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February 27, 1980

Mr. John O'Neill, II
Route 2, Box 44
Maple City, Michigan 49664

Dear Mr. O'Neill:

The purpose of this letter is to stress the importance of complying with the NRC's regulations concerning the service of documents in NRC licensing proceedings such as the Big Rock Point case. The regulations require that a party filing a pleading with the Licensing Board must simultaneously serve the other parties with a copy of the pleading. Generally service is accomplished by mail and with some luck this means I would receive a copy of your pleadings at about the same time as the Licensing Board and Ms. Moore. Unfortunately this has not been the case in the past.

Your motion for a time extension dated February 6, 1980 was received and ruled upon by the Licensing Board before it was received by me (or any other representative of Consumers Power Company). The Board ruled on February 12, and my copy of the motion arrived by mail on February 13. One reason for the delay was undoubtedly due to the fact that my copy of motion was not mailed until February 9, 1980 from Traverse City, Michigan. In addition, your telegram of February 9, which provided advance notice of your motion, was not helpful because a copy was not sent to me. It was received on February 19 when a copy was furnished by the NRC Staff.

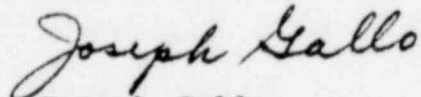
The upshot of the matter is that the Company was deprived of a meaningful opportunity to respond to your motion i.e., before the Licensing Board granted the motion on February 12. Indeed, I first became aware of any notion of a request for time extension, when Ms. Moore advised me of the Licensing Board's telephone call advising her that your request had been granted.

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The purpose of simultaneous filing is to provide approximately equal response time for the other parties thereby assuring fairness in the process. As this episode indicates, fairness was not afforded my client, and I trust you will use your best efforts to avoid the recurrence of similar inequities in the future.

Thank you for your help in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Joseph Gallo".

Joseph Gallo
One of the Attorneys for
Consumers Power Company

JG/kar
cc: Service List