

MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
INTEROFFICE COMMUNICATION
TO THE MICHIGAN PUBLIC SERVICE COMMISSION

TO: Case No. U-21534
FROM: Sally L. Wallace, ALJ
DATE: April 26, 2024
SUBJECT: DTE Electric (Rate Case)

SCHEDULE FILING

New Dates

Testimony (Staff/Intervenor)	July 26, 2024
Rebuttal Testimony	August 16, 2024
Motions to Strike	August 23, 2024
Responses to Motions	August 30, 2024
Briefs	October 3, 2024
Reply Briefs (RTW)	October 23, 2024
PFD (Target)	November 26, 2024
Exceptions	TBD
Replies to Exceptions	December 23, 2024

SCHEDULE HEARING

Cross-Exam Scheduled **September 4-10, 2024**
(all parties, all testimony) (Remote – via MS Teams)

Discovery Turnaround: The parties agreed to an eight-business-day turnaround on discovery until July 26, 2024, and a five-business-day turnaround on discovery thereafter (best efforts).

Additional Instructions: Included in Attachment A to this Scheduling Memo.

Intervenor Status Granted To:

City of Ann Arbor (Ann Arbor)
Michigan Environmental Council (MEC)
Citizens Utility Board (CUB)
Natural Resources Defense Council (NRDC)
Sierra Club (SC)
Ecology Center, Union of Concerned Scientists, Environmental Law and Policy Center, Vote Solar (collectively, the CEO)
Michigan Energy Innovation Business Council, Institute for Energy Innovation and Advanced Energy United (collectively, MEIU)

Foundry Association of Michigan
Energy Michigan, Inc. (Energy Michigan)
The Kroger Company
Utility Workers Union of America, Local 223 (Local 223)
Michigan Municipal Association for Utility Issues (MAUI)
Soulardarity
We Want Green Too
Great Lakes Renewable Energy Association (GLREA)
Walmart, Inc. (Walmart)
Association of Businesses Advocating Tariff Equity (ABATE)
EVgo Services, LLC (EVgo)
International Transmission Company (ITC)
Michigan Cable Telecommunications Association (MCTA)

**Attachment A
U-21534**

**U-21534
Instructions**

General

1. The parties shall maintain an up-to-date service list and ensure that all persons or mailboxes on the list are served all documents. **Please make sure that ALL documents (especially discovery) are served on the Staff case coordinator.**
2. Please be aware that the ALJ does not forward any confidential information and therefore does not maintain a list of participants who have signed the NDA.
3. To avoid missing any key filings, at least one counsel from each party should also sign up through the e-docket system to receive notification of anything filed in this docket.

Testimony

1. Each party or group of parties filing testimony should file an exhibit list with the exhibit number and title of each of their direct exhibits at the time they file their testimony or shortly thereafter. Exhibits should be marked using the traditional MPSC method, using the prefixes the parties have already indicated they intend to use followed by a number.
2. It is helpful to include a summary of each witness's testimony either at the beginning or the end of the testimony (or at the end of each section (e.g., rate base, O&M, other revenue issues) for a witness covering a significant portion of the case). Additionally, if a witness is addressing an element of the applicant's revenue requirement calculation, the witness should indicate the relevant line item associated with that element on at least one of the key schedules presented by the company. Referencing the more detailed schedules or exhibits, if available, would also be helpful.
3. Direct and rebuttal testimony and exhibits should be filed as PDFs that are searchable (including the exhibit number headings at the top) and copyable—i.e., can be cut and pasted from; and workpapers should be served on all parties along with the testimony. **Parties planning to propose major programmatic revisions should consider filing their proposals earlier than the deadline, or consulting with the company and other interested parties in advance.**
4. Any revisions to direct or rebuttal testimony or exhibits filed after the due date should include a version showing the deletions and/or insertions, and an explanation for the changes.

Attachment A U-21534

Rebuttal

1. Proper rebuttal evidence is the evidence given by one party to contradict, explain, or disprove evidence produced by the other party and tending to directly weaken or impeach that evidence. **It should not be used for the purpose of rehabilitating or supplementing a party's direct case.** Rebuttal should also be concise and to the point, presented for the purpose of rebutting specific facts or judgments of the other parties that could not have been reasonably done in a party's direct case.
2. Rebuttal testimony should explicitly identify the page and line numbers of the prefiled testimony being rebutted. A revised exhibit list should also be provided with the rebuttal filing.
3. Given the large number of IT programs, and potentially the number of disputes on this aspect of the company's filing, if the number of proposed disallowances of IT capex and O&M expense exceeds six, the company shall file a rebuttal exhibit indicating the specific IT programs that are in dispute, any request for IT program funding the company is withdrawing, and parties proposing disallowances with the amount of each disallowance.

Hearing Preparation

1. The first round of SharePoint invitations will be sent to those on the service list on or around August 30. **Please send me any additional names and email addresses for invites by August 28.** Please note that "mailbox" email addresses cannot receive SharePoint invitations.
2. **For SharePoint access**, Microsoft has begun requiring the **Microsoft Authenticator** application for all users when prompted for Multi-Factor Authentication (MFA). This means that you will no longer be able to use the text or voice message option for an authentication code when accessing SharePoint. **Once the SharePoint folder is created, check your access to the folder for this case; and make sure you download and install the Microsoft Authenticator app on your phone or other device asap**, and then confirm that it is working for access to the SharePoint folder.
3. Each party or group of parties will need to create a subfolder in the SharePoint folder for this case, labeled with the party or party group name. Then, for each witness that party/party group is sponsoring, create a subfolder within the party subfolder labeled with the witness's name and upload that witness's non-confidential testimony and exhibits to that witness's subfolder.
4. Hearing room exhibits—exhibits that you intend to use during cross or offer at the hearing but have not pre-filed—should also be uploaded to the appropriate party subfolder so they can readily be identified by counsel and witnesses. This should be done before the hearing starts on the day the exhibits will be used or offered.

Attachment A U-21534

5. The parties shall provide a schedule for cross examination **at least three days before the beginning of the evidentiary hearing**. Information on the schedule should include the order of the witnesses, the day(s) the witnesses are expected to appear, and who will be crossing the witness for approximately how long. Please also consider that we will be taking 10-minute breaks every hour or hour and 15 minutes (plus a lunch break) and build that into the schedule.
6. The evidentiary hearing will be held remotely using Microsoft Teams. Participation information in the form of a Microsoft Outlook calendar invitation will be sent, and you may forward it to anyone else you want to attend. If anyone participating in the hearing is not familiar with Teams, and anticipates difficulty joining the hearing, please let me know as soon as possible, and I will arrange for technical assistance.

Other Information

1. **Official exhibits**—exhibits that have been admitted into evidence—should be filed in numerical order following the conclusion of the evidentiary hearing; the “filing type” should indicate “official exhibits” and **the filing description should contain the exhibit numbers included in the filing**. While it may be necessary for a party’s official exhibits to be filed in multiple batches, the description for each part of the filing should indicate the exhibit numbers included in that part.
2. Please email to Lori Penn at lori.penn@yahoo.com separate PDF copies of each witness’s testimony (searchable and copyable), separate PDF copies of any confidential versions of testimony appropriately labeled, and a separate exhibit list. Please do this by the close of the evidentiary hearing.
3. If a party is filing a motion for admission ***pro hac vice***, collect all the necessary documentation (including the notification from SBM) and serve as a package. Other parties will have five business days to object to the motion. If there are no objections, the ALJ will issue a ruling granting the motion.
4. The ALJ will provide further guidance on briefing after the hearing. The parties should expect to include the following in your briefs: (1) a table of contents; (2) a summary of position on each issue; (3) a description of the entire record relating to each issue briefed (i.e., pinpoint transcript cites to each witness testifying on that issue and exhibit/schedule and line numbers pertinent to the issue).
5. Ideally, the parties will be able to create a **table of disputed issues** that will assist counsel in preparing briefs, facilitate potential settlement, assist the ALJ in preparing the PFD, and assist the Commission and its legal staff in preparing a final order. DTE Electric shall do the initial work creating the table, subject to further consultation with the ALJ and the parties to determine what this table will contain. The disputed issues table shall be completed and circulated by September 13, 2024.