

CLARK HILL
PLC
ATTORNEYS AT LAW

255 South Old Woodward Avenue
3rd Floor
Birmingham, MI 48009-6179
Tel. (248) 642-9692 Fax (248) 642-2174
www.clarkhill.com

Robert A. W. Strong
Phone: 248/988-1802
E-Mail: rstrong@clarkhill.com

February 12, 2002

VIA ELECTRONIC FILING AND HAND DELIVERY

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

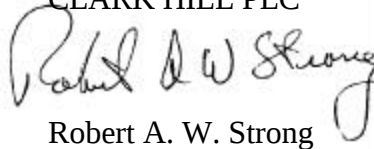
Re: MPSC Case No. U-12489

Dear Ms. Wideman:

Enclosed are an original and four (4) copies of Answer of Association of Businesses Advocating Tariff Equity to Petitions for Clarification and Rehearing along with a proof of service on the parties of record in the above docket.

Very truly yours,

CLARK HILL PLC


Robert A. W. Strong

RAWS/lat
Enclosures

cc: Parties of Record (w/Enclosures)

BHAM 5078167v1
07411/083743

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

**ANSWER OF THE ASSOCIATION OF BUSINESSES ADVOCATING TARIFF
EQUITY TO PETITIONS FOR CLARIFICATION AND REHEARING**

The Association of Businesses Advocating Tariff Equity (“ABATE”) by its attorneys, Clark Hill, P.L.C., pursuant to Rule 404(2) of the Rules of Practice and Procedure before the Michigan Public Service Commission (“Commission” or “MPSC”) (1992 AACRS R 460.17403(2)) files its Answer to the petitions for clarification and rehearing filed by certain of the parties in this proceeding.

I

ARGUMENT

A. ANSWER TO THE DETROIT EDISON COMPANY (“EDISON”).

1. Telemetry.

Edison is asking that the Commission impose a telemetry requirement on all customers having a demand interval meter. ABATE does not take a position one way or the other with respect to whether telemetry should be required if customers have demand interval meters. However, ABATE notes that Edison has repeatedly pointed to lack of phone lines or other problems with telemetry as a reason why it could not enroll customers in the open access program. If telemetry is in fact required then steps must be taken that it does not become an excuse for delaying customer enrollment in the open access program. If the Commission grants Edison’s request then the Commission should find that customers should be enrolled within forty-five (45) calendar days regardless of

whether telemetry is available as long as the customer has requested phone service. Finally, telemetry should be available through a land line as well as through a cellular phone.

2. Pricing Changes.

ABATE agrees with Edison's analysis with respect to this issue.

3. Meter Threshold.

This issue is closely related to the telemetry issue discussed above. The issue here is to determine whether demand interval meters are required for customers with demands between 300 kW and 1000 kW. If demand interval meters are not required then Edison should bill customers based upon converting the energy use into kW demand as it has in the past.

ABATE notes that there is no record support for most of the arguments supporting Edison's position and that any factual allegations should be ignored.

B. ANSWER TO CMS MS&T MICHIGAN LLC AND CMS MARKETING, SERVICES AND TRADING COMPANY.

ABATE supports these companies' position with respect to the use of an average weighted bid amount for billing purposes.

C. ANSWER TO ENERGY MICHIGAN.

Energy Michigan seeks five clarifications and ABATE supports them all.

II

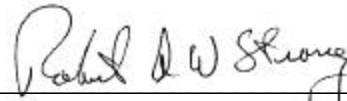
RELIEF

WHEREFORE, ABATE requests the Commission to enter an order in this case which is consistent with ABATE's Petition and this Answer.

Respectfully submitted,

CLARK HILL, P.L.C.

By:



Robert A. W. Strong (P27724)
Attorneys for the Association of Businesses
Advocating Tariff Equity
255 South Old Woodward Avenue
Third Floor
Birmingham, Michigan 48009
248/642-9692

Dated: February 12, 2002

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

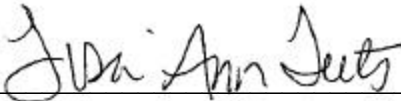
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Case No. U-12489

PROOF OF SERVICE

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

Lisa Ann Teets, being duly sworn, deposes and says that she filed electronically a copy of the "Answer of Association of Businesses Advocating Tariff Equity to Petitions for Clarification and Rehearing" in the above docket on the persons identified on the attached service list by electronic mail on February 12, 2002.



Lisa Ann Teets



Notary Public, Wayne County, Michigan
My Commission Expires August 28, 2003

SERVICE LIST

MPSC Case No. U-12489

Administrative Law Judge

Honorable Daniel E. Nickerson, Jr.
6545 Mercantile Way
Suite 15
Lansing, Michigan 48909
daniel.e.nickerson@cis.state.mi.us

Attorneys for the Michigan Public Service Commission Staff

David M. Gadaletto, Esq.
Larry W. Bailey, Esq.
Assistant Attorney General
Public Service Commission
6545 Mercantile Way
Suite 15
Lansing, Michigan 48911
gadaletod@ag.state.mi.us
larry.w.bailey@cis.state.mi.us

Attorney for Energy Michigan

Eric J. Schneidewind, Esq.
Varnum, Riddering, Schmidt & Howlett LLP
The Victor Center
201 North Washington Square
Suite 810
Lansing, Michigan 48933
ejschneidewind@vrsh.com

Attorneys for Detroit Edison

Bruce R. Maters, Esq.
Jon P. Christindis, Esq.
The Detroit Edison Company
2000 Second Avenue
688 WCB
Detroit, Michigan 48226-1297
mpscfilings@dteenergy.com
matersb@dteenergy.com
christinidisj@dteenergy.com

Attorneys for Unicom Energy, Inc. and Exelon Energy, Inc.

John M. Dempsey, Esq.
Dickinson Wright PLLC
215 South Washington Square
Suite 200
Lansing, MI 48933
jdempsey@dickinson-wright.com
msmith@dickinson-wright.com

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

Julio C. Mazzoli, Esq.
Michael J. Sheridan, Esq.
CMS Enterprises Company
330 town Center Drive
Suite 1000
Dearborn, Michigan 48126-2712
jmazzoli@cmsenergy.com

Attorney for Metro Bureau Group Service

Joseph H. Fields, Esq.
4700 South Hagadorn Road
Suite 195
East Lansing, Michigan 48823
joshfields1@juno.com

Attorney for Michigan Municipal Risk Management Authority

Brian W. Coyer, Esq.
Don L. Keskey, Esq.
Knaggs, Harter, King & Brake
1375 South Washington Avenue
Suite 300
Lansing, Michigan 48910