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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

DEARBORN INDUSTRIAL GENERATION, L.L.C. Docket No. **ER02-1689-000**

MOTION FOR LEAVE TO INTERVENE OUT OF TIME
OF THE MICHIGAN PUBLIC SERVICE COMMISSION

The Michigan Public Service Commission ("MPSC") respectfully moves for leave to intervene out-of-time in the above-captioned docket. In support thereof, the MPSC states as follows:

1. Service of all pleadings, documents, and communications in this matter shall be made at both of the following addresses:

JENNIFER M. GRANHOLM Attorney General David A. Voges Steven D. Hughey Patricia S. Barone Assistant Attorneys General 6545 Mercantile Way, Suite 15 Lansing, MI 48911-5984 (517) 241-6680	David D'Alessandro Harvey Reiter Special Assistant Attorneys General Morrison & Hecker 1150 18th Street, N.W. Suite 800 Washington, D.C. 20036-3816 (202) 785-9100

2. The Michigan Public Service Commission is an agency of the State of Michigan, created by 1939 PA 3, MCL 460.1 *et seq*, as the Michigan regulatory agency having jurisdiction and authority to control and regulate rates, charges, and conditions of service for the retail sale of electricity in the State. The MPSC moves to intervene in this matter pursuant to the authority conferred by applicable state statutes, rules, and procedures.

3. On May 2, 2002, Dearborn Industrial Generation, L.L.C. ("DIG") filed an application pursuant to Rule 205 of the Federal Energy Regulatory Commission ("Commission" or "FERC") Rules of Practice and Procedure, 18 CFR § 385.205 and 18 CFR Part 35, for approval of a revised tariff sheet that is intended to amend Seller's FERC Electric Tariff, Original Volume No. 2, to allow Seller to provide ancillary services at market-based rates.

4. The MPSC is vitally interested in matters involving the provision of electric service to its citizens located within its borders and the rates to be charged Michigan utilities and their customers. The MPSC thus has a direct and vital interest in this proceeding that cannot be adequately represented by any other party. Therefore, the MPSC's participation and intervention is in the public interest.

5. No party will be prejudiced by the granting of this motion for the reason that the proceedings are still at a preliminary stage.

6. Intervention at this time will not disrupt the proceedings as the MPSC will accept the case as it stands.

7. The MPSC submits that good cause exists for it not having filed on time. Obtaining the necessary approvals for intervention in this case was delayed, in part, because the MPSC's computer system was recently converted to Windows 2000. That conversion interfered with the ability of MPSC Staff to transmit the DIG application and attachments electronically, and obtain MPSC approval to intervene.

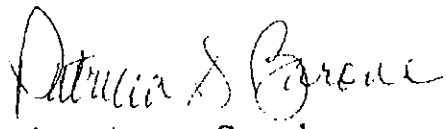
WHEREFORE, the Michigan Public Service Commission respectfully requests that the Commission grant its Motion for Leave to Intervene Out of Time.

Respectfully submitted,

MICHIGAN PUBLIC SERVICE COMMISSION

By its attorneys:

David A. Voges
Steven D. Hughey
Patricia S. Barone
Assistant Attorneys General



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DATED: May 31, 2002

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

DEARBORN INDUSTRIAL GENERATION, L.L.C. Docket No. **ER02-1689-000**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document entitled **MOTION FOR LEAVE TO INTERVENE OUT OF TIME OF THE MICHIGAN PUBLIC SERVICE COMMISSION** upon each person who is designated on the official service list compiled by the Secretary in this proceeding in accordance with the requirements of Rule 2010 of the Rules of Practice and Procedure.

Dated at Lansing, Michigan, this **31st** day of **May, 2002.**

Respectfully submitted,

MICHIGAN PUBLIC SERVICE COMMISSION

By its attorneys:

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Steven D. Hughey
Patricia S. Barone
Assistant Attorneys General

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