

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

TO: Case No. U-21585
FROM: Sally L. Wallace, ALJ
DATE: July 1, 2024
SUBJECT: Consumers (Electric Rate Case)

SCHEDULED FILINGS

New Dates

Testimony (Staff/Intervenor)	September 27, 2024
Rebuttal Testimony	October 18, 2024
Motions to Strike	October 23, 2024
Responses to Motions	October 28, 2024
Briefs	December 3, 2024
Reply Briefs (RTW)	December 17, 2024
PFD (Target)	January 27, 2025

SCHEDULED HEARING

Cross-Examination Scheduled
(All Parties, All Testimony)

October 30-November 4, 2024

Parties have agreed to discuss delaying the cross-examination start date for 2-4 days as the cross date draws nearer.

Discovery Turnaround: The parties agreed to an eight-business day turnaround on discovery until Staff and Intervenor testimony is filed, and a five-business day turnaround on discovery thereafter.

Intervenor Status Granted To:

Department of the Attorney General (notice of intervention)
Michigan Cable Telecommunications Association (MCTA)
Citizens Utility Board (CUB)
Michigan Environmental Council (MEC)
Natural Resources Defense Council (NRDC)
Sierra Club (SC)
Urban Core Collective (UCC)

Environmental Law & Policy Center, The Ecology Center, Union of
Concerned Scientists, and Vote Solar (collectively, the CEO)
The Kroger Company
Energy Michigan
Foundry Association of Michigan
Michigan Electric Transmission Company (METC)
Michigan Municipal Association for Utility Issues (MAUI)
Hemlock Semiconductor Operations, LLC (HSC)
Michigan Energy Innovation Business Council, Institute for Energy
Innovation and Advanced Energy United (MEIU)
Association of Businesses Advocating Tariff Equity (ABATE)
Michigan State Utility Workers Council, Utility Workers Union of America,
AFL-CIO (Utility Workers)
Walmart, Inc.
Great Lakes Renewable Energy Association (GLREA)

U-21585 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 to parties 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 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 would also be helpful.
3. Direct and rebuttal testimony and exhibits should be filed as PDFs that are searchable and copyable—i.e. can be cut and pasted from (including the exhibit number headings at the top); 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.

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.

Attachment A

2. Rebuttal testimony should explicitly identify the page and line numbers of the pre-filed 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 October 15. Please send me any additional names and email addresses for invites by October 11. Please note that "mailbox" email addresses cannot receive SharePoint invitations. **Please log in to the SharePoint promptly after receiving the invitation**, and then periodically after that, to avoid losing access. If you encounter any issues, please contact MPSC IT for assistance.
2. 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.

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. 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.
3. 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 of each witness testifying on that issue, exhibit/schedule, and line numbers pertinent to the issue).

STATE OF MICHIGAN

MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

STATE OF MICHIGAN)
) SS.
County of Ingham)
_____)

Case No. U-21585

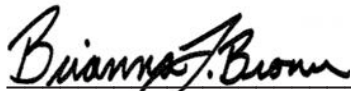
PROOF OF SERVICE

Madeline Kulhanek, being duly sworn, deposes and says that on July 1, 2024, she served a copy of the attached **Scheduling Memo and Attachment A – U-21585 Instructions** via email to the persons as shown on the attached service list.



Madeline Kulhanek

Subscribed and sworn to before me this
1st day of July 2024.



Brianna L. Brown
Notary Public, Gratiot County, Michigan
My Commission Expires July 4, 2028

**SERVICE LIST
CASE NO. U-21585**

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