



**VIA ELECTRONIC FILING**

August 16, 2024

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

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

Dear Executive Secretary Felice:

Attached for electronic filing please find the Rebuttal Testimony of Rhiannon Davis on behalf of Electrify America LLC. Proof of service is likewise attached to this filing.

Please contact the undersigned if you have any questions or concerns regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'SMB', written over a horizontal line.

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cc: Service List, 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 supply of : ALJ Sally Wallace  
electric energy, and for miscellaneous :  
accounting authority. :

**REBUTTAL TESTIMONY OF**

**RHIANNON DAVIS**

**ON BEHALF OF**

**ELECTRIFY AMERICA, LLC**

**August 16, 2024**

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**REBUTTAL TESTIMONY  
OF  
RHIANNON DAVIS**

**I. INTRODUCTION**

**Q. Please state your name, business address, and by whom you are employed.**

A. My name is Rhiannon Davis. My business address is 1950 Opportunity Way, Suite 1500, Reston, Virginia 20190. I am employed by Electrify America, LLC (“Electrify America”) as the Director of Government Affairs.

**Q. Did you file direct testimony in this proceeding on behalf of Electrify America?**

A. Yes. I submitted Direct Testimony on behalf of Electrify America on July 26, 2024, and Revised Direct Testimony on August 13, 2024.

**Q. What is the purpose of your testimony?**

A. The purpose of my testimony is to respond to the direct testimony of Michigan Public Service Commission (“Commission”) staff (“Commission Staff”) and the Michigan Attorney General.

**Q. Are you sponsoring any exhibits with this testimony?**

A. Yes, in addition to Exhibit EA-1 (EA-RD-1) included with my direct testimony, I will be sponsoring the following exhibits:

- Exhibit EA-3 (EA-RD-2) - Compiled Responses of Michigan Public Service Commission Staff to EVgo’s First Discovery Request

1 **Q. Were these exhibits prepared by you or under your direction?**

2 A. Yes, they were.

3

4 **Q. Are there any aspects of testimony provided by other parties not specifically**  
5 **addressed in your rebuttal testimony?**

6 A. Yes, any lack of response in my rebuttal testimony to the positions of other parties put  
7 forth in their direct testimony should not be construed as an indication that I agree with  
8 the information provided or arguments set forth therein. I have limited my rebuttal  
9 testimony to testimony regarding the Business Charger Rebate program, and DTE’s  
10 proposed capital expenditures related to electric vehicle (“EV”) charging infrastructure.

11

12 **II. RESPONSE TO MICHIGAN PUBLIC SERVICE COMMISSION STAFF’S**  
13 **DIRECT TESTIMONY**

14 **Q. Can you provide an overview of the direct testimony submitted by Allan D.**  
15 **Freeman on behalf of the Michigan Public Service Commission?**

16 A. Yes. In Mr. Freeman’s direct testimony, he recommends an \$8,000,000 disallowance of  
17 the proposed budget for DTE’s Business and eFleet Charger Rebates program, and a  
18 \$1,000,000 disallowance for the Residential Customer Rebate program.<sup>1</sup> As Mr.  
19 Freeman points out, the Business and eFleet Charger Rebate program is a “foundational  
20 piece of the Company’s overall \$24,980,000 proposed [electric vehicle] budget request.”<sup>2</sup>  
21 However, Mr. Freeman suggests the \$8,000,000 disallowance because he is

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<sup>1</sup> Case No. U-21534, Direct Testimony of Allan D. Freeman on behalf of the Michigan Public Service Commission at page 8, lines 9-12.

<sup>2</sup> *Id.* at page 8, lines 18-20.

1 “uncomfortable with this large, requested amount,” as it “represents a significant increase  
2 from past rebate programs.”<sup>3</sup> In response to discovery, Mr. Freeman notes that his  
3 reference to the “past rebate programs” refers to the previous iteration of these programs  
4 in Case No. 21297.<sup>4</sup> Mr. Freeman argues that DTE should take a more “scaled down  
5 rebate effort” that is more deliberate<sup>5</sup>, stating that the “[electric vehicle] marketplace is  
6 still evolving and in the future larger rebates may be appropriate at that time.”<sup>6</sup>

7  
8 **Q. Do you agree with Mr. Freeman’s position?**

9 A. No. Mr. Freeman does not provide adequate support for his recommendations, aside  
10 from his statement that the rebates are too significant and that a more judicious approach  
11 is warranted. Mr. Freeman, notably, does not explain *why* his recommendations should  
12 be adopted by the Commission beyond general, unsupported opinions. By contrast,  
13 multiple parties to this proceeding, including Citizens Utility Board of Michigan, Sierra  
14 Club, Michigan Environmental Council, and Natural Resources Defense Council<sup>7</sup>; EVgo  
15 Services, LLC (“EVgo”)<sup>8</sup>; and Natural Resources Defense Council; and Michigan  
16 Energy Innovation Business Council, Institute for Energy Innovation, and Advanced  
17 Energy United (collectively “MEIU”)<sup>9</sup>, all provide nuanced, well-supported  
18 recommendations as to why their modifications to DTE’s proposed expansion of the

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<sup>3</sup> *Id.* at page 8, lines 20-21.

<sup>4</sup> *See* Exhibit EA-3 (EA-RD-2); Michigan Public Service Commission Staff’s Answer to EVgo-MPSC 1.01(b).

<sup>5</sup> Direct Testimony of Allan D. Freeman at page 8, line 21 through page 9, line 2.

<sup>6</sup> *See* Exhibit EA-3 (EA-RD-2); Michigan Public Service Commission Staff’s Answer to EVgo-MPSC 1.02(b).

<sup>7</sup> *See* Case No. U-21534, Direct Testimony of Douglas B. Jester on behalf of Citizens Utility Board of Michigan, Sierra Club, Michigan Environmental Council, and Natural Resources Defense Council at pages 37-40.

<sup>8</sup> *See* Case No. U-21534, Direct Testimony of Lindsey Stegall on behalf of EVgo Services, LLC at pages 7-16.

<sup>9</sup> *See* Case No. U-21534, Direct Testimony of Dr. Laura S. Sherman on behalf of Natural Resources Defense Council; and Michigan Energy Innovation Business Council, Institute for Energy Innovation, and Advanced Energy United at pages 36-52.

1 Business Charger Rebate program should be approved by the Commission. For example,  
2 EVgo echoes the recommendation I stated with respect to the direct current fast charging  
3 (“DCFC”) rebate program, providing a thorough explanation and justification for its  
4 recommendation to include DCFC rebates for destination charging sites.<sup>10</sup> Similarly,  
5 MEIU provides ample support for the same position, recommending the removal of  
6 DTE’s proposed eligibility requirement for the DCFC rebate program obligating DCFC  
7 sites receiving the rebate to be located within one mile of a major throughway.<sup>11</sup> Mr.  
8 Jester, on behalf of Citizens Utility Board of Michigan, Sierra Club, Michigan  
9 Environmental Council, and Natural Resources Defense Council, provides significant  
10 support for its position that DTE clarify that DCFC rebate funds may be used to defray  
11 utility make-ready, customer make-ready, and EV charger costs.<sup>12</sup> These parties all  
12 provide thorough analysis and support for their positions, while Mr. Freeman does not.  
13 Therefore, Electrify America recommends that the Commission decline to adopt Mr.  
14 Freeman’s proposal to reduce the Business Charger Rebate and eFleet Charger Rebate  
15 programs by \$8,000,000, as such a position is not sufficiently supported by his testimony  
16 or responses to discovery.

17  
18 **III. RESPONSE TO THE MICHIGAN ATTORNEY GENERAL**

19 **Q. Please provide an overview of Mr. Coppola’s recommendations on behalf of the**  
20 **Michigan Attorney General regarding DTE Electric Company’s (“DTE”) proposed**

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<sup>10</sup> Direct Testimony of Lindsey Stegall at page 14, line 17 through page 15, line 17.

<sup>11</sup> Direct Testimony of Dr. Laura S. Sherman at page 45, lines 1-9.

<sup>12</sup> Direct Testimony of Douglas B. Jester at page 38, line 16 through page 39, line 2.

1           **capital expenditures for Utility Make Ready (“UMR”) and the EV Charging**  
2           **Forward Program.**

3    A.    Mr. Coppola’s testimony proposes two reductions to DTE’s proposed capital  
4           expenditures related to electric vehicle (“EV”) infrastructure: the first is a proposed  
5           reduction of \$3,734,000 and \$10,173,000 to DTE’s proposed 2024 and 2025 to UMR  
6           expenditures<sup>13</sup>, and the second is a proposed reduction of \$6,979,000 and \$2,295,000 to  
7           DTE’s proposed 2024 and 2025 EV Charging Forward capital expenditures.<sup>14</sup> In support  
8           of his position, Mr. Coppola makes a number of assertions regarding EV adoption,  
9           including that “EVs are stockpiling at dealers’ lots,” “EV buyers often have been  
10          dissatisfied with the actual driving range,” and that “software and equipment failures has  
11          also created dissatisfaction and increased concerns and fear with prospective EV  
12          buyers.”<sup>15</sup> Because of this waning demand, Mr. Coppola argues, the Commission should  
13          not approve DTE’s proposed capital expenditures for UMR and the EV Charging  
14          Forward program.<sup>16</sup>

16    **Q.    Do you agree with Mr. Coppola’s recommendations?**

17    A.    No, I do not. As DTE Witness Bennett describes in her direct testimony, EV sales in its  
18          service territory have grown at a compound annual growth rate of 90% from 2019 to  
19          2022.<sup>17</sup> With almost 46,000 EVs in its service territory currently, DTE estimates that by  
20          the end of its proposed transportation electrification program in 2028, this figure will

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<sup>13</sup> Case No. U-21534, Direct Testimony of Sebastian Coppola on behalf of the Michigan Attorney General at page 26, lines 11-12.

<sup>14</sup> *Id.* at page 55, lines 8-9.

<sup>15</sup> *Id.* at page 25, lines 11-15.

<sup>16</sup> *Id.* at page 26, lines 3-12; page 55, lines 6-11.

<sup>17</sup> Case No. U-21534, Direct Testimony of Pina Bennett at PB-23, lines 8-9.

1 increase to 326,000 EVs.<sup>18</sup> This estimate is the result of a comprehensive EV registration  
2 forecast, based on which DTE estimates that approximately 238,000 chargers will be  
3 needed within DTE’s service territory by 2028 to support the increased demand for  
4 charging infrastructure.<sup>19</sup> Moreover, DTE estimates that this deployment of charging  
5 infrastructure will require a nearly \$1.9 billion investment.<sup>20</sup> Like its estimates regarding  
6 EV adoption and EV charger deployment within its service territory, DTE provides  
7 detailed analysis to support its conclusions, stating its cost assumptions and methodology  
8 used to support this estimated investment.<sup>21</sup>

9  
10 Mr. Coppola’s rebuttal testimony disregards this comprehensive analysis and fails to  
11 provide any analysis supporting his contention that EV adoption will be less than what  
12 DTE has stated. Instead, he recommends significant reductions to DTE’s proposed  
13 capital expenditures based on broad, unfounded opinions about EV adoption within  
14 DTE’s service territory. Absent from Mr. Coppola’s testimony is any reference to or  
15 contradiction of DTE Witness Bennett’s analysis, nor does Mr. Coppola provide any  
16 citations for his statements regarding EV adoption. As such, Electrify America  
17 recommends that the Commission disregard Mr. Coppola’s recommendations, as the  
18 justification for his recommendations is directly contradicted by the analysis set forth in  
19 DTE’s direct testimony.

20  
21 **Q. Does that conclude your testimony?**

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<sup>18</sup> *Id.* at lines 11-14.

<sup>19</sup> *Id.* at PB-25, lines 8-16.

<sup>20</sup> *Id.* at PB-28, lines 22-24.

<sup>21</sup> *Id.* at PB-30, line 3 through PB-31, line 20.

1 A. Yes, it does.

**EXHIBIT LIST OF ELECTRIFY AMERICA, LLC**

**Rebuttal Testimony of Electrify America, LLC**

<b>Witness</b>	<b>Exhibit</b>	<b>Description</b>
Rhiannon Davis	Exhibit EA-3 (EA-RD-2)	Compiled Responses of Michigan Public Service Commission Staff to EVgo's First Discovery Request

**Direct Testimony of Electrify America, LLC**

<b>Witness</b>	<b>Exhibit</b>	<b>Description</b>
Rhiannon Davis	Exhibit EA-1 (EA-RD-1)	Compiled Discovery Responses
Jigar J. Shah	Exhibit EA-2 (EA-JJS-1)	Compiled Discovery Responses

**MPSC Staff's Answer to the EVgo's First Discovery Request**

**MPSC Case No. U-21534**

**August 9, 2024**

**Question:**

1b: Please identify the “past rebate programs” mentioned in the second sentence of the referenced portion of Mr. Freeman’s testimony, and provide the budget or cost recovery request associated with those “past rebate programs.”

**Answer:**

**The “past rebate programs” refer to DTE Electric witness Kelsey Peterson’s testimony in U-21297. Specifically, I am referring to her Tables 1 and 2 on pages 5-6 of her testimony.**

**Respondent: Al Freeman**

**MPSC Staff's Answer to the EVgo's First Discovery Request**  
**MPSC Case No. U-21534**  
**August 9, 2024**

**Question: 2b.** Is it Mr. Freeman's position that DTE should reduce its proposed budget for Business and eFleet Charger rebates in 2026, 2027 and 2028 (described at Table 9 of DTE witness Bennett's testimony) by the amount of his recommended disallowance? If the answer is anything other than "yes", please explain Mr. Freeman's position on DTE's proposed investment in Business and eFleet Charger rebates in 2026, 2027 and 2028.

**Answer:**

**My position is that DTE Electric should reduce its proposed budget for the Business and eFleet Charger Rebates for the bridge and test years specified in the Case No. U-21534. DTE Electric is welcome to revisit this issue in their next rate case. The EV marketplace is evolving and in the future larger rebates may be appropriate at that time.**

**Respondent: Al Freeman**

**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 supply of : ALJ Sally Wallace  
electric energy, and for miscellaneous :  
accounting authority. :

**PROOF OF SERVICE**

On August 16, 2024, an electronic copy of the rebuttal testimony of Rhiannon Davis on behalf of Electrify America LLC was served on the following via email. I hereby verify that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Sincerely,



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<p><b><u>Administrative Law Judge</u></b>  Honorable Sally L. Wallace  <a href="mailto:Wallaces2@michigan.gov">Wallaces2@michigan.gov</a></p> <p><b><u>The City of Ann Arbor</u></b>  Valerie Jackson  Valerie J.M. Brader  <a href="mailto:vjackson@a2gov.org">vjackson@a2gov.org</a>  <a href="mailto:valerie@rivenoaklaw.com">valerie@rivenoaklaw.com</a></p> <p><b><u>Attorney General Dana Nessel</u></b>  Joel B. King  <a href="mailto:Kingj38@michigan.gov">Kingj38@michigan.gov</a>  <a href="mailto:ag-enra-spec-lit@michigan.gov">ag-enra-spec-lit@michigan.gov</a></p> <p><b><u>DTE Electric Company</u></b>  Jon P. Christinidis  Andrea E. Hayden  Paula Johnson-Bacon  John A. Janiszewski  Breanne K. Reitzel  <a href="mailto:Jon.christinidis@dteenergy.com">Jon.christinidis@dteenergy.com</a>  <a href="mailto:Andrea.hayden@dteenergy.com">Andrea.hayden@dteenergy.com</a>  <a href="mailto:Paula.bacon@dteenergy.com">Paula.bacon@dteenergy.com</a>  <a href="mailto:John.janiszewski@dteenergy.com">John.janiszewski@dteenergy.com</a>  <a href="mailto:Breanne.reitzel@dteenergy.com">Breanne.reitzel@dteenergy.com</a>  <a href="mailto:mpscfilings@dteenergy.com">mpscfilings@dteenergy.com</a></p> <p><b><u>Michigan Environmental Council (MEC)</u></b>  <b><u>Natural Resources Defense Council (NRDC)</u></b>  Christopher M. Bzdok  Tracy Jane Andrews  <a href="mailto:chris@tropospherelegal.com">chris@tropospherelegal.com</a>  <a href="mailto:tjandrews@tropospherelegal.com">tjandrews@tropospherelegal.com</a></p> <p><b><u>Great Lakes Renewable Energy Association</u></b>  Don L. Keskey  Brian W. Coyer  <a href="mailto:donkeskey@publiclawresourcecenter.com">donkeskey@publiclawresourcecenter.com</a>  <a href="mailto:bwcoyer@publiclawresourcecenter.com">bwcoyer@publiclawresourcecenter.com</a></p>	<p><b><u>MPSC Staff</u></b>  Amit T. Singh  Heather M.S. Durian  Michael J. Orris  Monica M. Stephens  Lori Mayabb  <a href="mailto:Singha9@michigan.gov">Singha9@michigan.gov</a>  <a href="mailto:durianh@michigan.gov">durianh@michigan.gov</a>  <a href="mailto:orrism@michigan.gov">orrism@michigan.gov</a>  <a href="mailto:stephensm11@michigan.gov">stephensm11@michigan.gov</a>  <a href="mailto:mayabbl@michigan.gov">mayabbl@michigan.gov</a></p> <p><b><u>Michigan Energy Innovation Business Council</u></b>  <b><u>Institute for Energy Innovation</u></b>  <b><u>Advanced Energy United</u></b>  <b><u>The Foundry Association of Michigan</u></b>  <b><u>Energy Michigan, Inc.</u></b>  Laura A. Chappelle Timothy  J. Lundgren  Justin K. Ooms  <a href="mailto:lochappelle@potomaclaw.com">lochappelle@potomaclaw.com</a>  <a href="mailto:tlundgren@potomaclaw.com">tlundgren@potomaclaw.com</a>  <a href="mailto:jooms@potomaclaw.com">jooms@potomaclaw.com</a></p> <p><b><u>PROTEC</u></b>  Michael J. Watza  <a href="mailto:Mike.watza@kitch.com">Mike.watza@kitch.com</a></p> <p><b><u>Walmart, Inc.</u></b>  Melissa M. Horne  <a href="mailto:mhorne@hcc-law.com">mhorne@hcc-law.com</a></p> <p><b><u>UWUA Local 223</u></b>  Benjamin King  <a href="mailto:bking@michworkerlaw.com">bking@michworkerlaw.com</a></p> <p><b><u>The Kroger Co.</u></b>  Kurt J. Boehm  Jody Kyler Cohn  Justin Bieber  <a href="mailto:kboehm@bkllawfirm.com">kboehm@bkllawfirm.com</a>  <a href="mailto:jkylercohn@bkllawfirm.com">jkylercohn@bkllawfirm.com</a>  <a href="mailto:jbieber@energystrat.com">jbieber@energystrat.com</a></p>
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