



Jon P. Christinidis
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March 28, 2024

Lisa Felice
Executive Secretary
Michigan Public Service Commission
7109 West Saginaw Highway
Lansing, MI 48917

RE: In the matter of the Application of **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 Case No. U-21534

Dear Ms. Felice:

Attached for electronic filing in the above captioned matter are DTE Electric Company's Application, Proposed Notice of Hearing, Proposed Protective Order, Proposed Nondisclosure Certificates, Testimony, and Exhibits. Also attached is the Proof of Service.

Also provided to the MPSC by Overnight Mail – Next Day Delivery on March 27, 2024 for filing via external storage drive are DTE Electric Company's Part II – Financial Information materials, Part III –Supplemental Data and electronic files in Excel and Word format. Concurrently with this filing, the parties to Case Nos. U-20836 and U-21297 are being provided all of these materials via the following secure portal link:

<https://dteenergy.sharepoint.com/sites/DiscoveryPortal/Elec/U21534/Documents/Forms/AllItems.aspx>

Very truly yours,

Jon P. Christinidis

JPC/erb
Attachments
cc: Service List

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of)
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.)

Case No. U-21534

APPLICATION

DTE Electric Company (“Applicant,” the “Company” or “DTE Electric”), a corporation organized and existing under and by virtue of the laws of the State of Michigan, with its principal office at One Energy Plaza, Detroit, Michigan 48226, files this Application pursuant to, inter alia, MCL 460.6 et seq., and various Michigan Public Service Commission (“Commission”) Orders, requesting authority to increase rates, and amend its rate schedules and rules governing the distribution and supply of electric energy. In support of the relief requested in this Application, the Company respectfully represents to the Commission as follows:

1. DTE Electric is owned by DTE Electric Holdings, LLC, which is a wholly-owned subsidiary of DTE Energy providing retail electric service to customers located in Michigan, and is a public utility subject to the jurisdiction of the Commission.

2. The Company is presently serving its electric customers under schedules of rates and charges approved by this Commission in, inter alia, its Order dated December 1, 2023, in Case No. U-21297 (the “U-21297 Order”).

3. This Application is being filed in accordance with the Commission's determinations in Case No. U-18238.

4. The Company has determined the need for additional annual base electric revenues in the amount of approximately \$456.4 million effective as early as January 28, 2025, in order to recover, among other things, Applicant's increased investments in plant involving generation, to support DTE Electric's carbon reduction plans and the State's goals for cleaner energy, and the electric distribution system, to improve power reliability, as well as the associated depreciation and property tax increases.

5. This filing provides the rationale, spending, timing, and expected customer benefits associated with significant investments in distribution, generation, and customer service. Several of these programs include strategic infrastructure investments in substations, poles, wires, transformers and other electric distribution assets to modernize equipment, support growth in customer demand in specific areas, improve worker and public safety, and reduce the frequency and duration of power outages. In addition, the Company's filing supports the continuation of the multi-year tree trimming "surge" program, conversion of Belle River Power Plant's fuel source from coal to natural gas, consistent with the IRP Order in Case No. U-21193, and plant removal associated with the retirement and decommissioning of power generation assets at Harbor Beach, Conners Creek, River Rouge, St. Clair, and Trenton Channel Power Plants.

6. The proposed revenue increase described in this Application is necessary to allow the Company to continue to provide safe and reliable electric service, meet customers' service quality expectations, and allow the Company a reasonable opportunity to recover its costs, including a reasonable rate of return. The historical test year being used by DTE Electric is the calendar year ended December 31, 2022. This 12-month period was then normalized and adjusted

for known and measurable changes, as supported by the Company's witnesses in this case, to arrive at the Company's January 1, 2025 through December 31, 2025 projected test year.

7. DTE Electric's projected rate base of approximately \$24.2 billion (inclusive of the Monroe Regulatory Asset) includes actual net plant and working capital as of December 31, 2022, with projected changes through December 31, 2025 and includes the impact of base capital expenditures and further adjustments for specific major projects. Major capital projects from 2022 through the projected period ending December 31, 2025, are described in the testimony and exhibits of the Company's witnesses.

8. DTE Electric's testimony and exhibits filed contemporaneously with this Application evidence a need for additional annual base rate revenue beginning January 28, 2025, of approximately \$456.4 million.

9. Attachment 1 to this Application summarizes the Company's request. DTE Electric proposes to allocate the required electric revenue increase among rate classes as set forth on Attachment 2 to this Application. A comparison of typical bills and proposed rates for Residential Service Rate D1.11 is shown on Attachment 3 to this Application. In addition, the Proposed Draft Notice of Hearing is included as Attachment 4 to this Application.

10. With respect to rate design, DTE Electric is proposing, among other things, certain changes to the Company's tariffs, and rules and regulations, including but not limited to the introduction of commercial secondary time of use Rate Schedule D3.11, primary time of use Rate Schedule D14, and amendments to Rate Schedule D1.6. In addition, the Company is proposing the continuation, extension, and expansion of the Infrastructure Recovery Mechanism (IRM) focused on certain distribution capital expenditures that address customer safety, customer reliability, and the integration of increasing levels of Electric Vehicle (EV) and Distributed Energy Resources (DER) that will be recovered by means of the IRM surcharge revenue requirements; \$80.6 million for 2026

and \$172.4 million for 2027.

11. In Case No. U-21297, the Commission approved the deferral of tree trim surge amounts above the approved O&M expenses as a regulatory asset through 2025. The Company, in this filing, is requesting that the Commission approve additional surge funding deferral for the completion of the tree trim surge in calendar year 2025. The Company is also proposing a Storm Restoration Cost Sharing Mechanism (SRCSM) to address volatile storm restoration costs and establish appropriate incentives to minimize storm restoration costs.

12. DTE Electric is seeking Commission approval of certain accounting requests, including but not limited to, regulatory asset treatment for certain costs associated with the proposed SRCSM. Additionally, the Company is proposing several pilot programs in this filing pertaining to electric vehicle charging, distribution non-wire alternatives, battery energy storage, and demand response initiatives.

13. DTE Electric is seeking cost recovery of its variable compensation programs that are used to attract and retain employees with the requisite skills and experience to provide quality customer service, make DTE Electric's employees' total compensation externally competitive, and differentiate total compensation based on organizational and individual contributions. The Company is not seeking to recover the variable compensation for the top five DTE Energy executives.

14. DTE Electric is requesting a return on equity of 10.50% with an overall rate of return of 5.92% after tax and 7.37% pre-tax. The Company is requesting a permanent capital structure of approximately 50% equity and 50% long-term debt. The average rate base for the projected test year is approximately \$24.2 billion (inclusive of the Monroe Regulatory Asset), which includes an equity base of approximately \$9.7 billion.

15. DTE Electric is requesting that the Commission adopt the Power Supply Cost

Recovery (PSCR) base established in the Commission's Order in Case No. U-15244 on January 13, 2009, adjusted for an updated loss factor.

16. In 2016, the Michigan legislature passed, and the Governor signed into law, PA 341 which, in the part pertinent to this proceeding, amended MCL 460.1 *et seq.* by adding Section 6w (MCL 460.6w). Act 341 became effective on April 20, 2017 and directed the creation of a state reliability mechanism (SRM) and capacity charge. DTE Electric has calculated the capacity charge consistent with the methodology used in the Commission's Order in Case No. U-21297 dated December 1, 2023.

17. The Company is filing the direct testimony and exhibits of 28 witnesses concurrently with this Application. The contents, recommendations, revenue and expense items and proposed ratemaking items set forth in those documents are incorporated into this Application by reference.

18. The fact that Applicant may not address an item or position addressed by Applicant in previous cases, or which is presently on appeal before the courts, does not constitute a waiver of such item or position by the Company, or of any rights or positions that the Company may wish to take on these matters in this or any other proceedings before the Commission (now or in the future), or in any other appropriate court or venue.

WHEREFORE, DTE Electric requests that the Commission:

- A. Accept this Application for filing;
- B. Give such Notice to interested parties as may be required by statute or the Commission's rules;
- C. Establish a date, place and time for a prehearing conference;
- D. Conduct a hearing on this Application in order to determine the just and reasonable rates, effective as early as January 28, 2025, which will provide the Company a reasonable opportunity to recover its costs, including a reasonable rate of return, in the projected test year and

beyond;

E. Approve an additional annual revenue increase effective as soon as possible in the projected test year as described herein;

F. Approve the Company's proposed capital structure and return on equity;

G. Approve new rates effective as early as January 28, 2025 in the manner described in this Application, the accompanying Attachments and the Company's Direct Testimony and Exhibits;

H. Grant the Company's request to approve the PSCR base;

I. Approve the Company's proposals to implement certain customer rate schedules and tariffs;

J. Approve recovery of the Company's generation investments;

K. Approve recovery of the Company's investments related to the strengthening of the Company's distribution system and reliability improvements;

L. Approve the continuation, extension, and expansion of the IRM as proposed by the Company;

M. Approve the SRCSM as proposed by the Company;

N. Approve all proposed pilot programs as requested by the Company;

O. Approve all proposed regulatory accounting treatments as requested by the Company;

P. Approve the capacity charge calculated by the Company which is based on the methodology approved in Case No. U-21297 and approve the capacity-related costs supported by the Company in this proceeding;

Q. Grant any other relief described in this Application as requested by the Company;

R. Grant Applicant such further additional relief, as the Commission may deem suitable and appropriate.

Respectfully Submitted,

DTE ELECTRIC COMPANY

By: _____
Marco A. Bruzzano
Senior Vice President –Regulatory Affairs

DTE ELECTRIC COMPANY
Legal Department

By: _____
Attorneys for DTE Electric Company
Andrea Hayden (P71976)
Paula Johnson-Bacon (P55862)
Jon P. Christinidis (P47352)
One Energy Plaza, 1635 WCB
Detroit, MI 48226
(313) 235-7706

Dated: March 28, 2024

MPSC Case No. U-21534
DTE Electric Company
Electric Revenue Deficiency by Major Component

(\$ Millions)

(a)

(b)

Line	Description	Projected Revenue Deficiency (1)
1	Rate Base (Plant Investment - Return On & Of, plus Property Taxes)	\$ 285
2	Return on Equity	63
3	Cost of Debt and Capital Structure	36
4	Operating Cost & Other	<u>72</u>
5	Total Requested Rate Relief	<u><u>\$ 456</u></u>

(1) Revenue Deficiency calculated from last approved rate case U-21297

MPSC Case No. U-21534
DTE Electric Company
Summary of Present and Proposed Revenue by Rate Schedule

####	(a)	(b)	(c)	(d)	(e)
Line No.	Residential	Total Present Revenue (\$000's)	Total Proposed Revenue (\$000's)	Total Net Increase/ (Decrease) (\$000's)	Total Net Increase/ (Decrease) (%)
1	D1/D1.6 Residential	\$48,110	\$50,386	\$2,276	4.7%
2	D1.1 Int. Air	\$53,003	\$58,552	\$5,549	10.5%
3	D1.2 TOD	\$32,649	\$35,957	\$3,308	10.1%
4	D1.7 TOD	\$15,366	\$17,134	\$1,767	11.5%
5	D1.8 Dynamic	\$29,279	\$32,205	\$2,927	10.0%
6	D1.9 Elec. Vehicle	\$1,992	\$2,203	\$211	10.6%
7	D1.11 Time of Use	\$2,633,702	\$2,886,147	\$252,445	9.6%
8	D2 Elec. Space Heat	\$47,084	\$51,782	\$4,698	10.0%
9	D5 Res. Water Ht.	\$14,146	\$15,701	\$1,555	11.0%
10	Total Residential	\$2,875,332	\$3,150,067	\$274,735	9.6%
11					
12	Secondary				
13	D1.1 Int. Air	\$708	\$769	\$61	8.6%
14	D1.7 TOD	\$1,581	\$1,749	\$168	10.6%
15	D1.8 Dynamic	\$136	\$148	\$12	8.8%
16	D 1.9 Elec Vehicle	\$62	\$68	\$6	9.9%
17	D3 Gen. Serv.	\$1,066,344	\$1,160,898	\$94,553	8.9%
18	D3.1 Unmetered	\$11,064	\$12,191	\$1,127	10.2%
19	D3.2 Sec. Educ.	\$60,733	\$67,235	\$6,501	10.7%
20	D3.3 Interruptible	\$7,083	\$7,790	\$707	10.0%
21	D3.5 Charging Serv.	\$0	\$0	\$0	-
22	D4 Lg. Gen. Serv.	\$256,631	\$278,394	\$21,763	8.5%
23	D5 Com. Wat. Ht.	\$1,085	\$1,193	\$107	9.9%
24	E1.1 Eng. St. Ltg.	\$1,152	\$1,267	\$115	10.0%
25	R7 Greenhs. Ltg.	\$419	\$464	\$45	10.7%
26	R8 Space Cond.	\$9,537	\$10,420	\$884	9.3%
27	Total Secondary	\$1,416,535	\$1,542,585	\$126,050	8.9%
28					
29	Primary				
30	D11 Prim. Supply	\$959,228	\$998,800	\$39,572	4.1%
31	D12 Exp. Lrg Cust	\$0	\$0	\$0	-
32	D6.2 Pri. Educ.	\$74,835	\$82,402	\$7,567	10.1%
33	D8 Int. Primary	\$39,805	\$41,225	\$1,421	3.6%
34	D10 El.Schools	\$2,911	\$2,977	\$65	2.2%
35	R1.1 Alt. Mtl. Melt.	\$8,244	\$8,580	\$336	4.1%
36	R1.2 El. Pr. Htg.	\$30,125	\$31,291	\$1,165	3.9%
37	R3 Standby	\$8,526	\$8,754	\$229	2.7%
38	R10 Int. Supply	\$52,885	\$53,484	\$599	1.1%
39	Total Primary	\$1,176,559	\$1,227,513	\$50,954	4.3%
40					
41	D13 XL	\$11,111	\$10,892	(\$219)	(2.0%)
42					
43	Other				
44	D9 Protective Ltg.	\$12,439	\$13,068	\$629	5.1%
45	E1 Muni Street Ltg	\$63,859	\$67,751	\$3,892	6.1%
46	E2 Traffic Lights	\$5,468	\$5,862	\$394	7.2%
47	Total Other	\$81,766	\$86,680	\$4,914	6.0%
48					
49	Total All Classes	\$5,561,302	\$6,017,737	\$456,434	8.2%

Attachment 3

**MPSC Case No. U-21534
DTE Electric Company
Comparison of Typical Bills Under Present and Proposed Rates
Residential Service Rate D1.11 (*summer*)**

Line No.	(a) Monthly kWh Use	(b) Present Net Monthly Bill	(c) Proposed Net Monthly Bill	(d) Increase		(e)
				<u>Amount</u>	<u>Percent</u>	
1	100	\$27.48	\$29.33	\$1.85	6.75%	
2	200	\$45.57	\$49.28	\$3.71	8.13%	
3	300	\$63.67	\$69.23	\$5.56	8.73%	
4	400	\$81.77	\$89.18	\$7.41	9.07%	
5	500	\$99.86	\$109.13	\$9.27	9.28%	
6	600	\$117.96	\$129.08	\$11.12	9.43%	
7	700	\$136.06	\$149.03	\$12.97	9.54%	
8	800	\$154.15	\$168.98	\$14.83	9.62%	
9	900	\$172.25	\$188.93	\$16.68	9.68%	
10	1,000	\$190.34	\$208.88	\$18.53	9.74%	
11	1,500	\$280.83	\$308.63	\$27.80	9.90%	
12	2,000	\$371.31	\$408.38	\$37.07	9.98%	
13	4,000	\$733.24	\$807.37	\$74.13	10.11%	

Assumes ~16% of usage is on peak (as designed)

**PROPOSED
STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION
NOTICE OF HEARING**

**FOR THE ELECTRIC CUSTOMERS OF
DTE ELECTRIC COMPANY
CASE NO. U-21534**

- DTE Electric Company may increase its annual base electric revenues by approximately \$456.4 million (with additional revenue requirements of \$80.6 million for 2026 and \$172.4 million for 2027 if the investment recovery mechanism (IRM) proposed by the Company is accepted) above existing base electric rate levels along with other requested relief if the Michigan Public Service Commission (Commission) approves its request.
- A TYPICAL RESIDENTIAL CUSTOMER'S AVERAGE ELECTRIC BILL MAY BE INCREASED BY UP TO \$11.03 PER MONTH, IF THE MICHIGAN PUBLIC SERVICE COMMISSION APPROVES THE REQUEST.
- The information below describes how a person may participate in this case.
- You may call or write DTE Electric Company, One Energy Plaza, Detroit, Michigan 48226, 1-800-477-4747, for a free copy of its application, testimony and exhibits. Any person may review the application, testimony and exhibits at the offices of DTE Electric Company or on the Commission’s website at: michigan.gov/mpscedockets
- A pre-hearing will be held:

DATE/TIME: _____, 2024, at ____ a.m.

BEFORE: Administrative Law Judge _____

LOCATION: _____

PARTICIPATION: Any interested person may participate. Persons needing any assistance to participate should contact the Commission's Executive Secretary at (517) 284-8090, or by email atmpscedockets@michigan.gov in advance of the hearing.

The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider DTE Electric Company’s March 28, 2024 application to increase its annual base electric revenues by approximately \$456.4 million along with other requested relief.

DTE Electric Company’s Application states that the requested increase is required to recover the costs associated with significant investments in distribution to improve power reliability, cleaner generation, and customer service. Several of these programs include strategic infrastructure investments in substations, poles, wires, transformers and other electric distribution assets to modernize equipment, support growth in customer demand in specific areas, improve worker and public safety, and reduce the frequency and duration of power outages. In addition, the Company’s filing supports the continuation of the multi-year tree trimming “surge” program, conversion of Belle River Power Plant’s fuel source from coal to natural gas, consistent with the IRP Order in Case No. U-21193, and plant removal associated with the retirement and decommissioning of power generation assets at Harbor Beach, Conners Creek, River Rouge, St. Clair, and Trenton Channel Power Plants.

DTE Electric Company’s requested relief also includes certain changes to its tariffs, and rules and regulations, including but not limited to new proposed commercial secondary and primary time of use Rate Schedules D3.11 and D14, and proposed amendments to Rate Schedule D1.6. In addition, the Company is proposing a continuation, extension, and expansion of the IRM focused on certain distribution capital expenditures that address customer safety, customer reliability, and the integration of increasing levels of electric vehicle and distributed energy resources that will be recovered by means of an IRM surcharge as well as a Storm Restoration Cost Sharing Mechanism to address volatile storm restoration costs and establish appropriate incentives to minimize storm restoration costs.

The Application also requests approval of capital structure cost changes, various accounting proposals and identifies several proposed pilot programs associated with electric vehicle charging, distribution non-wire alternatives, battery energy storage, and electric demand response. In total, DTE Electric Company’s Application seeks Commission approval for additional base electric annual revenues of approximately \$456.4 million (with additional revenue requirements of \$80.6 million for 2026 and \$172.4 million for 2027 if the IRM proposed by the Company is accepted) based upon a January 1, 2025 through December 31, 2025 projected test year with rates effective as early as January 28, 2025.

The chart below summarizes DTE Electric Company's proposed base revenue increases.

SUMMARY OF PROPOSED BASE REVENUE INCREASES

DTE Electric Company
Summary of Proposed
Base Electric Revenue Increase /(Decrease)

	Total Present Revenue (\$000's)	Total Proposed Revenue (\$000's)	Total Net Increase/ (Decrease) (\$000's)	Total Net Increase/ (Decrease) (%)
Residential				
D1/D1.6 Residential	\$48,110	\$50,386	\$2,276	4.7%
D1.1 Int. Air	\$53,003	\$58,552	\$5,549	10.5%
D1.2 TOD	\$32,649	\$35,957	\$3,308	10.1%
D1.7 TOD	\$15,366	\$17,134	\$1,767	11.5%
D1.8 Dynamic	\$29,279	\$32,205	\$2,927	10.0%
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Total Residential	\$2,875,332	\$3,150,067	\$274,735	9.6%
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D3.5 Charging Serv.	\$0	\$0	\$0	-
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D12 Exp. Lrg Cust	\$0	\$0	\$0	-
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D13 XL	\$11,111	\$10,892	(\$219)	(2.0%)
Other				
D9 Protective Ltg.	\$12,439	\$13,068	\$629	5.1%
E1 Muni Street Ltg	\$63,859	\$67,751	\$3,892	6.1%
E2 Traffic Lights	\$5,468	\$5,862	\$394	7.2%
Total Other	\$81,766	\$86,680	\$4,914	6.0%
Total All Classes	\$5,561,302	\$6,017,737	\$456,434	8.2%

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: michigan.gov/mpscedockets. Requirements and instructions for filing can

be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: mpscedockets@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: mpscedockets@michigan.gov.

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by _____, 2024. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon DTE Electric Company's attorney, Jon P. Christinidis, One Energy Plaza, 1635 WCB, Detroit, MI 48226.

The prehearing is scheduled to be held _____. Persons filing a petition to intervene will be advised of the process to participate in the hearing.

Any person wishing to participate without intervention under Mich Admin Code, R 792.10413 (Rule 413), or file a public comment, may do so by filing a written statement in this docket. The written statement may be mailed or emailed and should reference Case No. U-21534. Statements may be emailed to: mpscedockets@michigan.gov. Statements may be mailed to: Executive Secretary, Michigan Public Service Commission, 7109 West Saginaw Hwy., Lansing, MI 48917. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Requests for adjournment must be made pursuant to the Michigan Office of Administrative Hearings and Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of DTE Electric Company's application may be reviewed on the Commission's website at: michigan.gov/mpscedockets, and at the office of DTE Electric Company, One Energy Plaza, Detroit, MI 48226. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in various Commission proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Licensing and Regulatory Affairs, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and Parts 1 & 4 of the Michigan Office of Administrative Hearings and Rules, Mich. Admin Code, R 792.10106 and R 792.10401 through R 792.10448.

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of)	
DTE ELECTRIC COMPANY)	
for authority to increase its rates, amend)	Case No. U-21534
its rate schedules and rules governing the)	
distribution and supply of electric energy, and)	
<u>for miscellaneous accounting authority.</u>)	

PROTECTIVE ORDER

This Protective Order, including any subsequent Addendum entered under Paragraph II. I., governs the use and disposition of Protected Material that DTE Electric Company (“Applicant”) or any other Party discloses to another Party during the course of this proceeding. The Applicant or other Party disclosing Protected Material is referred to as the “Disclosing Party”; the recipient is the “Receiving Party” (defined further below). The intent of this Protective Order is to protect non-public, confidential, proprietary, and commercially sensitive information and materials so designated by the Applicant or by any other Party, which information and materials contain confidential, proprietary, or commercially sensitive information. This Protective Order defines “Protected Material” and describes the manner in which Protected Material is to be identified and treated. Accordingly, it is ordered:

I. “Protected Material” and Other Definitions

A. For the purposes of this Protective Order, “Protected Material” consists of trade secrets or confidential, proprietary, or commercially sensitive information provided in Disclosing Party’s Exhibits, discovery, or audit responses, any witness’ related exhibit and testimony, and any arguments of counsel describing or relying upon the Protected Material. Subject to challenge under Paragraph IV.A., Protected Material shall consist of non-public confidential information

and materials including, but not limited to, the following information disclosed during the course of this case if it is marked as required by this Protective Order:

1. Trade secrets or confidential, proprietary, or commercially sensitive information provided in response to discovery, in response to an order issued by the presiding hearing officer (hereinafter sometimes also described as the presiding officer or Administrative Law Judge) or the Michigan Public Service Commission (“MPSC” or the “Commission”), in testimony or exhibits filed later in this case, or in arguments of counsel;
 - a. Examples of such trade secrets, confidential, proprietary, or commercially sensitive information include, but are not limited to, information regarding compensation, generation, transmission and distribution facilities and related equipment, infrastructure, energy market projections or assumptions, forecasts, gas conversion analyses, sensitivity analyses, revenue requirement analyses, or financial arrangements including but not limited to those set forth in contracts.
2. To the extent permitted, information obtained under license from a third-party licensor, to which the Disclosing Party or witnesses engaged by the Disclosing Party is a licensee, that is subject to any confidentiality or non-transferability clause. This information includes reports; analyses; models (including related inputs and outputs); trade secrets; and confidential, proprietary, or commercially sensitive information that the Disclosing Party or one of its witnesses receives as a licensee and is authorized by the third- party licensor to disclose consistent with the terms and conditions of this Protective Order.
3. Information that could identify the bidders and bids, including the winning

bid, in a competitive solicitation for a power purchase agreement or in a competitively bid engineering, procurement, or construction contract at any stage of the selection process (*i.e.*, before the Disclosing Party has entered into a power purchase agreement or selected a contractor).

- B. The information subject to this Protective Order does not include:
1. Information that is or has become available to the public through no fault of the Receiving Party or Reviewing Representative and no breach of this Protective Order, or information that is otherwise lawfully known by the Receiving Party without any obligation to hold it in confidence;
 2. Information received from a third party free to disclose the information without restriction;
 3. Information that is approved for release by written authorization of the Disclosing Party, but only to the extent of the authorization;
 4. Information that is required by law or regulation to be disclosed, but only to the extent of the required disclosure; or
 5. Information that is disclosed in response to a valid, non-appealable order of a court of competent jurisdiction or governmental body, but only to the extent the order requires.

C. “Party” refers to the Applicant, MPSC Staff (“Staff”), Michigan Attorney General, or any other person, company, organization, or association that is granted intervention in Case No. U-21534 under the Commission’s Rules of Practice and Procedure, Mich Admin Code, R 792.10401 et al.

D. “Receiving Party” means any Party to this proceeding who requests or receives access to Protected Material, subject to the requirement that each Reviewing Representative sign

a Nondisclosure Certificate attached to this Protective Order as Attachment 1.

E. “Reviewing Representative” means a person who has signed a Nondisclosure Certificate and who is:

1. An attorney who has entered an appearance in this proceeding for a Receiving Party;
2. An attorney, paralegal, or other employee associated, for the purpose of this case, with an attorney described in Paragraph I.E.1.;
3. An expert or employee of an expert retained by a Receiving Party to advise, prepare for, or testify in this proceeding; or
4. An employee or other representative of a Receiving Party with significant responsibility in this case.

A Reviewing Representative is responsible for assuring that persons under his or her supervision and control comply with this Protective Order.

F. If a Reviewing Representative’s scope of employment includes any of the activities listed under this Paragraph I.F., such Reviewing Representative may not use information contained in any Protected Material and/or CEII obtained in this proceeding for a commercial purpose (e.g., to give a participant or competitor of any participant a commercial advantage):

1. Energy marketing and/or energy development;
2. Direct supervision of any employee or employees whose duties include energy marketing and/or energy development; or
3. The provision of consulting services to any person whose duties include energy marketing and/or energy development.

A Reviewing Representative who meets any of the three criteria above is “Competitive Duty

Personnel.”

G. “Nondisclosure Certificate” means the certificate attached to this Protective Order as Attachment 1, which is signed by a Reviewing Representative who has been granted access to Protected Material and agreed to be bound by the terms of this Protective Order. “CEII Nondisclosure Certificate” means the certificate attached to this Protective Order as Attachment 2, which is signed by a Reviewing Representative seeking access to CEII as defined in 16 USC § 824o-1(a)(3) and Federal Energy Regulatory Commission rules, specifically 18 CFR § 388.113(c). The CEII Nondisclosure Certificate is intended to meet the requirements of 18 CFR § 388.113(h)(2).

II. Access to and Use of Protected Material

A. This Protective Order governs the use of all Protected Material that is marked as required by Paragraph III.A. and made available for review by the Disclosing Party to any Receiving Party or Reviewing Representative. This Protective Order does not require disclosure of any particular information. This Protective Order protects: (i) the Protected Material; (ii) any copy or reproduction of the Protected Material made by any person; and (iii) any memorandum, handwritten notes, or any other form of information that copies, contains, or discloses Protected Material. All Protected Material in the possession of a Receiving Party shall be maintained in a secure place. Access to Protected Material shall be limited to persons authorized to have access subject to the provisions of this Protective Order.

B. Protected Material shall be used and disclosed by the Receiving Party solely in accordance with the terms and conditions of this Protective Order. A Receiving Party may authorize access to, and use of, Protected Material by a Reviewing Representative identified by the Receiving Party, subject to Sections III. and V. below, only as necessary to analyze the Protected Material; make or respond to discovery; present evidence; prepare testimony,

argument, briefs, or other filings; prepare for cross-examination; consider strategy; and evaluate settlement, all in connection with this docket. These individuals shall not release or disclose the content of Protected Material to any other person or use the information for any other purpose.

C. The Disclosing Party retains the right to object to any designated Reviewing Representative if the Disclosing Party has reason to believe that there is an unacceptable risk of misuse of confidential information. If a Disclosing Party objects to a Reviewing Representative, the Disclosing Party and the Receiving Party will attempt to reach an agreement to accommodate that Receiving Party's request to review Protected Material. If no agreement is reached, then either the Disclosing Party or the Receiving Party may submit the dispute to the presiding hearing officer. If the Disclosing Party notifies a Receiving Party of an objection to a Reviewing Representative, then the Protected Material shall not be provided to that Reviewing Representative until the objection is resolved by agreement or by the presiding hearing officer.

D. Before reviewing any Protected Material, including copies, reproductions, and copies of notes of Protected Material, a Receiving Party and Reviewing Representative shall sign a copy of the Nondisclosure Certificate (Attachment 1 to this Protective Order) agreeing to be bound by the terms of this Protective Order. The Reviewing Representative shall also provide a copy of the executed Nondisclosure Certificate to the Disclosing Party. If a Receiving Party seeks access to CEII as defined in 16 U.S.C § 824o-1(a)(3) and FERC rules, specifically 18 CFR § 388.113(c), the Receiving Party and Reviewing Representative shall also sign the CEII Nondisclosure Certificate (Attachment 2 to this Protective Order) and provide a copy of the executed CEII Nondisclosure Certificates to the Disclosing Party.

E. No person who is afforded access to any Protected Material by reason of this Protective Order shall disclose the Protected Material to anyone not specifically authorized to receive such information pursuant to the terms of this Protective Order. Nor shall such persons use

the Protected Material in any manner inconsistent with this Protective Order. All persons afforded access to Protected Material pursuant to this Protective Order shall keep the Protected Material secure in accordance with the purposes and intent of this Protective Order and shall adopt all reasonable precautions to assure continued confidentiality, including precautions against unauthorized copying, use, or disclosure thereof.

F. A Party seeking or intending to disclose in or on the public record information taken directly from materials identified as Protected Material must – before actually disclosing the information – do one of the following: (a) contact the Disclosing Party’s counsel of record and obtain written permission to place the information in the public record, (b) take affirmative steps to confirm and actually confirm that the information is otherwise public information and within an exclusion in Paragraph I. B. of this Protective Order and notify Disclosing Party’s counsel of record sufficiently in advance of any disclosure, or (c) challenge the confidential nature of the Protected Material and obtain a ruling under Section IV. that the information is not confidential and may be disclosed in or on the public record.

G. Even if no longer engaged in this proceeding, every person who has signed a Nondisclosure Certificate continues to be bound by the provisions of this Protective Order. The obligations under this Protective Order are not extinguished or nullified by entry of a final order in this case and are enforceable by the MPSC or a court of competent jurisdiction. To the extent Protected Material is not returned to a Disclosing Party, it remains subject to this Protective Order.

H. Members of the Commission, Commission staff assigned to assist the Commission with its deliberations, and the presiding hearing officer shall have access to all Protected Material that is submitted to the Commission under seal without the need to sign the Nondisclosure Certificate.

I. A Party retains the right to seek further restrictions on the dissemination of Protected Material to Parties and persons who have intervened or may subsequently seek to intervene in this MPSC proceeding. Further restrictions adopted by the ALJ as part of this Protective Order will be included in an Addendum.

J. Nothing in this Protective Order precludes a Party from asserting a timely evidentiary objection to the proposed admission of Protected Material into the evidentiary record for this case.

III. Procedures

A. The Disclosing Party shall mark any information that it considers confidential as “CONFIDENTIAL: SUBJECT TO THE PROTECTIVE ORDER ISSUED IN CASE NO. U-21534.” Protected Material containing CEII protected from disclosure under 16 USC § 824o-1 shall also be marked as “CONFIDENTIAL CEII PROTECTED FROM DISCLOSURE UNDER 16 USC § 824o-1.” Software executable files containing Protected Material may not be capable of being marked with the foregoing required protective language. The inability to mark software executable files containing Protected Material with such protective language shall not diminish the requirements of this Protective Order. It shall be sufficient if the medium used to deliver software executable files containing protected information is marked with the required protective language. However, any output from the software executable files containing Protected Material that is generated only as a reproducible document, whether electronic or non-electronic, that is capable of being marked with the required protective language, shall be marked by the Party who generated the output with such protective language and subject to the requirements of this Protective Order. If the Receiving Party or a Reviewing Representative makes copies of any Protected Material, they shall conspicuously mark the copies as Protected Material. Notes of Protected Material shall also be conspicuously marked as

Protected Material by the person making the notes.

B. If a Receiving Party wants to quote, refer to, or otherwise use Protected Material in pleadings, pre-filed testimony, exhibits, cross-examination, briefs, oral argument, comments, or in some other form in this proceeding (including administrative or judicial appeals), the Receiving Party shall do so consistent with procedures that will maintain the confidentiality of the Protected Material. For purposes of this Protective Order, the following procedures apply:

1. Written submissions using Protected Material shall be filed in a sealed record to be maintained by the MPSC's Docket Section, or by a court of competent jurisdiction, in envelopes clearly marked on the outside, "CONFIDENTIAL – SUBJECT TO THE PROTECTIVE ORDER ISSUED IN CASE NO. U-21534." Simultaneously, identical documents and materials, with the Protected Material redacted, shall be filed and disclosed the same way that evidence or briefs are usually filed;
2. Oral testimony, examination of witnesses, or argument about Protected Material shall be conducted on a separate record to be maintained by the MPSC's Docket Section or by a court of competent jurisdiction. These separate record proceedings shall be closed to all persons except those furnishing the Protected Material and persons otherwise subject to this Protective Order. The Receiving Party presenting the Protected Material during the course of the proceeding shall give the presiding officer or court sufficient notice to allow the presiding officer or court an opportunity to take measures to protect the confidentiality of the Protected Material; and
3. Copies of the documents filed with the MPSC which contain Protected

Material, including the portions of the exhibits, transcripts, or briefs that refer to Protected Material, shall be marked or identified as, “CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER IN CASE NO. U-21534” and shall be maintained in a separate portion of the record under seal, segregated in the files of the Commission, and withheld from inspection by any person not bound by the terms of this Protective Order.

4. Protected Material containing CEII protected from disclosure under 16 USC § 824o-1 shall also be marked as “CONFIDENTIAL CEII PROTECTED FROM DISCLOSURE UNDER 16 USC § 824o-1.”

C. The Protected Material subject to this Protective Order shall be shielded from disclosure to the extent permitted by law.

1. Protected Material marked “CONFIDENTIAL CEII PROTECTED FROM DISCLOSURE UNDER 16 USC § 824o-1” shall not be produced in response to a Freedom of Information Act (FOIA) request as CEII is protected from disclosure by federal law and is thus exempt from disclosure under FOIA under 16 USC §824o-1(d)(1) and MCL 15.243(1)(d).
2. For all other Protected Materials (those marked “CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER IN CASE NO. U-21534”), if any person files a FOIA request with the Commission seeking access to documents subject to this Order, then the Commission’s Executive Secretary shall notify the Disclosing Party as soon as reasonably practicable and the Disclosing Party may take whatever legal actions it deems appropriate to protect the Protected Material from disclosure. If the Commission denies a claim of confidentiality, in whole or in part, then the Commission shall give

notice to the Disclosing Party at least five (5) business days prior to the Commission's contemplated disclosure in response to the request. The notice shall briefly explain why the Disclosing Party's objections to disclosure were not sustained by the Commission. In the event that the FOIA requester commences suit against the Commission to compel disclosure of a document for which privilege is claimed, the Commission shall promptly notify the Disclosing Party of the suit.

D. It is also intended that the Protected Material subject to this Protective Order shall be shielded from disclosure by other Receiving Parties subject to FOIA to the extent permitted by law. If any person files a request under FOIA with any other Party subject to FOIA seeking access to documents subject to this Protective Order, the Party subject to FOIA and receiving the FOIA request shall promptly notify the Disclosing Party, and the Disclosing Party may take whatever legal actions it deems appropriate to protect the Protected Material from disclosure. In light of Section 5 of the Freedom of Information Act, MCL 15.235, the notice must be given at least five (5) business days before the Party subject to FOIA grants the request in full or in part. Notwithstanding anything in this Protective Order to the contrary, Section 215A of the Federal Power Act, 16 USC Sec. 824o-1 prohibits disclosure of CEII under federal, state, political subdivision, or tribal authority freedom of information laws and satisfies the requirements for the FOIA exemption in MCL 15.243(1)(d). (Case No. U-21297 Presiding Officer Ruling dated March 24, 2023, pp. 14-18)

IV. Termination of Protected Status

A. A Receiving Party reserves the right to challenge whether a document or information is Protected Material and whether this information can be withheld under this Protective Order. In response to a motion, the Commission or the presiding hearing officer in this

case may revoke a document's protected status after notice and hearing. If the presiding hearing officer revokes a document's protected status, then the document loses its protected status after 14 days unless a Party files an application for leave to appeal the ruling to the Commission within that time period. Any Party opposing the application for leave to appeal shall file an answer with the Commission no more than 14 days after the filing and service of the appeal. If an application for leave to appeal is filed, then the information will continue to be protected from disclosure until either the time for appeal of the Commission's final order resolving the issue has expired under MCL 462.26 or, if the order is appealed, until judicial review is completed and the time to take further appeals has expired.

B. If a document's protected status is challenged under Paragraph IV.A., the Receiving Party challenging the protected status of the document shall explicitly state its reason for challenging the confidential designation. The Disclosing Party bears the burden of proving that the document should continue to be protected from disclosure.

V. Retention of Documents

Protected Material remains the property of the Disclosing Party and only remains available to the Receiving Party until the time expires for petitions for rehearing of a final MPSC order in Case No. U-21534 or until the MPSC has ruled on all petitions for rehearing in this case (if any). However, an attorney for a Receiving Party who has signed a Nondisclosure Certificate and who is representing the Receiving Party in an appeal from an MPSC final order in this case may retain copies of Protected Material until either the time for appeal of the Commission's final order resolving the issue has expired under MCL 462.26 or, if the order is appealed, until judicial review is completed and the time to take further appeals has expired. On or before the time specified by the preceding sentences, the Receiving Party shall return to the Disclosing Party all Protected Material in its possession or in the possession of its Reviewing

Representatives- including all copies and notes of Protected Material-or certify in writing to the Disclosing Party that the Protected Material has been destroyed. Counsel for the Receiving Party or Parties may maintain a single confidential file of Protected Material (excluding CEII) subject to all other provisions in this Order; CEII shall be returned or disposed of as provided in the CEII Nondisclosure Certificate, not later than the conclusion of this case.

VI. Limitations and Disclosures

The provisions of this Protective Order do not apply to a particular document, or portion of a document, described in Paragraph II.A. if a Receiving Party can demonstrate that it has been previously disclosed by the Disclosing Party on a non-confidential basis or meets the criteria set forth in Paragraphs I.B.1. through I.B.5. A Receiving Party intending to disclose information taken directly from materials identified as Protected Material must-before actually disclosing the information-do one of the following: (i) contact the Disclosing Party's counsel of record and obtain written permission to disclose the information, or (ii) challenge the confidential nature of the Protected Material and obtain a ruling under Section IV. that the information is not confidential and may be disclosed in or on the public record.

VII. Remedies

If a Receiving Party violates this Protective Order by improperly disclosing or using Protected Material, the Receiving Party shall take all necessary steps to remedy the improper disclosure or use. This includes promptly notifying the MPSC, the presiding hearing officer, and the Disclosing Party, in writing, of the identity of the person known or reasonably suspected to have obtained the Protected Material. A Party or person that violates this Protective Order remains subject to this section regardless of whether the Disclosing Party could have discovered the violation earlier than it was discovered. This section applies to both inadvertent and intentional violations. Nothing in this Protective Order limits the Disclosing Party's rights

and remedies, at law or in equity, against a Party or person using Protected Material in a manner not authorized by this Protective Order, including the right to obtain injunctive relief in a court of competent jurisdiction to prevent violations of this Protective Order.

MICHIGAN OFFICE OF ADMINISTRATIVE
HEARINGS AND RULES
For the Michigan Public Service Commission

Hon.
Administrative Law Judge

Issued and Served:

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of)
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.)

Case No. U-21534

NONDISCLOSURE CERTIFICATE

By signing this Nondisclosure Certificate, I acknowledge that I have been provided access to Protected Material under the terms and restrictions of the Protective Order issued in Case No. U-21534, that I have been given a copy of and have read the Protective Order, and that I agree to be bound by the terms of the Protective Order. I understand that I shall maintain the substance of the Protected Material (as defined in the Protective Order), any notes from Protected Material, or any other form of information that copies or discloses Protected Material, as confidential and shall not disclose it to anyone other than in accordance with the Protective Order. I understand that I may not use Protected Material for a commercial or competitive purpose.

Reviewing Representative

Date: _____

Title: _____

Representing: _____

Printed Name

Email: _____

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of)
DTE ELECTRIC COMPANY)
for authority to increase its rates, amend) Case No. U-21534
its rate schedules and rules governing the)
distribution and supply of electric energy, and)
for miscellaneous accounting authority.)

**NONDISCLOSURE CERTIFICATE AND CERTIFICATE FOR CRITICAL
ELECTRIC INFRASTRUCTURE INFORMATION**

I hereby agree and certify my understanding that I have been provided access to Critical Electric Infrastructure Information (“CEII”) as defined at 16 USC § 824o-1(a)(3) and 18 CFR § 388.113(c) pursuant to the terms and restrictions of this CEII Nondisclosure Agreement and the Protective Order issued in Case No. U-21534, that I have been given a copy of and have read the Protective Order, and that I agree to be bound by the terms of this CEII Nondisclosure Agreement and the Protective Order. I further agree that: 1. I will use CEII only for the purpose for which it was requested; 2. I will not use CEII for a commercial or competitive purpose; 3. I will only discuss CEII with authorized recipients; 4. I will keep CEII in a secure place in a manner that prevents unauthorized access; 5. I will destroy CEII or return it to the Disclosing Party upon request; 6. I understand that CEII is not subject to release under the Freedom of Information Act; 7. I understand that I am obligated to protect CEII even after a designation as CEII has lapsed until a determination by the Administrative Law Judge that the information should no longer be designated as CEII; and 8. I will report all unauthorized disclosures of CEII to the Disclosing Party.

Reviewing Representative

Date: _____

Title: _____

Representing: _____

Printed Name

Email: _____

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In In the matter of the Application of)
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)

Case No. U-21534

PROOF OF SERVICE

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

ESTELLA R. BRANSON states that on March 28, 2024, she served a copy of DTE Electric Company’s Application, Proposed Notice of Hearing, Proposed Protective Order, Proposed Nondisclosure Certificates, Testimony and Exhibits, DTE Electric Company’s Part II – Financial Information materials and Part III –Supplemental Data materials (which are being provided via a secure portal link) in the above captioned matter, via electronic mail and secure portal link, upon the persons listed on the attached service list.

ESTELLA R. BRANSON

MPSC Case No. U-21534
Service List (Case Nos. U-20836 and U-21297 combined)
Page 1

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Service List (Case Nos. U-20836 and U-21297 combined)
Page 2

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