



Via Electronic Case Filing

April 19, 2024

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

**RE: Case No. U-21534**

Dear Executive Secretary Felice:

Enclosed for filing please find EVgo Services LLC's Petition to Intervene, Notice of Appearance of Nikhil Vijaykar, and Proof of Service for the same in the above-referenced matter.

Thank you for your consideration.

Sincerely,

/s/ Nikhil Vijaykar  
Nikhil Vijaykar  
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*Counsel to EVgo Services, LLC*

CC: Parties to Case No. U-21534

**STATE OF MICHIGAN**

**BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

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

**PETITION TO INTERVENE OF**  
**EVGO SERVICES, LLC**

EVgo Services, LLC (EVgo), by and through its counsel Keyes & Fox LLP and NachtLaw P.C., hereby submits this petition with the Michigan Public Service Commission seeking leave to intervene and become a party to the above-captioned proceeding pursuant to R 792.10410 (Rule 410) of the Commission’s Rules of Practice and Procedure. In support of this petition, EVgo states as follows:

1. DTE Electric Company (DTE or the Company) filed an application (including supporting testimony and exhibits) requesting authority to increase rates, amend its rate schedules and rules governing the distribution and supply of electric energy, and for miscellaneous accounting authority (Application) on March 28, 2024. The Application includes several proposals intended to expand electric vehicle (EV) usage and broaden the buildout of EV charging infrastructure in its service territory.

2. EVgo is a Delaware limited liability company and an EV service provider that owns and operates one of the largest public EV DC fast charging (DCFC) networks, with more than 850 locations in over 60 metropolitan areas across more than 30 states, including Michigan and DTE’s

service territory. EVgo works with automakers such as Nissan<sup>1</sup> and General Motors<sup>2</sup> to expand public charging to important markets. In addition to its public network, EVgo also partners with fleets and rideshare operators to deploy advanced charging solutions technology.

3. EVgo regularly participates in proceedings before utility commissions in states across the country. EVgo has participated in previous proceedings before this Commission, including in DTE's most recent electric rate cases, Case No. U-20836 and Case No. U-21297.

4. EVgo will bring significant expertise to bear in this proceeding, in particular with respect to rates, investments, programs and policies that promote the equitable and rapid deployment of EV charging infrastructure.

**A. EVgo Has Several Strong and Direct Interests in the Application.**

5. EVgo plans to evaluate DTE's Application, conduct discovery, and then raise issues and take positions that protect its interests. Those interests include its interests as a commercial customer of DTE, its interest as a competitive electric vehicle service equipment (EVSE) provider operating and actively expanding its charging footprint in DTE's service territory, and its interests as a participant in DTE's existing transportation electrification program (Charging Forward).

6. First, as one of DTE's commercial customers, EVgo is directly impacted by new and modified commercial rates, new and modified commercial rate designs, and changes to terms and conditions governing the provision of electric service that the Company has proposed and that the Commission might approve in this proceeding. For example, in its Application, DTE presents an "EV Fast Charger Rate Design."<sup>3</sup> DTE describes the EV Fast Charger rate as a secondary

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<sup>1</sup> See EVgo Press-Release (August 6, 2021) *available at*: <https://www.evgo.com/press-release/nissan-and-evgo-expand-charging-network-with-200-new-ev-fast-chargers/>.

<sup>2</sup> See EVgo Press-Release (November 9, 2021) *available at*: <https://www.evgo.com/press-release/general-motors-evgo-boost-build-plan-high-power-fast-chargers-across-us/>.

<sup>3</sup> See Direct Testimony of DTE witness Willis at AW-34.

voltage rate with time of use power supply pricing which varies by time period and season.<sup>4</sup> The EV fast charger rate is based on an “Alternate Cost of Service Study” (Alternate COSS) that separates EV DC Fast Charging as a separate class.<sup>5</sup> EVgo has a strong interest in just, reasonable and equitable rates available to DC fast chargers because those rates directly impact the economics of EVgo’s existing and planned DC fast chargers in DTE’s service territory. EVgo will evaluate DTE’s rate proposal and underlying Alternate COSS through its participation in this proceeding.

7. Second, as a third-party EVSE provider operating and actively expanding in DTE’s service territory, EVgo is also directly impacted by DTE’s proposed “Transportation Electrification Plan” (TEP).<sup>6</sup> DTE plans to implement several sub-programs under its TEP over a four-year period (2025-2028). Among those sub-programs is a “Business Charger Rebates” program, which will make \$70,000 rebates available to on-route DC fast chargers in disadvantaged communities and rural areas, and \$50,000 rebates available to on-route DC fast chargers in other areas.<sup>7</sup> Public-private partnerships such as the Business Charger Rebate program are critical to guiding EVgo’s market expansion priorities. EVgo participates in the current iteration of DTE’s Business Charger Rebates program, and has supported the program through its participation in DTE’s most recent rate cases (U-20836 and U-21297). EVgo’s expansion in DTE service territory is therefore directly influenced by DTE’s proposed modifications to the Business Charger Rebate program, and as such, EVgo has a strong and direct interest in DTE’s proposal. Through its participation in this proceeding, EVgo will evaluate DTE’s proposed Business Charger Rebates program—among other aspects of the TEP—to ensure that it is reasonable.

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<sup>4</sup> *See id.*

<sup>5</sup> *See* Direct Testimony of DTE witness Maroun at HJM-27.

<sup>6</sup> *See* Direct Testimony of DTE witness Bennett at PB-14 *et seq.*

<sup>7</sup> *See id.* at PB-46.

8. Finally, DTE also proposes to delete the Charging Forward Contribution In Aid of Construction (CIAC) waiver in section C6.1(16) of Section C – Part I, Company Rules and Regulations of its rate book, such that it will no longer waive CIAC beyond revenue credits from its existing line extension policy.<sup>8</sup> EVgo has a direct interest in this proposal because it may impact the economics of existing and planned chargers in DTE’s service territory. EVgo will evaluate the proposal through its participation in this proceeding to ensure that it is reasonable.

9. EVgo has identified the issues above based on its preliminary review of DTE’s application. EVgo expects it may identify other issues relevant to its interest through its participation in this proceeding, and reserves its rights to address those issues over the course of this proceeding.

**B. EVgo Meets the Commission’s Intervention Standards.**

10. The Commission recognizes two types of intervention. The first type is 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 interests protected by the statute.<sup>9</sup> The second type of intervention is permissive, 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.<sup>10</sup> EVgo qualifies for intervention under both standards.

11. First, EVgo meets the standard for intervention as a matter of right because EVgo is a commercial customer with a direct and substantial economic interest in the rates DTE charges (which the Commission will evaluate and approve in this proceeding). Additionally, as a developer-owner of EV infrastructure, EVgo’s growth and investment decisions in the state of

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<sup>8</sup> See *id.* at PB-51.

<sup>9</sup> See, e.g., *Association of Data Processing Service Organizations, Inc v. Camp* (1970) 397 US 150.

<sup>10</sup> *In re Application of the Detroit Edison Co for Authority to Increase its Rates, Case Nos. U-15768 and U-115751*, January 11, 2019, Order p. 7.

Michigan will be directly impacted by the Commission's decision on several of DTE's rate proposals and EV charging-related proposals in the Application.

12. Second, even if EVgo did not satisfy the test for intervention as a matter of right, which it does, the Commission should permit EVgo's intervention through its broad discretion under the permissive intervention standard. "[P]ermissive intervention is appropriate where the intervenor's participation will provide a benefit that outweighs any resulting delay or expense..."<sup>11</sup> As explained above, EVgo's direct knowledge of, and interest in, issues implicated in the Application, its active participation in prior cases addressing several of the same issues raised in the Application, as well as its significant experience intervening in similar cases across the country, make EVgo well-suited to participate constructively in this proceeding and benefit the Commission's and parties' consideration of the issues in this proceeding.

13. EVgo's petition to intervene is timely submitted and its presence in this case will not delay it or unduly prejudice any party.

14. No other party adequately represents the interests of EVgo.

15. Concurrent with the filing of this Petition, EVgo's undersigned counsel, David A. Nacht (P47034), is filing the requisite motion for EVgo counsel, Mr. Nikhil Vijaykar, to appear before this tribunal pro hac vice with the sponsorship of David A. Nacht.

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

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<sup>11</sup> *In re the Application of DTE Electric Co*, Case No. U-17319, p. 10 (March 6, 2014).

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WHEREFORE, EVgo respectfully requests the Commission grant this petition and allow it to participate as a party to this proceeding.

Respectfully submitted this 19th day of April, 2024,

By:



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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: \_\_\_\_\_ Docket No. U-\_\_\_\_\_

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

1. (Name)
2. (Name)
3. (Name)
4. (Name)
5. (Name)
6. (Name)
7. (Name)

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

Zip \_\_\_\_\_ Phone \_\_\_\_\_

Email \_\_\_\_\_

Date \_\_\_\_\_

Signature:  \_\_\_\_\_

<input type="checkbox"/> I am not an attorney
<input type="checkbox"/> I am an attorney whose:
Michigan Bar # is P- _____
_____ Bar # is: _____
( state )

# STATE OF MICHIGAN

## BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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

### PROOF OF SERVICE

On April 19, 2024, an electronic copy of the **Petition to Intervene of EVgo Services, LLC and Notice of Appearance of Nikhil Vijaykar** was served on the following via email:

Name/Party	Email Address
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The statements above are true to the best of my knowledge, information and belief.

/s/ Nikhil Vijaykar  
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Dated: April 19, 2024