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April 19, 2024

Ms. Lisa Felice
Executive Secretary
Michigan Public Service Commission
7109 West Saginaw Hwy, 3rd Floor
Lansing, MI 48909

Re: Case U-21534

Dear Ms. Felice:

Enclosed for electronic filing are International Transmission Company d/b/a ITC Transmission's Petition to Intervene, Affidavit in Support of Petition to Intervene, Dykema Appearances, and Proof of Service in the above-referenced matter.

Sincerely,

DYKEMA GOSSETT PLLC

Richard
Aaron

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Richard J. Aaron

4854-3254-9047.1

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) Case No. U-21534
rules governing the distribution and supply of)
electric energy, and for miscellaneous)
accounting authority.)

INTERNATIONAL TRANSMISSION COMPANY’S PETITION TO INTERVENE

International Transmission Company d/b/a *ITCTransmission* (“ITC”) respectfully petitions the Michigan Public Service Commission (the “Commission”) for leave to intervene in the above-listed proceedings pursuant to the Commission’s Rules of Practice and Procedure:

I. INTERVENTION STANDARD

The Commission’s Rules of Practice and Procedure set forth the general criteria for intervention. Mich Admin Code, R 792.10410. The Commission generally recognizes two types of intervention: (1) intervention by right; and (2) permissive intervention. ITC meets the Commission’s tests for both types of intervention.

A. Intervention By Right

For the Commission to grant intervention by right, a prospective intervenor must satisfy a traditional two-prong test for standing in Commission proceedings. See *In the matter of the application of Detroit Edison Co*, January 11, 2010 Opinion and Order in Case Nos. U-15768 and U-15751, p 7, (hereinafter “*In re Detroit Edison*”), citing *Ass’n of Data Processing Serv Orgs Inc v Camp*, 397 US 150 (1970) (hereinafter “*Data Processing*”). To satisfy the first prong of the test adopted by the Commission—the *Data Processing* test—an intervenor must be likely to suffer an

injury-in-fact as a result of the outcome of the proceeding. *In re Detroit Edison* at 7; *Drake v Detroit Edison Co*, 453 F Supp 1123, 1127 (WD Mich, 1978).

To satisfy the second prong of the *Data Processing* test, a prospective intervenor must be within the zone of interests protected or regulated by the statute or statutes governing a particular proceeding. *In re Detroit Edison* at p 7. “The zone of interests test does not present a difficult barrier for litigants to negotiate insofar as it must only be shown that the asserted interests are arguably within the zone of interests to be protected.” *Drake*, 453 F Supp at 1129. Indeed, the court in *Drake* noted that the zone of interests test is generally a liberal one. *Id.*

B. Permissive Intervention

Permissive intervention is appropriate when an intervenor’s participation can provide useful information to the Commission and where a proceeding “raises novel questions and important issues of policy” and the intervenor will “bring a unique perspective” to the case. *In the matter of the application of Consumers Energy*, October 27, 2015 Order in Case No. U-17771, pp 4, 2-3, citing *In the matter of Mascotech Forming Technologies*, June 5, 1996 Opinion and Order in Case No. U-11057. “As recognized in prior Commission orders, ‘the Commission’s discretion to grant leave to intervene is broader than the two-prong test Unlike a court of law, an administrative agency can allow intervention whenever the resulting delay will likely be outweighed by the benefit of the intervenor’s participation.’” *Id.* at p 3, citing December 8, 1992 Order in Case No. U-10150, p 5.

II. BACKGROUND REGARDING ITC’S RELATIONSHIP WITH DTE’S RATE CASE.

ITC is a Michigan corporation engaged in the transmission of electricity under the jurisdiction of the Federal Energy Regulatory Commission (“FERC”). ITC owns, operates, maintains, and plans the transmission system in DTE Electric’s service territory. Transmission

service over ITC's system is provided by the Midcontinent Independent System Operator, Inc. ("MISO") pursuant to its Open Access Transmission, Energy and Operating Reserves Tariff. ITC is a customer of DTE Electric.

III. ITC SATISFIES THE COMMISSION'S INTERVENTION STANDARDS AND SHOULD BE PERMITTED TO INTERVENE.

A. Intervention By Right

ITC satisfies both prongs of the *Data Processing* test for standing to intervene in Commission proceedings because ITC is: (1) likely to suffer an injury-in-fact as a result of the outcome of the proceeding; and (2) within the zone of interests of applicable law. A "direct financial impact" on a prospective intervenor constitutes a potential injury-in-fact under the first prong. *In the matter, on the Commission's own motion, establishing the method and avoided cost calculation for DTE Electric Company to fully comply with the Public Utility Regulatory Policies Act of 1978, 16 USC 2601 et seq.*, February 21, 2019 Opinion and Order in Case No U-18091, p 23. ITC is likely to suffer an injury-in-fact as a result of this proceeding because it is a customer of DTE and ITC is therefore directly impacted by any change in rates.

ITC's interests fall within the zone of interests sought to be protected in this case because ITC has an interest relating to the transactions that are the subject of this action—specifically, distribution grid modernization and Electric Vehicle charging infrastructure ("EV") planning and rate setting. As the only independent transmission company within DTE Electric's service territory, ITC has a substantial interest in the way DTE Electric upgrades its distribution systems and deploys its proposed programs for EV customers. Moreover, the disposition of this action, without the intervention of ITC, may impair or impede ITC's ability to protect those interests. ITC also has an interest in investment in the subtransmission system to the extent that it impacts ITC's

high-side subtransmission assets. Finally, as demonstrated by DTE's Application, there are a number of DTE projects in which ITC and DTE work cooperatively.

B. Permissive Intervention

ITC also meets the Commission's criteria for permissive intervention because, as an independent transmission company, ITC has a unique perspective on the issues to be decided in this case, has questions of fact in common to DTE Electric, and is in the position to provide pertinent evidence during the proceedings.

As the Commission's Rules of Practice and Procedure explain, the Rules "shall be liberally construed to secure a just, economical, and expeditious determination of the issues presented." Mich Code Admin, R 792.10403(2). Because ITC will provide useful information to the Commission and, given its role as both customer and transmission provider in DTE Electric's service territory, will provide expertise on issues directly affected by DTE's proposals in this case, ITC satisfies the test for permissive intervention.

IV. ITC'S POSITIONS IN THIS PROCEEDING

Based on ITC's initial review of DTE Electric's Application, if intervention is granted, ITC anticipates participating in all phases of this proceeding. As a customer, ITC has an interest in assuring that DTE's rates are designed to provide for recovery of reasonable and prudently incurred costs. As DTE's main transmission provider, ITC will be involved in matters related to DTE's distribution grid modernization initiatives and EV program deployment, projects that impact the high-side of the subtransmission system, and certain projects that impact effective grid operation, all of which are at issue in this proceeding. ITC's interests are not adequately represented by any other party and, therefore, it would be detrimental to the public interest to deny this Petition to Intervene.

V. CONCLUSION

ITC satisfies the Commission’s criteria for both intervention by right and permissive intervention. Accordingly, ITC should be granted intervention along with the full rights of a party pursuant to the Commission’s Rules of Practice and Procedure and the Administrative Procedures Act of 1969.

WHEREFORE, ITC respectfully requests that this Honorable Commission:

- A. Grant Leave to Intervene as requested herein; and
- B. Grant such further and additional relief as may be lawful and proper.

Dated: April 19, 2024

Respectfully submitted,

DYKEMA GOSSETT PLLC

By: **Richard Aaron**
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Richard J. Aaron (P35605)
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Attorneys for ITCTransmission

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) Case No. U-21534
rules governing the distribution and supply of)
electric energy, and for miscellaneous)
accounting authority.)

**AFFIDAVIT OF NICHOLAS ABRAHAM IN SUPPORT OF ITC TRANSMISSION'S
PETITION TO INTERVENE**

STATE OF MICHIGAN)
)ss:
COUNTY OF Ingham)

Nicholas Abraham, being first sworn, states:


1. I have personal knowledge of the facts set forth in this Affidavit and file it in support of the Petition to Intervene of ITC *Transmission* ("ITC") in Case No. U-21534. If sworn as a witness, I could testify competently to the truth of the matters set forth in this Affidavit.
2. I am the Manager of Regulatory Strategy at ITC Holdings Corp. ITC Holdings Corp. is the parent company of ITC. ITC is a Michigan corporation engaged in the Federal Energy Regulatory Commission ("FERC") jurisdictional transmission of electricity whose footprint mirrors that of Detroit Edison. ITC purchased its assets from DTE Energy Company ("DTE Electric"), Detroit Edison's parent company, on February 28, 2003.
3. ITC owns, operates, maintains, and plans the transmission system in DTE Electric's service territory. ITC owns a fully-regulated, high-voltage system that transmits electricity to local electricity distribution facilities.

4. ITC has standing to intervene as of right in this matter because DTE Electric's Application addresses several issues the resolution of which may cause injury in fact to ITC. DTE Electric's Rate Case addresses proposals regarding distribution grid modernization, Electric Vehicle charging deployment, investment in the subtransmission system, and certain other projects that impact the transmission system. Furthermore, ITC is a customer of DTE Electric and is directly impacted by their rate changes.

5. In addition, ITC, as a transmission owner, may have information about potential new or upgraded electric transmission options that may be relevant to these proceedings.


6. The Commission has consistently recognized ITC's interests and standing to intervene in cases involving DTE Electric. Intervention in this case is timely, appropriate, and will provide the Commission with unique perspective and valuable information.

Date: 4-18-2024



Nicholas Abraham
Manager of Regulatory Strategy
ITC Holdings Corp.

Subscribed and sworn to before me in Ingham County,
Michigan, this 18th day of April, 2024



Alison Voorhis
Notary Public, State of Michigan, County of Ingham
My commission expires: 1-1-2028
Acting in the County of Ingham

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: DTE Energy Company Docket No. U- 21534

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

1. (Name) International Transmission Company d/b/a ITCTransmission
2. (Name)
3. (Name)
4. (Name)
5. (Name)
6. (Name)
7. (Name)

Name Richard J. Aaron
Address 201 Townsend Street, Suite 900

City Lansing State MI
Zip 48933 Phone (517) 374-9100
Email RAaron@dykema.com
Date 04/19/2024

<input type="radio"/> I am not an attorney
<input checked="" type="radio"/> I am an attorney whose: Michigan Bar # is P- <u>35605</u> <u></u> Bar # is: <u></u> (state)

Signature: Richard Aaron
Digitally signed by: Richard Aaron
DN: CN = Richard Aaron email =
raaron@dykema.com C = US O =
Dykema
Date: 2024.04.19 14:39:47 -0400'

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

1. (Name) International Transmission Company d/b/a ITCTransmission
2. (Name)
3. (Name)
4. (Name)
5. (Name)
6. (Name)
7. (Name)

Name Courtney F. Kissel
Address 201 Townsend Street, Suite 900

City Lansing State MI
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Signature: Courtney Kissel

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<input type="radio"/> I am not an attorney
<input checked="" type="radio"/> I am an attorney whose: Michigan Bar # is P- <u>74179</u> _____ Bar # is: _____ (state)

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
PUBLIC SERVICE COMMISSION

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Case / Company Name: DTE Energy Company Docket No. U- 21534

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

1. (Name) International Transmission Company d/b/a ITCTransmission
2. (Name)
3. (Name)
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Name Olivia R.C.A. Flower
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<input type="radio"/> I am not an attorney
<input checked="" type="radio"/> I am an attorney whose: Michigan Bar # is P- <u>84518</u> _____ Bar # is: _____ (state)

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

In the matter of the Application of DTE)
Electric Company for approval of its) Case No. U-21534
Integrated Resource Plan pursuant to)
MCL 460.6t, and for other relief.)

PROOF OF SERVICE

Melissa A. Goodrich, an employee of Dykema Gossett PLLC, being first duly sworn, deposes and says that on the 19th day of April, 2024, she served International Transmission Company d/b/a ITCTransmission's Petition to Intervene, Affidavit in Support of Petition to Intervene, Dykema Appearances, and Proof of Service on the parties listed on the attached service list via electronic mail.

Melissa A.
Goodrich

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Melissa A. Goodrich

SERVICE LIST
MPSC CASE NO: U-21534

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<p>MICHIGAN ENERGY INNOVATION BUSINESS COUNCIL (MEIBC), INSTITUTE for ENERGY INNOVATION (IEI), ADVANCED ENERGY UNITED, THE FOUNDRY ASSOCIATION OF MICHIGAN, AND ENERGY MICHIGAN, INC., Laura A. Chappelle Timothy J. Lundgren Justin K. Ooms</p>	<p>ichappelle@potomaclaw.com tlundgren@potomaclaw.com jooms@potomaclaw.com</p>
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