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January 2, 2024

Via Electronic Filing

Ms. Lisa Felice
Executive Secretary
Michigan Public Service Commission
P.O. Box 30221
Lansing, Michigan 48909

Re: MPSC Case No. U-21461
In the matter of the application of Indiana Michigan Power Company for authority to increase its rates for the sale of electric energy and other related matters

Dear Ms. Felice:

Enclosed for electronic filing please find Indiana Michigan Power Company's Response To The Attorney General's Motion To Compel and Proof of Service in the above-referenced matter.

Please contact me if you have any questions.

Sincerely,

Dykema Gossett PLLC

Richard Aaron

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Richard J. Aaron

4860-8557-2717.1

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of INDIANA MICHIGAN POWER COMPANY for authority to increase its rates for the sale of electric energy and other related matters.	**Case No. U-21461**

INDIANA MICHIGAN POWER COMPANY'S RESPONSE TO THE ATTORNEY GENERAL'S MOTION TO COMPEL

Indiana Michigan Power Company ("I&M" or the "Company") responds to the December 20, 2023, Motion to Compel ("Motion") filed by the Attorney General Dana Nessel (the "Attorney General") in this proceeding related to the seventeen discovery requests and their subparts submitted to the Company (the "Discovery Requests"). As discussed below, the Company respectfully requests that the Administrative Law Judge ("ALJ") deny the Motion in its entirety.

INTRODUCTION

The Attorney General seeks to compel the Company to provide information the Company has indicated that it lacks in the format and detail requested. Although relevant discovery rules require the Company to produce information and documents that it possesses, they do not require the Company to create work product, including reformatting or summarizing data in specific templates requested by the Attorney General. Nevertheless, the Company indicated that it would work over the holidays to supplement responses to the Attorney General's request, including creating new work product to ensure responses are in the Attorney General's preferred format. To address the Attorney General's concerns, the Company has supplemented its discovery responses

by, in many cases, going beyond applicable discovery requirements and creating work product to provide material in the format the Attorney General requested.

The Attorney General's argument that the Company is refusing to provide relevant information in the Company's possession could not be further from the truth. Indeed, the Company responded to the Discovery Requests by notifying the Attorney General that it does not possess some information in the format the Attorney General requested. The Company also notified the Attorney General some of the relevant data is voluminous in nature and not readily searchable, but offered to make that information available for review. Furthermore, the Company offered through counsel to schedule a meeting between the Company's subject matter experts and the Attorney General to work through the Attorney General's concerns about the Company's responses. Again, in most cases, I&M has provided information the Attorney General requested, but the Attorney General continues to object when the Company fails to create and deliver work product in the Attorney General's preferred format.

It appears part of the issue here is that the Attorney General is accustomed to seeing Michigan's other utilities present information in a certain format, however, given that I&M is a multi-jurisdictional utility, its data often looks different because it generally is compiled on a company-wide basis, then jurisdictionalized to provide Michigan-specific reports. The Attorney General's demand that I&M conduct calculations and present information in a manner different than it maintains in the normal course of business solely because the Attorney General is accustomed to seeing information from other utilities in different formats is unreasonable and an abuse of the discovery process.

Despite I&M providing the information it possesses in responses to 827 requests from the Attorney General, offering to supplement prior responses by running calculations itself so the

Attorney General can avoid doing math with raw data I&M provided, and offering to meet with the Attorney General to determine what else the Attorney General wants, the Attorney General resorted to brass knuckle litigation tactics by instead filing this Motion on the eve of most Company employees' last work day before the holidays.

DISCOVERY REQUESTS AT ISSUE

The Discovery Requests seek information related to Company witness David Isaacson's testimony and his sponsored exhibits. In general, the Discovery Requests seek itemized, historical data related to essentially all distribution system projects conducted between 2018 and 2022, and request that information be provided by expanding or modifying the tables, exhibits, and/or schedules I&M provided to summarize the forecasted distribution projects during 2023 and 2024:

1. **AG 5-91a:** In reference to DSI-8 and DSI-9 of Mr. Isaacson's testimony, this request asks the Company to expand DSI-8 and DSI-9, combine the two tables, and add the number of units and dollar amounts for each of the Company's asset renewal projects from 2018 through 2022. I&M objected to this request because responding would require the Company to conduct analysis, calculations, or compilation of information it has not already performed. Additionally, the information sought is only available at the work order level, which is voluminous in nature, and thus complying the information would be unduly burdensome. The Company offered to make the requested information available for inspection to the Attorney General.

2. **AG 5-93a**: In reference to DSI-10 of Mr. Isaacson's testimony, this request asks the Company to expand DSI-10 to include the Company's actual expenditures for Combined Projects from 2018 through 2022 and include the number of units for that time period as well as 2023 and 2024. I&M objected to this request because it requires the Company to analyze, calculate, and compile information it has not already performed. Additionally, the Company

objected on the grounds that the request is vague and ambiguous with respect to the meaning of "units." Figure DSI-10 does not contain any "units," so it is unclear the "units" the Attorney General is referring to.

3. **AG 5-94a**: In reference to DSI-11 in Mr. Isaacson's testimony, this request asks the Company to expand DSI-11 to include actual expenditures and related units for each year from 2018 through 2022. I&M objected to this request because it mischaracterizes Mr. Isaacson's testimony because Figure DSI-11 is O&M, not capital.

4. **AG 5-96**: In reference to Figure DSI-12 of Mr. Isaacson's testimony, this request asks the Company to expand DSI-12 to include actual expenditures for Grid Modernization Projects in 2018 through 2022 and include the forecasted number of units for 2023 and 2024 and associated dollar amounts. I&M objected because the request requires the Company to conduct analyses, calculations, and compile information not already performed. Additionally, I&M stated that the requested information is only available at the work order level and is voluminous in nature; however, the Company offered to make the requested information available for inspection.

5. **AG 5-105b, e, f, g, h**: In reference to Exhibit A-12, Schedule B5.3, this request asks 22 separate questions through subparts:

   a. Subpart b asks the Company to re-create Exhibit A-12, Schedule B5.3 for years 2018 to 2023, and forecasted for 2023 and 2024 in Excel. I&M objected to the request because it requires analysis, calculations, or compilation that it has not performed. Additionally, it is not possible to produce the requested information in the requested format and the forecasted capital expenditures cannot be tied to Exhibit A-16, Schedule F-1.

b. Subparts e, f, and g asks for the number of units and actual expenditures from 2018 through 2022 for specific line items (Customer Upgrades, Relocation and CS Asset Improvements; Failed Equipment, and New Customer Connections). I&M objected to these requests because they are vague and ambiguous with respect to the term "units." Additionally, I&M explained that there are several types of units included in each line item, and it would not make sense to count these items as units.

c. Subpart h asks how line 24, labeled "Other," was calculated and forecasted. I&M responded by referring the Attorney General to its response to AG 5-92.

6. **AG 5-106 through AG 5-114** each refer to various project types found in Exhibit IM-6.[1] For each, these requests ask the Company to expand the schedules for each project type to include a dollar amount for each individual project and provide a comparable table with the amount spent on similar projects from 2018 through 2022 including the number of projects completed. I&M objected to each request because the requests are overly broad and unduly burdensome particularly because the requests seek information for "all similar projects." Additionally, I&M stated that the historic information for each project completed between 2018 through 2022 was not available in a searchable database and the Company only has access to raw data. The Company stated the raw data is not feasible to produce but made such information available for inspection.

7. **AG 5-115a and b** refer to Exhibit IM-7, which summarizes the specific Combined Projects. Subpart (a) asks the Company to explain how the forecasted amount for each project was determined, which the Company answered in AG DR 5-92 and I&M's response refers the Attorney General to that answer. Subpart b asks the Company to provide the total amount spent for all

[1] Note, AG 5-112 and AG 5-113 seek the exact same information related to Wire Secondary Replacement projects under the Asset Renewal Plan.

similar projects from 2018 through 2022 and the related number of projects completed. I&M objected to this request because it is overly broad and unduly burdensome particularly because it requests information for "all similar projects." Additionally, the requested information is not readily available in a searchable database. The requested information is only available in raw data form, which is not feasible to produce; however, the Company offered the to make the requested information available for inspection.

8. **AG 5-116** and **AG 5-117** refer to Exhibit IM-8 related to CVR, DACR, and Smart Recloser projects and Smart Circuit Ties projects under Grid Modernization. Each request asks the Company to expand the table provided to include the dollar amount associated for each project as well as total amounts spent for all similar projects from 2018 through 2022. I&M objected to these requests because they are overly broad and unduly burdensome particularly because it requests information for "all similar projects." Additionally, the requested information is not readily available in a searchable database. The requested information is only available in raw data form, which is not feasible to produce; however, the Company offered the to make the requested information available for inspection.

TIMELINE OF DISCOVERY DISPUTE

- December 7: I&M served its responses to the Attorney General's 5th Discovery Request.
- December 12: email from AG's counsel, Chris Bzdok requesting discussion of discovery responses.
- December 13: telephone discussion between I&M's counsel Richard Aaron and Chris Bzdok with follow up email from Chris Bzdok summarizing the Attorney General's concerns.
- December 13: Attorney General serves 12th set of discovery which largely re-asks questions from the Attorney General's 5th Discovery Request (due December 28).
- December 14: email from Richard Aaron to Chris Bzdok indicating a plan for I&M to supplement and offering a discussion between the Attorney General's expert and I&M's subject matter experts.

- December 15: email from Chris Bzdok with sample response that showed how other Michigan utilities had presented information, requested that I&M provide information in a format similar to other utilities, and offered a counsel conference.

- December 15: email from Chris Bzdok indicating that it was not possible to talk with indication that supplementing responses followed by a call between subject matter experts would be most productive.

- December 20: email from Chris Bzdok indicating that the Attorney General would be filing a Motion to Compel, followed shortly thereafter by the Motion to Compel.

- December 28: I&M served responses to Attorney General's 12th Discovery Request (answering questions from the Attorney General's 5th Discovery Request).

- December 29: I&M served supplemental response to Attorney General's 5th Discovery Request, which is the discovery requests at issue in the Attorney General's Motion to Compel.

APPLICABLE LAW

As the Attorney General explains, the Commission's Rules of Practice and Procedure states "[d]iscovery shall, as far as practicable, be conducted in the same manner as in the circuit courts of this state pursuant to the Michigan Court Rules or as otherwise provided by law." Mich Admin Code, R 792.10423. Michigan has a broad discovery policy that permits the discovery of any matter that is not privileged and that is relevant to the pending case. MCR 2.302(B)(1); *Reed Dairy Farm v Consumers Power Co*, 227 Mich App 614, 616; 576 NW2d 709 (1998). "A primary purpose of discovery is to enhance the reliability of the fact-finding process by eliminating distortions attributable to gamesmanship." *People v Burwick*, 450 Mich 281, 298; 537 NW2d 813 (1995).

However, Michigan's policy of open discovery does not give a party unbridled authority to make irrelevant and overly broad requests. Indeed, "[w]hile Michigan is strongly committed to open and far-reaching discovery, a trial court must also protect the interests of the party opposing discovery so as not to subject that party to excessive, abusive, or irrelevant discovery requests." *In re Estate of Hammond*, 215 Mich App 379, 386; 547 NW2d 36 (1996) (citing *Hartmann v Shearson Lehman Hutton, Inc*, 194 Mich App 25, 29 (1992)).

Importantly here, the Commission has explained that "discovery rules are not to be so liberally construed as to require a party to create a document. Discovery and the production of documents is to be used to call for production of documents already in existence and in possession or control of an adverse party. Discovery does not require an adverse party to prepare a written list to be produced for inspection." July 30, 1982 Order in Case No. U-6949, p. 13, citing *United States v United States Alkali Export Association, Inc*. 7 F.R.D. 256 (1946).

The Commission has stated that parties and administrative law judges have an obligation to "limit discovery to matters . . . directly relevant to the case" and further limit discovery so that it is not unduly burdensome. See June 6, 2002 Commission Order in Case No. U-13024, p 9 (quoting December 16, 1999 Commission Order in Case No. U-12031, pp 1, 14-15, *aff'd in part and rev'd in part In re Canales Complaint*, 247 Mich App 487; 637 NW2d 236 (2001)). The Commission also has stated that, although it prefers a liberal discovery process, administrative law judges have a duty to ascertain whether discovery requests are relevant and "genuinely necessary." January 14, 1988 Commission Order in Case No. U-7830, pp 1, 10. Even the Commission's Rules of Practice and Procedure provide that "[t]he parties shall not use discovery to harass or cause needless delay." Mich Admin Code, R 460.17318.

The ALJ must "protect the interests of the party opposing discovery so as not to subject that party to excessive, abusive, or irrelevant discovery requests." *Cabrera v Ekema*, 265 Mich App 402, 407; 695 NW2d 78 (2005). To that end, the ALJ has discretion whether to grant or deny a discovery request and may limit discovery when it becomes excessive or abusive. *Chastain v General Motors Corp (On Remand)*, 254 Mich App 576, 593; 657 NW2d 804 (2002) (relevance means having a "tendency to make the existence of any fact that is of consequence to the

determination of the action more probable or less probable than it would be without the evidence."), citing MRE 401.

ARGUMENT

I. THE COMPANY IS DILIGENTLY WORKING TO RESPOND TO ALL DISCOVERY REQUESTS.

The parties have served 1,281 discovery questions in the 90 days since I&M filed this case, 827 of which from the Attorney General.[2] Although I&M is not required to create new work product or conduct calculations for the Attorney General, I&M has worked tirelessly in the spirit of cooperation to respond to those requests, even offering to create new work product summarizing I&M's raw data and offering to reformat/recalculate data to provide it in the Attorney General's desired format. I&M's reward for doing so is this Motion to Compel contending that I&M did not create those documents quickly enough.

The Company's initial filing, testimony, and exhibits demonstrate that its current cost of service produces a revenue deficiency based on the projected costs and revenues for a future consecutive 12-month period. And, since filing its Application, the Company has made good faith efforts to assist the Attorney General and the other parties evaluate the Company's case-in-chief through discovery in a timely manner. The Attorney General's Motion improperly equates commonality of information with accessibility of information. (AG Motion, p 12, ¶ 18). The fact that I&M does not have every document the Attorney General thinks it should have in the format the Attorney General thinks it should be does not diminish I&M's evidentiary presentation.

To add to the discovery burden in this case, discovery requests often have been repetitive, seeking information already produced or in I&M's initial filing. (See, e.g., Exhibit A, I&M

[2] The volume of discovery is unique to Commission proceedings, as parties to lawsuits before Michigan courts are limited to 20 interrogatories each. MCR 2.309(A)(2).

Response to AG 8-194) (one of many examples of I&M referring requesting party to previous responses seeking the same information). Although the Company agrees and acknowledges that the Discovery Requests seek information that has been relevant in other rate cases, simply highlighting the relevancy of information fails to appreciate the burden placed on a utility to compile and produce information in eight business days. Indeed, the Michigan Court Rules require Michigan courts and the Commission to balance relevancy of a discovery request with proportionality and burden placed on the disclosing party. See MCR 2.302(B)(1); *Micheli v Mich Automobile Ins Placement Facility*, 340 Mich App 360, 384-85; 986 NW2d 451 (2022) ("Michigan's discovery rules authorize comprehensive inquiry into relevant subjects, including a witness's credibility, provided that the inquiry is "proportional to the needs of the case."); March 15, 2022 Ruling in Case No. U-21052, p 4 (noting that a document request must be "proportional to the needs of the case").

The discovery burdens are crystallized by the Motion and the Discovery Requests. The Discovery Requests seek extensive and highly detailed information, including actual expenditures from essentially all distribution system projects between January 1, 2018 and December 31, 2022. The Company has informed the Attorney General that such information is accessible through raw data or at the work order level and, thus, offered to provide the Attorney General such information for inspection. The Attorney General's claim that this "offer is not acceptable" does not negate that the Company complied with the Michigan Court Rules and the Commission's Rules of Practice and Procedure. (AG Motion, p 12, ¶ 21).

"Liberal discovery" does not translate to "unfettered discovery" and the Discovery Requests blur the lines between liberal and unfettered. For example, AG 5-93a, the Attorney General does not simply "[r]equest[ ] five years of historic costs and units for these expenditure

line items from company witness Isaacson's testimony," referencing Figures DSI-10. (AG Motion, p 3, ¶ 2.b). Rather, the Attorney General requested the Company: "**Expand the table** to include actual expenditures for each line item for each year 2018 to 2022 along with any units that reflect work completed and units forecasted to be completed in each year 2023 and 2024. Provide the information in Excel." (AG Motion, Ex 1, AG 5-93a) (emphasis added). Stated differently, the Attorney General demanded the Company compile additional information available in its business records, itemize that information (not simply provide totals), and manipulate that data in order to present it in the Attorney General's preferred format. To do so takes a considerable amount of time. Several Discovery Requests in this Motion ask the Company to do the same thing and "expand" the tables provided in Mr. Isaacson's testimony to included information the Attorney General needs for her analysis. Under the Michigan Court Rules, a party required to provide information only "in a form or forms in which the party ordinarily maintains it." MCR 2.310(C)(2). The Company must provide data it possesses, but is not required to do the Attorney General's work. Yet, that is exactly what the Attorney General is demanding the Company do and the ALJ compel.

Although the Discovery Requests may seek relevant information, the Michigan Court Rules and the Commission's Rules dictate I&M's obligations to respond, not the Attorney General's preferences. And, under the Michigan Court Rules and the Commission's Rules, the Company's responses to the Discovery Requests are responsive, even if the Company did not present all data in the Attorney General's desired format. The Attorney General cannot compel the *manner* or *format* that I&M produces discovery. The Company responded completely to each request in which information was discoverable under MCR 2.302(B)(1) by making responsive documents available for inspection. For requests for production, a party satisfies the production

requirements by making documents available for inspection. MCR 2.310(B). Similarly, when a response to an interrogatory can be found through business records, a party may respond to such interrogatory by making those business records available for inspection to the requesting party. MCR 2.309(E). Nothing in the Michigan Court Rules requires physical production of documents as it permits either delivery of responsive documents or making documents available for inspection. The Company chose the latter given the voluminous nature of the information. Thus, to the extent the Attorney General claims the Company failed to respond to the Discovery Requests because it failed to deliver those documents to the Attorney General in Excel or in a specific format, the Attorney General's argument is simply false and there is nothing to compel.

Moreover, the Attorney General has failed to demonstrate a need for the ALJ to compel production of the requested information despite the undue burden. Because the Attorney General objects to the manner in which the requested information is provided, she is required to show good cause. MCR 2.302(B)(6) states "[a] party need not provide discovery of ESI from sources that the party identifies as not reasonably accessible because of undue burden or cost," which is exactly the objection raised by I&M. (See, e.g., AG Motion, Ex. 1, I&M's Response to AG 5-91a). Responding to the Discovery Requests would cause an undue burden to the Company because the information is accessible as raw data or at the work order level, both of which are voluminous in nature. And this must be compiled on top the mountains of other discovery received by the Company. Although the Attorney General can seek to rebut I&M's objection, MCR 2.302(B) shifts the burden to the Attorney General requiring her to "show[] good cause, considering proportionality under [MCR 2.302](B)(1)," to compel a specific form of production. MCR

2.302(B)(6). The Attorney General has failed to do so[3] and instead claims that the Attorney General "cannot wade through thousands of work orders for a five-year period." (AG Motion, p 12, ¶ 21). Although the Company would agree that the Attorney General is not required to wade through the information produced by the Company, the Michigan Court Rules do not require I&M to do so either.

To the extent the Attorney General's barrage of discovery and aggressive Motion to Compel is a strategy to later argue that I&M has failed to prove its case, that argument falls flat because the Company has presented and supported its case, even if some material is not in the Attorney General's preferred format. Indeed, the merits of I&M's case should be evaluated based on the record, not unsupported allegations raised in a motion to compel. In rate cases, "the question is whether the company is receiving a just and reasonable return on the value of its existing property." *General Telephone Co of Mich v Public Service Commission*, 341 Mich 620, 636; 67 NW2d 882 (1954) (adopting and quoting *Elyria Telephone Co v Public Utilities Commission of Ohio*, 158 Ohio St 441, 446, 447; 110 NE2d 59 (1953)). The starting point looks to a utility's existing rate structure and "[w]here the revenue produced by an existing rate structure is less than a reasonable or just amount, a public utility has a constitutional right to rate relief." *Ass'n of Businesses Advocating Tariff Equity v Pub Service Comm*, 430 Mich 33, 39; 420 NW2d 81 (1988) (citing *Consumers Power Co v Public Service Comm*, 415 Mich 134, 145; 327 NW2d 875 (1982));

[3] To the extent the Attorney General claims providing historic costs is "standard," such claim is insufficient to demonstrate good cause and should be disregarded. It is not the standard to provide historic costs in a rate case as MCL 460.6a(1) states "a utility may use projected costs and revenues for a future consecutive 12-month period in developing its requested rates and charges." The Filing Requirements direct a utility to provide certain historical data, which I&M did. Indeed, the Commission's approach to relying upon and requiring historic costs is case specific: "Historical data may play a role, but ordinarily will not be the controlling factor except in circumstances that clearly demonstrate that it is a more fair and reasonable reflection of the utility's cost of service, relative to projected data." (November 2, 2009 Order in Case No. U-15645, p 9).

Mich Bell Telephone Company v Ingham Circuit Judge, 325 Mich 228, 234; 38 NW2d 382 (1949). At its core, the analysis is forward looking to ensure a utility can recover its costs along with a reasonable return. *Ass'n of Businesses*, 430 Mich at 39; see also MCL 460.6a(1) ("A utility may use projected costs and revenues for a future consecutive 12-month period in developing its requested rates and charges.")

The Company continues to supplement discovery and go above and beyond what is required under the Michigan Court Rules and the Commission's Rules. The Motion here only presents half the story of the Company's diligent efforts to respond to the Discovery Requests. As the Company has explained to the Attorney General—in responses and through counsel—much of the requested historical information is not as easily accessible as the Attorney General suggests. Indeed, the Company responded to the Discovery Requests stating "I&M does not have the historic information available in categories listed, or available in a searchable database." (AG Motion, Ex. 1, I&M's Response to AG 5-91a). The requested information is only available "at the work order level, which is voluminous in nature." (*Id*.) Although the Company is not required to create documents or produce information in a specific manner, the Company has offered to do so to respond to the Discovery Requests and assist in the parties' evaluation of I&M's Application. In this instance, the Company offered to meet with the Attorney General to discuss solutions that would allow the Attorney General access to the information she requested. The Attorney General has yet accepted that offer and instead filed this Motion.

The Michigan Court Rules require parties to attempt to resolve discovery disputes prior to seeking intervention from the presiding officer. MCR 2.313(A); MCR 2.309(C). Although the Attorney General did confer with the Company, rather than waiting until the Attorney General and the Company exhausted every avenue to resolve this dispute, the Attorney General jumped to a

Motion to Compel. In fact, the Company was under the impression the Attorney General and the Company were resolving this matter. The Company had offered to supplement to its responses and create the new documents that the Company had not previously created. Although the Attorney General seemed to accept the Company's offer to supplement and meet with the Company's subject matter experts to resolve concerns, the Attorney General nonetheless proceeded with the instant Motion to Compel.

Additionally, prior to filing the Motion, the Attorney General sent another set of discovery requests repeating the same requests as the Discovery Requests at issue in this Motion. For example, the AG 12-266 states:

> Refer to the response to DR AG 5-91 on Asset Renewal capital projects. The answer to subpart (a) is not responsive to the request. The Attorney General expert witness requires this information in the summary form requested to perform a comprehensive analysis of historical costs and work units versus the forecasted units and costs for 2023 and 2024, and to determine the reasonableness of the forecasted capital expenditures for acceptance or rejection. Counsel for the Attorney General has reached out to Company legal counsel separately to obtain this information timely. The request is being repeated here for completeness.

(Exhibit B, AG Attorney General Twelfth Discovery Request, p 8). The Company is actively preparing its response to this request and the twenty-six other individual requests plus subparts to respond as quickly as possible. The Company is working diligently with several Company employees working over the holidays to respond to and supplement the hundreds of discovery requests is has received.

The Attorney General's apparent strategy in this and other utilities' recent rate cases is to play "gotcha" by dropping hundreds of discovery requests on the utilities in a short period of time then seeking a disallowance when the utility fails to adequately read the Attorney General's mind with regard to a request's meaning or fails to produce work product that the utility does not have.

The ALJ should reject the Attorney General's tactics, deny the Motion to Compel, and instead direct the parties to continue to work together to get the Attorney General as much information as possible, even if the format does not look exactly like that the Attorney General is accustomed to seeing from other Michigan utilities.

CONCLUSION

The Commission's rate case filing requirements are designed to minimize discovery by requiring utilities to file significantly more information with its initial application. Despite I&M providing volumes of additional information under those filing requirements, the parties have buried I&M in an avalanche of discovery, pummeling I&M with 1,281 discovery requests in the 100 days since I&M filed this case. The parties have served an average of approximately 20 discovery questions on I&M every business day since the case began. The Attorney General alone has served the Company with 827 discovery questions. Requests frequently include questions that: (1) the parties could have answered themselves by reading I&M's pre-filed testimony and exhibits; (2) have already been asked and answered through prior discovery requests; and (3) do not ask I&M to merely produce records in the manner kept in the normal course of business, but rather to use data to perform calculations and provide answers in a format and on spreadsheets presented by the parties. The Discovery Requests are a perfect example of the latter. The Company has responded in good faith to each discovery request—including the Attorney General's Fifth Discovery Request, the subject of her Motion—and the ALJ should deny this Motion.

Respectfully Submitted,

Dated: January 2, 2023

By: Richard Aaron

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STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of INDIANA MICHIGAN POWER COMPANY for authority to increase its rates for the sale of electric energy and other related matters.	))))	Case No. U-21461

PROOF OF SERVICE

Karlene K. Zale, an employee of Dykema Gossett PLLC, being first duly sworn, deposes and says that on the 2nd day of January, 2024, she served Indiana Michigan Power Company's Response To The Attorney General's Motion To Compel upon the Case Coordinator, and the parties on the attached service list, at the email addresses indicated.

Karlene K. Zale

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U-21461 - SERVICE LIST

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