

MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
INTEROFFICE COMMUNICATION
TO THE MICHIGAN PUBLIC SERVICE COMMISSION

TO: Case No. U-21297
FROM: Sharon L. Feldman
DATE: March 7, 2023
SUBJECT: DTE Electric Company (rate application)

SCHEDULE FILING**

New Dates

Testimony (Staff/Intervenors)	June 13, 2023
Rebuttal Testimony	July 7, 2023
Motions to Strike	July 13, 2023
Responses to Motions	July 17, 2023
Briefs	August 15, 2023
Reply Briefs (RTW)	September 1, 2023
PFD Target Date	October 5, 2023
Exceptions	October 27, 2023
Replies to Exceptions	November 8, 2023

SCHEDULE HEARING

Motion Hrg. Scheduled* **March 14, 2023, at 10:00 a.m.***

Cross-Exam Scheduled **July 19-21, 24 and 25, 2023**
(all parties, all testimony)

Intervenor Status Granted To: See Attachment A to this scheduling memo.

Discovery turnaround: The parties agreed to an 8-business-day turnaround on discovery, on a best efforts basis, until the Staff/Intervenor filing date, and a 5-business-day turnaround, on a best efforts basis, after that date.

***Hearing to address objections to DTE Electric's proposed protective order, to be held remotely.**

****Additional instructions included in Attachment B to this scheduling memo.**

Case No. U-21297
Attachment A
Interventions Granted

Attorney General Dana Nessel
Michigan Environmental Council
Natural Resources Defense Council
Sierra Club
Citizens Utility Board of Michigan
Energy Michigan, Inc.
Michigan Energy Innovation Business Council
Institute for Energy Innovation
Advanced Energy United
ChargePoint, Inc.
Bloom Energy Corp.
Foundry Association of Michigan
Michigan Cable Telecommunications Association
Association of Businesses Advocating Tariff Equity
Gerdau MacSteel, Inc.
Local 223, Utility Workers Union of America (UWUA), AFL-CIO
Environmental Law & Policy Center
Ecology Center
Vote Solar
Union of Concerned Scientists
Michigan Municipal Association for Utility Issues
City of Ann Arbor
Walmart, Inc.
Great Lakes Renewable Energy Association
Residential Customer Group
Soulardarity
We Want Green, Too
EVgo Services, LLC
International Transmission Company
The Kroger Company

Attachment B

This attachment summarizes guidance to the parties discussed at and circulated prior to the prehearing conference regarding the conduct of this case.

a. Service List

For documents to be served on all parties, the parties should at a minimum serve everyone on the service list compiled by the ALJ, a version of which has been circulated to the parties, will be updated as appropriate, and will generally be maintained on the SharePoint folder for this case once it is set up. Confidential documents should only be served on those persons authorized to receive them in accordance with the protective order that will be entered in this case.

To avoid missing any key filings, at least one counsel from each party should also sign up through the e-docket system to receive notification of anything filed in this docket.

b. Staff and Intervenor direct testimony

Each party or group of parties filing testimony should file an exhibit list with the exhibit number and title of each of their direct exhibits at the time they file their testimony or shortly thereafter. Exhibits should be marked using the traditional MPSC method, using the prefixes the parties have already indicated they intend to use followed by a number. For those parties choosing to use decimal numbering for their exhibits, please begin with X-1.1, etc., as consistently as possible.

Additionally, if a witness is addressing an element of the applicant's revenue requirement calculation, it would be helpful if that witness would indicate the relevant line item associated with that element on at least one of the following key schedules presented by DTE Electric: Exhibit A-11 (Schedule A1); Exhibit A-12 (Schedule B5), Exhibit A-13 (Schedule C1 or C5); Exhibit A-14 (Schedule D1). Referencing the more detailed schedules (e.g. Schedule B5.1 or B5.4) would also be helpful.

The direct testimony and exhibits should be filed as PDFs that are searchable and copyable—*i.e.* can be cut and pasted from; and workpapers should be served on all parties along with the testimony. Parties planning to propose major programmatic revisions should consider filing their proposals earlier than the deadline, or consulting with DTE Electric and other interested parties in advance.

c. Rebuttal

The ALJ provided guidance regarding rebuttal testimony at the prehearing. Rebuttal testimony should explicitly identify the page and line numbers of the prefiled testimony being rebutted. A revised exhibit list should also be provided with the rebuttal filing. Rebuttal testimony and exhibits should also be filed as PDFs that are searchable and copyable—*i.e.* can be cut and pasted from; and workpapers should be served on all parties along with the testimony.

d. Revisions to prefiled testimony and exhibits

Any revisions to testimony or exhibits filed after the due date should include a version showing the deletions and/or insertions, and an explanation for the change.

e. Official Exhibits

Official exhibits—exhibits that have been admitted into evidence—should be filed in numerical order following the conclusion of the evidentiary hearing; the “filing type” should indicate “official exhibits” and the filing description should contain the exhibit numbers included in the filing. While it may be necessary for a party’s official exhibits to be filed in multiple batches, the description for each part of the filing should indicate the exhibit numbers included in that part.

f. Briefs

the ALJ will provide further guidance on briefing after the hearing. The parties should expect to include the following in your briefs: 1) a table of contents; 2) a summary of position on each issue; 3) a description of the entire record relating to each issue briefed.

Reply briefs should be expressly directed to arguments made in initial briefs, and not repeat paragraphs from the initial briefs; citations to arguments detailed in the initial briefs are encouraged.

Exceptions to the PFD should specifically identify the findings or conclusions in the PFD that are disputed, and avoid undue repetition of arguments already presented in briefs or reply briefs; exceptions to the PFD and replies should also follow the order in which issues are addressed in the PFD.

g. Table of Disputed Issues

Counsel for DTE Electric has agreed to file a table of disputed issues with the company’s rebuttal filing, comparable to the table circulated in Case No. U-20836, but not reflecting any of the Staff/Intervenor rebuttal filings that may be made. The ALJ expects other parties to work to refine the table after it is filed, according to further guidance that she will provide at a later date. This is intended as an organizational tool to facilitate potential settlement, assist counsel in preparing briefs, assist the ALJ in preparing the PFD, and assist the Commission and its legal staff in preparing a final order, and is not intended to prejudice any party.

h. Pro hac vice motions

The parties have agreed that the ALJ may grant a pro hac vice motion filed in this case without further consultation with the parties, if no objections are filed within 5 business days of the motion filing date, and as long as she determines that the necessary paperwork has been received.