

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application 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.

MPSC No. U-21534

Attorney General's Notice of Intervention

Michigan Attorney General Dana Nessel, through the Special Litigation Division and Assistant Attorney General Joel B. King, gives notice of her intervention as a party and of her appearance in this proceeding, and responds as follows to the application filed by DTE Electric Company ("DTE" or the "Company") and the notice of hearing issued by the Michigan Public Service Commission ("MPSC" or the "Commission").

I. Statement of Interest

1. The Attorney General of the State of Michigan holds such office by virtue of and pursuant to Const 1963, art 5, § 21, and by mandate of the qualified electorate of the State of Michigan. She is head of the Department of Attorney General created by the Executive Organization Act, 1965 PA 380, ch 3; MCL 16.150 and the State of Michigan is a body politic established under the Constitution of the United States and admitted into the Union by act of Congress under date of January 26, 1837.

2. The Attorney General intervenes and appears in this proceeding for and on behalf of the People of the State of Michigan and for and on behalf of the State of Michigan, its departments, commissions, and agencies, as customers and ratepayers of DTE. DTE has over two million ratepayers. The interest of these ratepayers is a public one, being common among virtually all ratepayers in DTE's service area. The State of Michigan is a substantial user of and ratepayer for DTE's electricity services.

3. Both the statutory and common law of Michigan authorize the Attorney General's intervention and appearance in this proceeding. MCL 14.28 provides in pertinent part:

. . . the attorney general . . . may, when in [her] own judgment the interests of the state require it, intervene in and appear for the people of this state in any other court or tribunal, in any cause or matter, civil or criminal, in which the people of this state may be a party or interested.

The Attorney General has the right to intervene whenever the Attorney General, in her own discretion, deems it in the public interest to do so. *People v O'Hara*, 278 Mich 281; 270 NW 298 (1936), and *Gremore v People's Community Hospital Authority*, 8 Mich App 56; 153 NW2d 377 (1967). As the chief law officer of the State, the Attorney General has common law authority to represent public interests, as she may deem necessary for the protection of public rights. *In re Certified Question*, 465 Mich 537, 543-545; 638 NW2d 409 (2002); *Withee v Lane & Libby Fisheries Co*, 120 Me 121, 123; 113 A 22, 23 (1921).

4. Furthermore, when the Attorney General deems it in the public interest to do so, she may intervene in any administrative proceeding at any stage of such a

proceeding. *Attorney General v Liquor Control Comm'n*, 65 Mich App 88; 237 NW2d 196 (1975).

5. The Attorney General, in her judgment, has determined that the interests of both the State and the People of the State of Michigan require her to intervene in this proceeding on their behalf. This proceeding will directly affect the State and a large number of the People of this State who are customers of DTE. The State and correspondingly the taxpayers of this State pay significant amounts for electricity service for the State in the conduct of the People's affairs. In addition, the People of this State who are customers of DTE also pay large sums for electricity service for their homes and businesses. Any action taken in this proceeding will directly affect both the economy of the state and the general well-being of all the citizens and residents of this State.

II. Statement of Positions

6. On December 28, 2023, DTE filed its pre-filing announcement with the MPSC, indicating its intention to file an electric rate case on or around March 1, 2024.

7. On March 25, 2024, DTE filed its rate case summary in this case, indicating it will file its full application in this case together with supporting testimony, exhibits, and workpapers on March 28, 2024 and providing numerous details about the full filing.

7. DTE requests the MPSC to increase its rates by approximately \$456.4 million annually, along with a Return on Equity of 10.5% and other requests.

8. The Attorney General takes the position that DTE has the burden of proving by a preponderance of the evidence that its proposed rate increases are just and reasonable.

9. The Attorney General takes the position that DTE must prove by a preponderance of the evidence that all projected revenues are just and reasonable.

10. The Attorney General takes the position that DTE must prove by a preponderance of the evidence that all projected operation and maintenance expenses are just and reasonable.

11. The Attorney General takes the position that DTE's proposed rates of return and capital structure may not be just and reasonable.

12. The Attorney General takes the position that the Company's proposals to modify its rate schedules may not be just and reasonable.

13. The Attorney General reserves the right to take additional and different positions based upon future discovery and evidence in this case.

III. Relief Requested

Attorney General Dana Nessel requests the Michigan Public Service

Commission to:

- A. Enter her notice of intervention into the official record of the captioned case and treat her as a party to these proceedings for all purposes,
- B. Develop an evidentiary record and conduct contested case proceedings pursuant to Chapter IV of the Administrative Procedures Act [MCL 24.171 *et seq.*],
- C. Establish just and reasonable rates according to the whole record developed in this case, and
- D. Grant any further and additional relief the MPSC may decide is reasonable and lawful.

Respectfully submitted,

Dana Nessel
Attorney General

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March 28, 2024

PROOF OF SERVICE - U-21534

The undersigned certifies that a copy of the *Attorney General's Notice of Intervention* was served upon the parties listed below by e-mailing the same to them at their respective e-mail addresses on the 28th day of March 2024.

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