



January 8, 2024

Ms. Lisa Felice
Michigan Public Service Commission
7109 W. Saginaw Hwy.
Lansing, MI 48909

RE: MPSC Case No. U-21291

Dear Ms. Felice:

Attached please find the following document for e-filing:

- Petition to Intervene by Citizens Utility Board of Michigan;
- Appearance of Holly L. Hillyer on behalf of Citizens Utility Board of Michigan;
and
- Proof of Service.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris", with a long horizontal line extending to the right.

Christopher M. Bzdok
chris@tropospherelegal.com

Cc: Parties to Case No. U-21291

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of **DTE GAS COMPANY** for authority to increase its rates, amend its rate schedules and rules governing the distribution and supply of natural gas, and for miscellaneous accounting authority.

Case No. U-21291

**PETITION TO INTERVENE BY
CITIZENS UTILITY BOARD OF MICHIGAN**

1. Citizens Utility Board of Michigan (“CUB”) seeks to intervene in this case under Rule 410 of the Commission’s Rules of Practices and Procedure, R 792.10410, to represent the interests of its membership in reducing their natural gas bills.

2. CUB is a Michigan nonprofit corporation organized to protect Michigan’s residential ratepayers from unreasonable and unnecessary utility rate increases.

3. CUB has members that are residential gas customers of DTE Gas Company (“DTE” or “the Company”) and whose rates will be directly affected by the decision of the Commission in this matter.

4. CUB’s members, customers and ratepayers of DTE, are and will continue to be directly affected by the matters at issue in this proceeding, including but not limited to DTE’s application to increase rates.

5. CUB’s members have the potential to be harmed if they were required to incur higher costs caused by imprudent utility practices.

6. The Michigan Public Service Commission recognizes two types of intervention.

a. First, intervention by right, which requires that the party will suffer an

injury-in-fact as a result of the outcome of the case, and that the party is within the zone of interest protected by the statute. See for example, *Association of Data Processing Service Organizations, Inc v Camp*, 397 US 150; 90 S Ct 827; 250 L Ed 184 (1970).

b. Second, permissive intervention, where the Commission has the discretion to permit a party to intervene in the case where that party can provide useful information to the Commission or a unique perspective on the issues in the case. *In re Application of The Detroit Edison Co for Authority to Increase its Rates*, Case Nos. U-15768 and U-15751, January 11, 2010, Order, p. 7 (“*In re Detroit Edison*”).

7. CUB meets both tests.

8. CUB’s members are within the zone of interests protected by MCL 460.1, *et seq.*

These statutes generally protect ratepayers and provide opportunities for advocacy by ratepayer groups to protect their interests in Commission proceedings.

9. CUB has organizational standing because its members meet the zone of interests test. *In re Detroit Edison*, p. 8. See also *Drake v Detroit Edison*, 453 F Supp 1123, 1129 (WD Mich 1978) (“[A] plaintiff may be granted standing when he asserts interests not of his own but of a third party that meet the zone of interests test.”).

10. CUB also meets the test for permissive intervention, because CUB will provide useful information to the Commission and a unique perspective on the issues.

11. CUB will bring significant expertise to bear in these proceedings. Its staff and witnesses have extensive knowledge and experience in the area of ratepayer advocacy. In addition, CUB has provided comments to the Commission and intervened and participated in cases before the Commission to advocate for ratepayers, both individually and in coalition with other environmental organizations.

12. CUB has intervened in prior Commission proceedings including Case No. U-20479

(SEMCO Energy Gas Company Rate Case); Case No. U-20561 (DTE Electric Company Rate Case); Case No. U-20650 (Consumers Energy Company Gas Rate Case); Case No. U-20697 (Consumers Energy Company Rate Case); U-20836 (DTE Electric Company Rate Case); U-20963 (Consumers Energy Company Electric Rate Case); Case No. U-21090 (Consumers Energy Company Integrated Resource Plan); Case No. U-21148 (Consumers Energy Company General Rate Case); Case No. U-21193 (DTE Electric Integrated Resource Plan); Case No. U-21297 (DTE Electric Company General Rate Case); Case No. U-21308 (Consumers Energy Company Gas Rate Case); and U-21389 (Consumers Energy Company Rate Case).

13. CUB plans to evaluate DTE's application, testimony, and exhibits, and to conduct discovery, and then to raise those issues and take those positions that best serve the interests described above. CUB reserves the right to advance other issues as the case develops.

14. This petition to intervene is timely and within the period for intervention set in the notice of prehearing.

15. No other party adequately represents the interests of CUB and its members.

16. CUB requests that all notices and pleadings be served on:

Christopher M. Bzdok
chris@tropospherelegal.com

Holly L. Hillyer
holly@tropospherelegal.com

Troposphere Legal, PLC
420 E. Front St.
Traverse City, MI 49686

and on:

Breanna Thomas, Legal Assistant
breanna@tropospherelegal.com

For the reasons outlined above, CUB respectfully requests that the Commission grant this petition to intervene and treat it as a party to this proceeding.

Troposphere Legal, PLC
Counsel for CUB

Date: January 22, 2024

By:



Christopher M. Bzdok (P53094)
Holly L. Hillyer (P85318)
420 E. Front St.
Traverse City, MI 49686
Phone: 231-709-4000

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 Gas Company Docket No. U-21291

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

1. (Name) Citizens Utility Board of Michigan (CUB)
2. (Name)
3. (Name)
4. (Name)
5. (Name)
6. (Name)
7. (Name)

Name Holly L. Hillyer
Address 420 E. Front Street

City Traverse City State MI
Zip 49686 Phone (231) 709-4000
Email holly@tropospherelegal.com
Date January 22, 2024

I am not an attorney
 I am an attorney whose:
Michigan Bar # is P- 85318
_____ Bar # is: _____
(state)

Signature:  Digitally signed by Holly Hillyer
DN: cn=Holly Hillyer, o=Troposphere Legal,
email=holly@tropospherelegal.com, c=US
Date: 2024.01.22 12:05:44 -05'00'

Save Form

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STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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U-21291

PROOF OF SERVICE

On the date below, an electronic copy of **Petition to Intervene by Citizens Utility Board of Michigan and Appearance of Holly L. Hillyer** was served on the following:

Name/Party	E-mail Address
Administrative Law Judge Hon. Jonathan F. Thoits	thoitsj@michigan.gov
Counsel for DTE Gas Company Carlton D. Watson	carlton.watson@dteenergy.com
Counsel for Department of Attorney General Joel B. King	ag-enra-spec-lit@michigan.gov kingj38@michigan.gov
Counsel for City of Ann Arbor Valerie Jackson Valerie J.M. Brader	ecf@rivenoak.com valeriejackson@rivenoaklaw.com valerie@rivenoaklaw.com
Retail Energy Supply Association Jennifer U. Heston	jheston@fraserlawfirm.com

The statements above are true to the best of my knowledge, information, and belief.

TROPOSPHERE LEGAL, PLC
Counsel for CUB

Date: January 22, 2024

By: _____



Breanna Thomas, Legal Assistant
420 E. Front St.
Traverse City, MI 49686
Phone: 231-709-4000
Email: breanna@tropospherelegal.com