

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Michigan Environmental Council v MPSC**

Docket No. **268917**

L.C. No. **00-013771**

E. Thomas Fitzgerald, Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the motion for reconsideration, filed on October 25, 2005, according to the register of actions by the MPSC and an agreement signed by the law firm representing the appellants that the filing date would be the date that paper copies were received, was not filed within 30 days of the September 20, 2005 order. This Court declines to accept the appellants offer that this Court should disregard the actions of the MPSC regarding the filing date for the motion for reconsideration. The Court would further note that under MCL 462.26(1) it is the order that is appealable. In this case the September 27, 2005 erratum pertained only to a footnote in the opinion. The order was not referenced in the erratum meaning that the only order that would start the reconsideration period was issued September 20, 2005.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 26 2006

Date

Sandra Schultz Mengel
Chief Clerk