

# Potomac LAW GROUP

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April 16, 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-21534**

Dear Ms. Felice:

Attached for electronic filing in the above-referenced matter, please find the Petition for Leave to Intervene of The Foundry Association of Michigan, 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 )  
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

PETITION FOR LEAVE TO INTERVENE  
OF THE  
FOUNDRY ASSOCIATION OF MICHIGAN

The Foundry Association of Michigan (“Foundry Association”), hereby files this Petition for Leave to Intervene with the Michigan Public Service Commission (“Commission”) 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 § 24.201 *et seq.* In support of this Petition, the Foundry Association states as follows:

1. The Foundry Association is an organization that represents and seeks to defend and further the interests of the metal casting industry in Michigan. It counts among its members certain customers in the service territory of DTE Electric Company (“DTE Electric”).
2. The Foundry Association has participated in several general rate cases for utilities in Michigan, including U-21297, DTE Electric’s most recent rate case.
3. On March 28, 2024, DTE Electric filed an application proposing revised rate structures, cost allocations, and proposing new rates and tariff changes that affect all of its customer classes, including those to which Foundry Association members belong (“Application”).
4. As part of its Application, DTE Electric is seeking increases in the rates paid by customers taking service under its Rider 1.1 Alternative Electric Metal Melting Rate (see

Attachment 2 to the Application), among others. All of these requested changes, and perhaps additional ones as well, will directly affect Foundry Association members, as customers of DTE Electric.

5. The Foundry Association intends to participate in these proceedings to the extent necessary to protect the interests of its members and address the issues as set forth herein, and specifically to take the position that the Commission must ensure that the rate changes, rate schedule changes, and cost allocation changes proposed by DTE Electric and other parties in this docket result in changes for the Foundry Association and its members that are just, reasonable and lawful and that do not unjustly shift costs to Foundry Association members. These interests of the Foundry Association and its members in this proceeding cannot be adequately represented or protected by any other party.

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, 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); *Drake v The Detroit Edison Company*, 453 F Supp 1123, 1127 (WD Mich 1978).

7. The Foundry Association meets the “injury in fact” test because its members are customers of DTE Electric who will be directly affected by the rate and tariff changes proposed in this proceeding. These members, as customers of DTE Electric, are furthermore within the zone of interest protected by the statutes under which this case has been brought, namely MCL 460.6 *et seq.*

8. The Foundry Association is therefore entitled to intervene as of right because the issues to be address in this proceeding will have a direct and substantial impact upon the Foundry Association and its members, and the Foundry Association meets the Commission’s two-prong test.

9. Furthermore, the Foundry Association also meets the requirements for permissive intervention. As the Commission has stated, its “discretion to grant leave to intervene is broader than the two-prong test . . . . For example, the Commission can allow intervention whenever the resulting delay will likely be outweighed by the benefit of the intervenor’s participation, or when the intervenor will bring a unique perspective to the issues raised by the case.” *In re the application of DTE Gas Company for approval of a gas cost recovery plan, etc.*, Case No. U- 17691, at 6 (November 22, 2016). Moreover, the Commission has stated that “[t]he granting of permissive intervention without satisfying the two-pronged test is a long-established Commission practice,” *In re DTE Gas Co.*, Case No. U-17332, at 4 (May 13, 2014), and has granted permissive intervention in a rate case “to an association that represents the interests of its members, where the members generally meet the zone of interests test.” *In re the Application of DTE Electric Co.*, Case No. U-17319, at 10 (March 6, 2014).

10. In this proceeding, the Foundry Association brings a unique perspective and is uniquely situated to provide information to this Tribunal and the Commission about how the proposed rate changes, rate schedule changes and cost allocation changes may affect the Foundry Association’s members and similarly situated customers of DTE Electric.

11. The Foundry Association thus satisfies the requirements for permissive intervention because it has a unique perspective on the issues to be decided in this case and is in a unique position to provide pertinent evidence during the proceedings.

12. The Foundry Association reserves the right to take other positions and/or seek other relief based on a review of the various filings, responses to discovery, or positions taken by DTE Electric or other parties in their filings.

WHEREFORE, the Foundry Association respectfully requests that the Commission:

- a. Grant its Petition for Leave to Intervene; and
- b. Grant such other and further relief as is deemed lawful and appropriate.

Respectfully submitted,

Potomac Law Group, PLLC  
Attorneys for the Foundry Association of  
Michigan

April 16, 2024

By: \_\_\_\_\_  
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STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the Application of )  
**DTE ELECTRIC COMPANY** )  
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 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 16<sup>th</sup> day of April, 2024 she served the Petition for Leave to Intervene of The Foundry Association of Michigan, via email, upon those individuals listed on the attached Service List.

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Summer R. Dukes

**Administrative Law Judge**

Honorable Sally L. Wallace  
[Wallaces2@michigan.gov](mailto:Wallaces2@michigan.gov)

**The City of Ann Arbor**

Valerie Jackson  
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**DTE Electric Company**

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**Michigan Energy Innovation Business Council**

**Institute for Energy Innovation**

**Advanced Energy United**

**The Foundry Association of Michigan**

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