

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of)
DTE ELECTRIC COMPANY)
for the authority to increase its rates,)
amend its rate schedules and rules)
governing the distribution and supply)
of electric energy, and for miscellaneous)
accounting authority.)
_____)

Case No. U-20836

PETITION TO INTERVENE OF LOCAL 223, UTILITY WORKERS UNION OF AMERICA (UWUA), AFL-CIO

Pursuant to Rule 201 of the Commission’s Rules, R460.17201, Petitioner Local 223, Utility Workers Union of America (UWUA), AFL-CIO (“Local 223”), by its attorneys, McKnight, Canzano, Smith, Radtke & Brault, P.C., hereby petitions the Michigan Public Service Commission (“Commission”) for leave to intervene in the above-referenced proceedings. In support of the Petition, Local 223 states as follows:

1. Local 223 is a labor organization that represents approximately 4,000 DTE employees who provide electric service to DTE Electric Company (“DTE Electric”) customers and gas service to DTE Gas Company (“DTE Gas”) customers. Local 223 also has approximately 3,500 DTE Electric and DTE Gas retiree members.

2. Many if not most of Local 223’s members and retirees are also customers of DTE Electric. Accordingly, Local 223 represents the interests of one of the largest groups, if not the largest group, of DTE Electric residential customers as compared to any other party to this proceeding.

3. Among Local 223’s purposes, which it is authorized to pursue on behalf of its members as DTE Electric employees, retirees and customers, is to protect, maintain and enhance their working conditions, job safety, job security, compensation, retirement and health care benefits; and to be actively involved in national and local democratic institutions, including in the legislative and regulatory arenas (such as the MPSC), to safeguard its members’ economic security and social welfare.

4. Local 223's members at DTE Electric are committed to their work and care deeply about providing reliable and high-quality electric service and customer service to consumers.

5. The Public Service Commission has routinely granted Intervenor status to Local 223 in previous rate cases. The Commission granted Intervenor status to Local 223 in U-20162, U-20561, U-18225, U-18014, U-13808, U-14838, U-15244, U-15768, U-15795, U-16472, U-17767, U-13898, U-15985, U-16400, U-16451 and U-16999.

6. The Commission has also routinely granted Intervenor status to other unions representing the employees and retirees of regulated utilities. For example, the Commission granted Intervenor status to the Michigan State Utility Workers Council, Utility Workers Union of America, AFL-CIO, a sister union to Local 223 and member of the same national parent body, in cases, U-2116, U-20134, U-18322, U-18239 U-17990, U-17087, U-16794, U-16418, U-16191, U-16113, U-15986, U-15795, U-15645, U-14347 and U-14148.

7. Local 223's members include active employees engaged primarily in Operations and Maintenance ("O&M") activities. Local 223's members also include retirees whose post-employment health care and pension benefits are funded by DTE Electric. According to DTE Electric's petition, testimony and exhibits, the costs associated with operations and maintenance, including the operations and maintenance workforce, and the cost of pension and health care benefits for active employees and retirees, represent a sizable portion of the costs for which a rate increase is sought.

8. Local 223 and its members have a critical interest in the outcome of these proceedings. Failure to properly analyze and apply the appropriate rate treatment for O&M costs associated with Local 223's membership, as well as health care and other employee compensation and retiree benefit costs, will directly and negatively impact Local 223 and its members as

employees, retirees and ratepayers, resulting in workforce reductions, decreased employment benefits and retirement benefits for Local 223's members, decreased worker safety, decreased public safety, decreased system reliability and the inability of Local 223's members to provide adequate levels of service, leading to decreases in service quality, reliability and customer service.

9. Further, Local 223 and its members are directly impacted by the money allocated to safety, training, and hiring through DTE Electric's rates.

10. Local 223 will take the position that DTE Electric is entitled to reasonable rate relief consistent with maintaining high levels of safety, service quality and reliability, and that denial of accurate rate treatment for appropriately documented and verified O & M costs, including employee compensation, benefits, pension, healthcare, and safety and training costs for Local 223's members would result in decreased workforce levels, compromised worker and public safety, and decreased system reliability.

11. Local 223 will further take the position that DTE is entitled to reasonable rate relief for its safety, training, and hiring related expenses to the extent that it is able to show that such expenses are reasonable and related to safety, training, and hiring.

12. Local 223 reserves the right to identify and take other positions.

13. For the reasons stated above, Local 223 is entitled to intervention of right because Local 223's members as DTE employees, retirees and customers, and Local 223 as their authorized representative, are and will be directly and substantially impacted by the outcome of these proceedings, and their interests are within the zone of interests to be protected by the statutory, regulatory and other applicable law at issue in this proceeding. See, *Drake v. Detroit Edison*, 453 F. Supp. 1123 (ED Mich 1978). Therefore, Local 223 should be allowed to intervene as a full party of record in this case.

14. Local 223 has unique access to information regarding workforce issues, pension, health care and other costs, as well as service quality costs, which will assist the Commission in its analysis of the appropriate rate treatment for such costs. Further, Local 223's viewpoint as the representative of most of DTE Electric's maintenance operations, and customer service workforce will not be represented by any other actual or potential party to the case. Accordingly, Local 223 is entitled, in the alternative, to permissive intervention. *See, e.g.,* MPSC Opinion and Order in *Consumers Power*, U-10787, March 29, 1995.

WHEREFORE, Local 223 respectfully requests that this Petition to Intervene be granted and that Local 223 be placed on the Commission's record in this case as a full party.

Respectfully submitted,

McKNIGHT, CANZANO, SMITH
RADTKE & BRAULT, P.C.

Benjamin L. King Digitally signed by Benjamin L. King
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Dated: February 11, 2022

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
PUBLIC SERVICE COMMISSION

ENTRY OF APPEARANCE IN AN ADMINISTRATIVE HEARING

This form is issued as provided for by 1939 PA 3, as amended, and by 1933 PA 254, as amended. The filing of this form, or an acceptable alternative, is necessary to ensure subsequent service of any hearing notices, Commission orders, and related hearing documents.

General Instructions:

Type or print legibly in ink. For assistance or clarification, please contact the Public Service Commission at (517) 284-8090.

*Please Note: The Commission will provide **electronic** service of documents to all parties in this proceeding.*

THIS APPEARANCE TO BE ENTERED IN ASSOCIATION WITH THE ADMINISTRATIVE HEARING:

Case / Company Name: DTE Electric Company Docket No. U-20836

Please enter my appearance in the above-entitled matter on behalf of:

1. (Name) Local 223, Utility Workers Union of America, AFL-CIO
2. (Name)
3. (Name)
4. (Name)
5. (Name)
6. (Name)
7. (Name)

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Zip 48067 Phone (248) 354-9650
Email bking@michworkerlaw.com
Date 2/11/2022

<input type="checkbox"/> I am not an attorney
<input checked="" type="checkbox"/> I am an attorney whose:
Michigan Bar # is P- <u>81823</u>
<u>MI</u> Bar # is: _____
(state)

Signature: Benjamin L. King
Digitally signed by Benjamin L. King
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& Braull, ou=email@bking@michworkerlaw.com, c=US
Date: 2019.07.17 09:28:26 -0400

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1. (Name) Local 223, Utility Workers Union of America, AFL-CIO
2. (Name)
3. (Name)
4. (Name)
5. (Name)
6. (Name)
7. (Name)

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<input checked="" type="checkbox"/> I am an attorney whose:
Michigan Bar # is P- <u>30417</u>
<u>MI</u> Bar # is: _____
(state)

Signature: John R. Canzano

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PROOF OF SERVICE

The Undersigned certifies that a copy of the Utility Workers Union of America, Local 223's Petition to Intervene, Appearance of John R. Canzano, Appearance of Benjamin L. King and this Proof of Service was served upon the parties on the attached Service List by email on the 11th day of February, 2022.

Benjamin L. King Digitally signed by Benjamin L.
King
Date: 2022.02.11 12:55:11 -05'00'

Benjamin L. King

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In the matter of the application of **DTE ELECTRIC COMPANY** for authority to increase its rates, amend its rate schedules and rules governing the distribution and supply of electric energy, and for miscellaneous accounting authority.

U-20836

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