

# Potomac LAW GROUP

**Potomac Law Group PLLC**

1717 Pennsylvania Avenue N.W., Suite 1025 | Washington, D.C. 20006  
T 202.204.3005 | F 202.318.7707 | [www.potomaclaw.com](http://www.potomaclaw.com)

January 29, 2024

Ms. Lisa Felice  
Executive Secretary  
Michigan Public Service Commission  
7109 W. Saginaw Highway  
P.O. Box 30221  
Lansing, MI 48909

Re: **MPSC Case No. U-21291**

Dear Ms. Felice:

Attached for electronic filing in the above-referenced matter, please find the Petition for Leave to Intervene of Billerud Americas Corporation, together with the Proof of Service. Thank you for your assistance in this matter.

Very truly yours,

Timothy J. Lundgren

TJL/srd

Enclosure

c. All parties of record.

**STATE OF MICHIGAN**  
**BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

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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 FOR LEAVE TO INTERVENE  
OF BILLERUD AMERICAS CORPORATION**

Billerud Americas Corporation (“Billerud”), by and through its attorneys, Potomac Law Group, PLLC, hereby files this Petition with the Michigan Public Service Commission ("Commission") for leave to intervene in and become a party to the above-titled proceedings pursuant to R 792.10410 ("Rule 410") of the Commission's Rules of Practice and Procedure and the Michigan Administrative Procedures Act, MCL § 24.101 *et seq.* In support of this Petition, Billerud states as follows:

1. Billerud owns and operates two mills in the Upper Peninsula of Michigan. Billerud is a gas transportation customer of DTE Gas.
2. Billerud (or its predecessor Verso) participated in DTE's last general gas rate case, U-20940, as well as the previous gas rate case U-20642.
3. On January 8, 2024, DTE Gas filed an application with associated testimony and exhibits requesting authority to increase rates, amend its rates schedules, obtain approval of certain accounting matters and modify certain terms and conditions of providing natural gas services.

4. On January 18, 2024, DTE Gas filed revised direct testimony and n associated exhibit.

5. Attachment 2 to the Application filed by DTE Gas shows that the utility is requesting an increase in the total transportation services rate of over15%, and an increase in Rate XXLT of over 14%. Billerud would be subject to these cost increases if they were to be approved in this proceeding.

6. The Commission has long recognized a two-prong test for standing of right that requires a prospective intervenor to show (i) that it will suffer an injury in fact, and (ii) that the interests allegedly endangered are within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question. See, *In re Application of The Detroit Edison Co for Authority to Increase its Rates*, Case Nos. U-15768 and U-15751 (January 11, 2010); *Association of Data Processing Service Organizations, Inc v Camp*, 397 US 150; 90 S Ct 827; 25 L Ed 2d 184 (1970); and *Drake v The Detroit Edison Company*, 453 F Supp 1123, 1127 (WD Mich, 1978) ("*Drake*").

7. Billerud will be directly and adversely affected by these proceedings because DTE Gas has proposed substantial rate increases for the tariffed service that Billerud receives. As a utility customer with Michigan facilities, Billerud is also within the zone of interests of the governing statutes. Billerud therefore satisfies the Commission's two-prong test for standing as of right.

8. Billerud intends to participate in these proceedings to the extent necessary to protect the interests of its Upper Peninsula Michigan mills and intends to take the position that any charges to DTE Gas customers must be just, reasonable, and consistent with costs of service. In particular,

Billerud intends to examine the proposed XLT and XXLT rate changes to ensure that Billerud and other customers are not being required to improperly subsidize costs.

9. The interests of Billerud in this proceeding cannot be adequately represented or protected by any other party.

10. Billerud reserves the right to take other positions and/or seek other relief based on a review of the various filings, the responses to discovery, or the positions taken by other parties in this proceeding.

WHEREFORE, Billerud respectfully requests that its Petition for Leave to Intervene be granted.

Respectfully submitted,

Potomac Law Group, PLLC  
Attorneys for Billerud Americas Corporation

January 29, 2024

By: \_\_\_\_\_  
Tim Lundgren (P62807)  
Justin K. Ooms (P82065)  
Potomac Law Group  
120 N. Washington Square, Suite 300  
Lansing, Michigan 48933  
616/915-3726

STATE OF MICHIGAN

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\_\_\_\_\_ )

Case No. U-21291

**PROOF OF SERVICE**

STATE OF SOUTH CAROLINA )  
 ) ss.  
COUNTY OF BERKELEY )

Summer R. Dukes, the undersigned, being first duly sworn, deposes and says that she is a Paralegal at Potomac Law Group PLLC and that on the 29<sup>th</sup> day of January, 2024 she served the Petition for Leave to Intervene of Billerud Americas Corporation, via email, upon those individuals listed on the attached Service List.

\_\_\_\_\_  
Summer R. Dukes

**Administrative Law Judge**

Honorable Jonathan F. Thoits  
[thoitsj@michigan.gov](mailto:thoitsj@michigan.gov)

**Michigan Environmental Council  
Citizens Utility Board of Michigan**

Christopher M. Bzdok  
Holly L. Hillyer  
[chris@tropospherelegal.com](mailto:chris@tropospherelegal.com)  
[holly@tropospherelegal.com](mailto:holly@tropospherelegal.com)

**Michigan Power Limited Partnership**

Jennifer U. Heston  
[jheston@fraserlawfirm.com](mailto:jheston@fraserlawfirm.com)

**Attorney General Dana Nessel**

Joel King  
[kingj38@michigan.gov](mailto:kingj38@michigan.gov)  
[ag-enra-spec-lit@michigan.gov](mailto:ag-enra-spec-lit@michigan.gov)

**DTE Gas Company**

Carlton D. Weston  
Paula Johnson-Bacon  
[Carlton.watson@dteenergy.com](mailto:Carlton.watson@dteenergy.com)  
[Paula.bacon@dteenergy.com](mailto:Paula.bacon@dteenergy.com)

**MPSC Staff**

Heather M.S. Durian  
Michael J. Orris  
Monica M. Stephens  
Anna B. Stirling  
[durianh@michigan.gov](mailto:durianh@michigan.gov)  
[orrism@michigan.gov](mailto:orrism@michigan.gov)  
[stephensm11@michigan.gov](mailto:stephensm11@michigan.gov)  
[stirlinga1@michigan.gov](mailto:stirlinga1@michigan.gov)

**City of Ann Arbor**

Valerie Jackson  
Valerie J.M. Brader  
[valeriejackson@rivenoaklaw.com](mailto:valeriejackson@rivenoaklaw.com)  
[valerie@rivenoaklaw.com](mailto:valerie@rivenoaklaw.com)

**Billerud Americas Corporation**

Timothy J. Lundgren  
Justin K. Ooms  
[tlundgren@potomaclaw.com](mailto:tlundgren@potomaclaw.com)  
[jooms@potomaclaw.com](mailto:jooms@potomaclaw.com)

**Environmental Law & Policy Center**

**Ecology Center**

**Union of Concerned Scientists**

**Vote Solar**

Nicholas Wallace  
[nwallace@elpc.org](mailto:nwallace@elpc.org)