



Julio C. Mazzoli
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October 3, 2001

VIA ELECTRONIC MAIL and HAND DELIVERY

Ms. Dorothy Wideman
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way
Lansing, Michigan 48909-7721

Re: **MPSC Case No. U-12489**

Dear Ms. Wideman:

Enclosed please find an original and four (4) copies of the Motion of CMS MS&T Michigan L.L.C. and CMS Marketing, Services and Trading Company to have the original and four hard copies of their Exceptions accepted for filing one day out of time, together with a Notice of Hearing and Proof of Service. This filing is also being sent electronically.

Very truly yours,

A handwritten signature in black ink, appearing to read "Julio C. Mazzoli".

JCM/sw
Enclosures
cc: Parties of Record (w/Enclosures)

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the rates, terms and)
conditions for retail customers of)
THE DETROIT EDISON COMPANY)
to choose an alternative electric supplier)
_____)

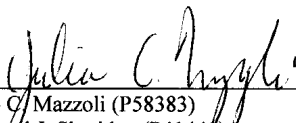
Case No. U-12489

NOTICE OF HEARING

Please take notice that the Motion of CMS MS&T Michigan L.L.C. and CMS Marketing, Services and Trading Company to have the original and four hard copies of their Exceptions to the Proposal for Decision issued by Administrative Law Judge Daniel E. Nickerson, Jr. on September 11, 2001 in this case accepted for filing file one day out of time has been noticed for hearing before the Honorable Daniel E. Nickerson, Jr., the Michigan Public Service Commission, 6545 Mercantile Way, Lansing, Michigan on **MONDAY, OCTOBER 15, 2001 at 9:00 a.m.** or as soon thereafter as may be heard.

Respectfully submitted,

CMS MS&T MICHIGAN L.L.C. and
CMS MARKETING, SERVICES AND TRADING
COMPANY

By: 
Julio C. Mazzoli (P58383)
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Attorneys for CMS MS&T Michigan L.L.C. and
CMS Marketing, Services and Trading Company

Dated: October 3, 2001

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the rates, terms and)
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THE DETROIT EDISON COMPANY)
to choose an alternative electric supplier)
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Case No. U-12489

MOTION OF CMS MS&T MICHIGAN L.L.C. AND
CMS MARKETING, SERVICES AND TRADING COMPANY
FOR ACCEPTANCE OF EXCEPTIONS FOR FILING ONE DAY OUT OF TIME

CMS MS&T Michigan L.L.C. (“MS&T Michigan”) and CMS Marketing, Services and Trading Company (“MS&T”), by and through their attorneys, pursuant to Rule 335 of the Commission’s Rules of Practice, R460.17335, file this Motion to have the original and four hard copies of their Exceptions to the Proposal for Decision issued by Administrative Law Judge Daniel E. Nickerson, Jr. on September 11, 2001 in this case accepted for filing file one day out of time. In support of their Motion, MS&T and MS&T Michigan state as follows:

1. MS&T and MS&T Michigan timely filed the electronic version of their Exceptions on October 2, 2001. Receipt of the electronic filing was confirmed by the Michigan Public Service Commission (“Commission”) and assigned Submission Number 0003104 pending approval of the submission.

2. MS&T and MS&T Michigan transmitted an electronic version of their Exceptions via electronic mail and mailed hard copies of their Exceptions via first class mail, postage prepaid, on October 2, 2001 to all the parties to this case.

3. MS&T and MS&T Michigan endeavored to file the original and four copies of their Exceptions with the Secretary of the Commission on October 2, 2001 via hand delivery.

However, the person making the filing did not arrive until approximately 5:07 p.m., at which time the Exceptions were not accepted for filing because the Commission had officially closed at 5:00 p.m.

4. Since the electronic and hard copy versions of the Exceptions were distributed to the parties and filed electronically with the Commission on the October 2, 2001 due date, no prejudice to any party will result if the original and four hard copies of the Exceptions are accepted for filing one day out of time, on October 3, 2001. Intent to file this Motion was communicated to the parties via electronic mail late in the afternoon on October 2, 2001, and no party has indicated that it has any objection to the granting of this Motion.

5. The original and four hard copies of the Exceptions of MS&T and MS&T Michigan being filed concurrently with this Motion on October 3, 2001 are the exact same original and copies that MS&T and MS&T Michigan endeavored to file on October 2, 2001 and are identical to the electronic version filed with the Commission and distributed to the parties on October 2, 2001.

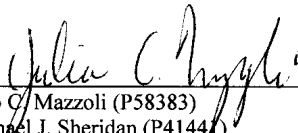
6. Subject to any objection by any party, MS&T and MS&T Michigan are prepared to waive oral argument at a hearing in support of their Motion, but out of an abundance of caution, they have noticed this matter for hearing on Monday, October 15, 2001.

WHEREFORE, for the reasons set forth herein, MS&T and MS&T Michigan respectfully request that the original and four copies of their Exceptions in this case be accepted for filing one day out of time, on October 3, 2001.

Dated: October 3, 2001

Respectfully submitted,

CMS MS&T MICHIGAN L.L.C. and
CMS MARKETING, SERVICES AND TRADING
COMPANY

By: 
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Attorneys for CMS MS&T Michigan L.L.C. and
CMS Marketing, Services and Trading Company

MPSC Case No. U-12489

SERVICE LIST

Administrative Law Judge

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STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

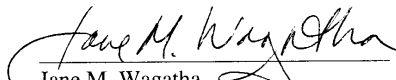
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PROOF OF SERVICE

STATE OF MICHIGAN)
)
COUNTY OF WAYNE)

Jane M. Wagatha, being first duly sworn deposes and says that she filed electronically copy of the Motion, Notice of Hearing and Proof of Service of CMS MS&T Michigan L.L.C. and CMS Marketing, Services and Trading Company in the above docket on the persons identified on the attached service via U.S. Mail and Electronic Mail on October 3, 2001.


Jane M. Wagatha


Notary Public

