other parties to the proceeding, as no Replies to Answers are contemplated under the Commission's Rules of Practice and Procedure. Moreover, Commission Rule 403(2), which contains the requirement that answers to such petitions be filed within 21 days, provides that any party failing to file an answer within 21 days shall be considered to have waived objection to the granting of the petition.® 1999 MAC, R 460.17403(2). ABATE does not object to the granting of Energy Michigan's Petition, and, in fact, supports Energy Michigan's request. Therefore, the waiver provisions contained in Commission Rule 403(2) are not applicable to ABATE's Answer. Further, the Commission's

ruling on Energy Michigan's Petition will not be materially delayed by accepting ABATE's Answer out of time.

For the reasons set forth above, the Commission should accept for filing ABATE's tendered Answer In Support Of Energy Michigan's Petition For Rehearing And Clarification in this proceeding.

Respectfully submitted,

CLARK HILL PLC



By: _____

Roderick S. Coy (P12290)

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Attorneys for The Association of Businesses
Advocating Tariff Equity

Date: February 13, 2002

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NOTICE OF HEARING

PLEASE TAKE NOTICE that The Association of Businesses Advocating Tariff Equity's Motion to Accept Filing Out of Time will be brought on for hearing at such date and time as set by the Commission at the offices of the Michigan Public Service Commission, 6545 Mercantile Way, Lansing, MI 48909.

Respectfully submitted,

CLARK HILL PLC



By: _____

Thomas E. Maier (P34526)
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(517) 381-9193
(517) 381-0268 Fax
Attorneys for The Association of Businesses
Advocating Tariff Equity

Date: February 13, 2002

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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PROOF OF SERVICE

STATE OF MICHIGAN)
) SS:
COUNTY OF INGHAM)

Patricia G. Sass, being duly sworn, deposes and says that she is an employee of Clark Hill PLC, and that on February 13, 2002, a copy of the Association of Businesses Advocating Tariff Equity's Motion To Accept Filing Out Of Time was served upon:

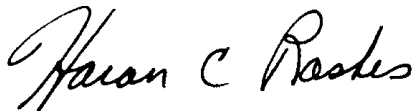
See attached service list

Except as otherwise noted on the attached list, service was accomplished by depositing same in a regular mail depository, enclosed in envelopes bearing postage fully prepaid and addressed properly and electronic mail.



Patricia G. Sass

Subscribed and sworn to before me
this 13th day of February, 2002.



Haran C. Rashes, Notary Public
Washtenaw County, Acting in Ingham County, Michigan
My Commission Expires: September 18, 2003

**Service List
U-12488**

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