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VIA ELECTRONIC CASE 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 Ms. Felice:

Please find attached the following for paperless filing in the above-captioned matter:

**The Kroger Co's Rebuttal Testimony and Exhibit of Justin Bieber,
and Proof of Service**

Please place this document(s) of file.

Very truly yours,

Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
Michael L. Kurtz, Esq., (Michigan ##P67067)
BOEHM, KURTZ & LOWRY

KJBkew
Attachment

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of DTE)
ELECTRIC COMPANY for authority to)
increase its rates for the generation and)
distribution of electricity and for)
miscellaneous accounting authority.)

Case No. U-21534

REBUTTAL TESTIMONY OF

JUSTIN BIEBER

ON BEHALF OF

THE KROGER CO.

AUGUST 16, 2024

1 **REBUTTAL TESTIMONY OF JUSTIN BIEBER**

2

3 **Introduction**

4 **Q. Please state your name and business address.**

5 A. My name is Justin Bieber. My business address is 111 E Broadway, Suite
6 1200, Salt Lake City, Utah, 84111.

7 **Q. By whom are you employed and in what capacity?**

8 A. I am a Principal at Energy Strategies, LLC. Energy Strategies is a private
9 consulting firm specializing in economic and policy analysis applicable to energy
10 production, transportation, and consumption.

11 **Q. On whose behalf are you testifying in this proceeding?**

12 A. My testimony is being sponsored by The Kroger Co. (“Kroger”). Kroger is
13 one of the largest retail grocers in the United States and operates more than 80
14 facilities in the territory served by DTE Electric Company (“DTE” or the
15 “Company”). DTE delivers approximately 200 million kWh annually to Kroger’s
16 facilities, which are mostly served under Rate Schedule No. D11, Primary Supply
17 Rate. The majority of Kroger’s accounts receive Retail Access Service, but some
18 of Kroger’s accounts receive Full Service from DTE.

19 **Q. Please describe your professional experience and qualifications.**

20 A. My academic background is in business and engineering. I earned a
21 Bachelor of Science in Mechanical Engineering from Duke University in 2006 and
22 a Master of Business Administration from the University of Southern California in
23 2012. I am also a registered Professional Civil Engineer in the state of California.

1 I joined Energy Strategies in January 2017, where I provide regulatory and
2 technical support on a variety of energy issues, including regulatory services,
3 transmission and renewable development, and financial and economic analyses. I
4 have also filed and supported the development of testimony before several different
5 state utility regulatory commissions.

6 Prior to joining Energy Strategies, I held positions at Pacific Gas and
7 Electric Company as Manager of Transmission Project Development, ISO
8 Relations and FERC Policy Principal, and Supervisor of Electric Generator
9 Interconnections. During my career at Pacific Gas and Electric Company, I
10 supported multiple facets of utility operations, and led efforts in policy, regulatory,
11 and strategic initiatives, including supporting the development of testimony before
12 and submittal of comments to the FERC, California ISO, and the California Public
13 Utility Commission. Prior to my work at Pacific Gas & Electric, I was a project
14 manager and engineer for heavy construction bridge and highway projects.

15 **Q. Have you testified previously before this Commission?**

16 **A.** Yes, I have testified in the following proceedings before this Commission:

- 17 • Consumers' 2018 general rate case, Case No. U-20134;
- 18 • DTE's 2018 general rate case, Case No. U-20162;
- 19 • DTE's 2019 general rate case, Case No. U-20561;
- 20 • Consumers' 2020 general rate case, Case No. U-20697;
- 21 • Consumers' 2021 general rate case, Case No. U-20963;
- 22 • DTE's 2022 general rate case, Case No. U-20836;
- 23 • Consumers' 2022 general rate case, Case No. U-21224; and

1 • DTE’s 2023 general rate case, Case No. U-21297.

2 **Q. Have you filed testimony previously before any other state utility regulatory**
3 **commissions?**

4 **A.** Yes. I have testified in regulatory proceedings on the subjects of utility rates
5 and regulatory policy before state utility regulators in Colorado, Indiana, Kentucky,
6 Montana, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Oregon,
7 Pennsylvania, Texas, Utah, Virginia, Washington, and Wisconsin.

8

9 **Overview and Conclusions**

10 **Q. What is the purpose of your testimony in this proceeding?**

11 **A.** I respond to the direct testimony of the Citizens Utility Board of Michigan
12 (“CUB”) witness Douglas B. Jester regarding his recommended allocation methods
13 to be utilized to allocate the *demand-related* portion of the DTE’s production plant
14 in the Unbundled Cost of Service Study (UCOS).

15 **Q. Please summarize your recommendations to the Commission.**

16 **A.** I recommend that the Commission reject Mr. Jester’s recommendation to
17 utilize the Seasonal Capacity Increment or the nine coincident peak (“9CP”)
18 allocation methods to allocate the *demand-related* portion of DTE’s production
19 plant. Instead, the Commission should approve the Company’s proposal which
20 would utilize a four coincident peak (“4CP”) allocator to allocate the demand-
21 related portion of DTE’s production plant, as proposed by DTE and utilized in
22 DTE’s last seven electric rate cases.

23

1 **Production Plant Cost Allocation**

2 *Response to CUB Witness Douglas B. Jester.*

3 **Q. Please explain how DTE proposes to allocate production plant in DTE's**
4 **proposed UCOS?**

5 A. DTE's proposed UCOS utilizes the 4CP 75-0-25 method approved in the
6 Company's last seven electric rate cases to allocate production plant.¹ Under this
7 method, 75% of production plant is considered to be *demand-related* and allocated
8 based on the 4CP method, 0% of production plant is allocated on energy use
9 coincident to the MISO on-peak period, and 25% of production plant is considered
10 to be *energy-related* and allocated on based on energy usage.²

11 **Q. Please explain Mr. Jester's position regarding the allocation of production**
12 **plant.**

13 A. Mr. Jester explains that his opposition in his direct testimony is focused on a single
14 allocation method in DTE's proposed UCOS. Specifically, Mr. Jester's
15 recommendation is focused on the use of the 4CP to allocate the demand-related
16 portion of DTE's production plant.³ Mr. Jester's primary recommendation is to
17 utilize an allocation method that he refers to as the Seasonal Capacity Increment to
18 allocate the demand portion of production plant. Mr. Jester's secondary
19 recommendation is to use the 9CP allocation method to allocate the demand-related
20 portion of production plant.⁴ To be clear, Mr. Jester has not proposed to modify the

¹ Direct Testimony of Habeeb J. Maroun, p. 16.

² *Id.* p. 9.

³ Direct Testimony of Douglas B. Jester, p. 13.

⁴ *Id.* pp. 18-19. Also see Exhibit CUB-18.

1 energy allocator that DTE utilizes to allocate the 25% of its production plant that is
2 classified as energy-related.

3 **Q. Please explain Mr. Jester's proposed seasonal capacity increment**
4 **methodology.**

5 A. According to Mr. Jester, the allocator that he refers to as the Seasonal Capacity
6 Increment methodology attempts to allocate production plant to customer classes
7 based on the seasons in which the production plant is used. The methodology
8 attempts to accomplish this by starting with a 12CP allocator to allocate a
9 percentage of demand production plant equal to the percent of accredited capacity
10 used in the lowest demand 3-month season. In this case, Mr. Jester claims that the
11 winter season utilizes 71.9% of the system's accredited capacity, so he proposes
12 that 71.9% of the demand-related portion of production plant should be allocated
13 using 12CP. According to Mr. Jester, spring has the next lowest utilization of
14 DTE's production portfolio at 96.5% of accredited capacity. He therefore
15 recommends that 24.6% of the production plant, which is equal to the difference
16 between the 96.5% of alleged spring use of capacity less the 71.9% of alleged
17 winter use of capacity should be allocated using a 9CP where the 9CP reflects the
18 monthly peaks during the 9 months he determines to be non-winter months. Using
19 similar logic, Mr. Jester reasons that the fall season utilizes 98.2% of accredited
20 capacity, which is 1.6% incremental to spring usage, so he recommends that 1.6%
21 of production plant should be allocated according to six coincident peaks ("6CP")
22 where the monthly peaks during the 6 months he determines to be fall and summer.
23 And finally, he reasons that the remaining 1.8% of production plant should be

1 allocated based on based on three coincident peaks (“3CP”) covering the three
2 months he considers to be summer months of June, July, and August.⁵ According
3 to Mr. Jester’s proposal, the 25% of production plant that is considered energy-
4 related would continue to be allocated based on class energy usage. The results of
5 Mr. Jester’s recommended *demand* allocation method are summarized in Table JB-
6 1.

7 **Table JB-1⁶**
8 **CUB Seasonal Capacity Incremental Allocation Method Summary**

Season	Seasonal Capacity Increment	Allocator	Applicable Months
Winter	71.9%	12CP	All months
Spring	24.6%	9CP	All months except Dec-Feb
Fall	1.6%	6CP	Jun-Nov
Summer	1.8%	3CP	Jun-Aug

9 **Q. What are the results of Mr. Jester’s proposal to allocate the demand portion**
10 **of production plan based on the method he refers to as the Seasonal Capacity**
11 **Increment and 9CP?**

12 A. The results of Mr. Jester’s proposed method are summarized in Table JB-2 below.

⁵ *Id.* p. 19.

⁶ *Id.*

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Table JB-2⁷
CUB Seasonal Capacity Incremental Allocation Method Results
Major Class Share of Demand-Related Production Plant

Major Class	4CP Method	9CP	Seasonal Capacity Increment
Residential	51.74%	48.73%	48.96%
Secondary Commercial	25.33%	25.17%	24.83%
Primary	22.84%	25.93%	25.95%
Public Lighting	0.09%	0.16%	0.26%

4 As can be seen in the table above, the allocation factors that would result
5 from the 9CP and Seasonal Capacity Increment methods are relatively close,
6 especially for the Residential and Primary customers.

7 **Q. What justification does Mr. Jester provide to support his recommended**
8 **seasonal capacity increment methodology?**

9 A. Mr. Jester explains that the Midcontinent Independent System Operator (“MISO”)
10 is ultimately responsible for ensuring sufficient power supply and that MISO
11 requires load serving entities, like DTE, to meet Resource Adequacy requirements
12 to ensure sufficient supply is available. He therefore reasons that cost causation for
13 DTE’s production is not determined directly by demand from its customers, but by
14 the need to meet MISO’s Resource Adequacy standards.⁸

15 Mr. Jester also claims that with the combination of seasonal reserve margins
16 and capacity accreditations that are components of MISO’s Resource Adequacy
17 standards that it is *possible* that customer demand in a season other than summer

⁷ *Id.* p. 20.

⁸ *Id.* p. 15.

1 could drive a need for additional production plant. He also asserts that given
2 MISO’s seasonal Resource Adequacy construct that production plant cost causation
3 cannot be based solely on class contribution but instead must be rooted in the
4 seasonal performance of those resources.⁹

5 **Q. How do you respond to Mr. Jester’s assertion that DTE’s production plant**
6 **cost causation is driven by the need to meet MISO’s Resource Adequacy**
7 **standards, not DTE’s peak demands?**

8 A. While I agree that MISO’s Resource Adequacy standards drive cost causation for
9 DTE’s production capacity costs, it is important to recognize that despite seasonal
10 variations in resource accreditation levels and seasonal reserve margins, Resource
11 Adequacy requirements are generally aligned with the system’s peak demands. For
12 example, Mr. Jester claims that the DTE system utilizes just 71.9% of the accredited
13 capacity in the winter. This relatively low utilization of accredited capacity in the
14 winter is generally consistent with the fact that DTE’s system is a summer peaking
15 system.

⁹ *Id.* p .17.

1 **Q. You describe above that Mr. Jester claims that it is possible that customer**
2 **demand in a non-summer month could drive the need for additional**
3 **production plant. Does Mr. Jester provide any evidence to demonstrate that**
4 **this assertion might actually be true for DTE's embedded production plant**
5 **costs that are allocated in the UCOS?**

6 A. No, he does not. He simply states that it is *possible*.

7 **Q. Do Mr. Jester's proposed allocation methods for demand-related production**
8 **plant closely resemble the 12CP allocation method?**

9 A. Yes. Mr. Jester's proposed Seasonal Capacity Increment methodology is primarily
10 a 12CP allocator. While the 9CP, 6CP, and 3CP allocators are used, these allocation
11 methods are only applied to limited increments of production plant equal to the
12 incremental difference in use of accredited capacity relative to the season with the
13 next lowest use of accredited capacity, while the 12CP allocator is applied to the
14 *total* percentage of accredited capacity utilized in the winter. The immediate case
15 provides a clear example of how minimally impactful the 3CP and 6CP portions of
16 the methodology are under this method. The overwhelming majority, or 96.5%, of
17 demand-related production plant is allocated on a combination of 9CP and 12CP
18 with 71.9% of all demand production plant allocated on 12CP alone. Since the
19 majority weightings are given to the 12CP and 9CP allocators in this method, it is
20 unsurprising that the results of the 9CP method and Mr. Jester's proposed Seasonal
21 Capacity Increment method are relatively close.

22 Mr. Jester's proposed Seasonal Capacity Increment method closely
23 resembles the 12CP method because it gives the 12CP allocator a 71.9% weighting,

1 and a combined 96.5% weighting to the 12CP and 9CP. The 9CP allocation method
2 is relatively close to the 12CP because it incorporates the majority of the monthly
3 peak demands throughout the year. Notably, four of the five monthly peaks
4 included in Mr. Jester’s 9CP are below the *annual average* monthly peak.¹⁰

5 **Q. When would it be appropriate to apply a 12CP allocator, or a similar**
6 **allocation method, to allocate production plant?**

7 A. According to the National Association of Regulatory Utility Commissioners
8 Electric Utility Cost Allocation Manual (“NARUC Manual”), a 12CP allocator can
9 be appropriate when there are not significant variations in demand throughout the
10 year. Specifically, the NARUC Manual states that:

11 *“[t]he utilization of a “12 CP allocation method is based on the*
12 *principle that a utility installs facilities to maintain a reasonably*
13 *constant level of reliability throughout the year or that significant*
14 *variations in monthly peak demands are not present. Under this*
15 *method, no single peak demand or seasonal peak demands are of*
16 *any significantly greater magnitude than any of the other monthly*
17 *coincident peak demands. Thus, the relative importance of each*
18 *month is considered.”¹¹*

¹⁰ See Exhibit JB-1. The average of the 12 monthly peaks is 7,027 MW. Mr. Jester’s 9CP would include monthly coincident peaks for March, April, October, and November, which were all below the average of the 12 monthly peaks.

¹¹ NARUC Electric Utility Cost Allocation Manual at 79 (Jan. 1992).

1 **Q. You explain above that Mr. Jester’s recommendation only applies to the**
2 **allocation of the demand-related portion of production plant and that 25% of**
3 **production plan would continue to be allocated on an energy basis. Please**
4 **explain why this is significant.**

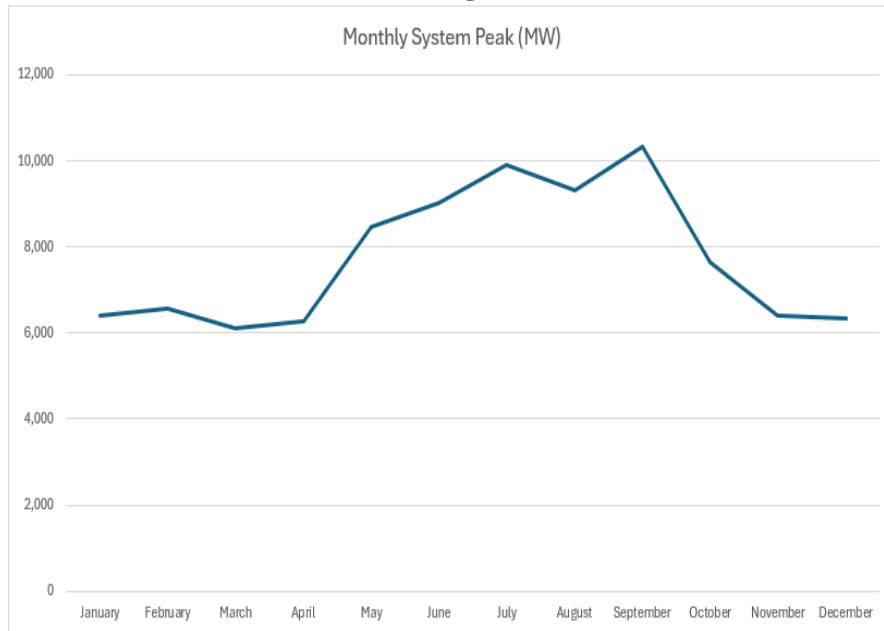
5 A. Mr. Jester’s proposed allocation method for production plant would still allocate
6 25% of production plant on the basis of energy giving consideration to customer
7 usage that occurs year-round. The allocation method for the *demand-related*
8 portion of production plant, that is the focus of Mr. Jester’s testimony, only applies
9 to the purely *demand-related* portion of production plant.

10 **Q. Do DTE Michigan’s retail loads meet the criteria in the NARUC manual for**
11 **the utilization of a 12CP Method, or an alternative method that closely**
12 **resembles the 12CP, to allocate production plant costs?**

13 A. No. As can be seen in Figure JB-1 below, the Company’s retail peaks vary
14 significantly throughout the year and the seasonal demand clearly peaks during the
15 four Company-defined summer months (June-September).

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Figure JB-1¹²
DTE Michigan Retail Monthly System Peaks
Historical Year Ending December 31, 2023



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5 **Q. Have you performed any quantitative analysis of DTE’s system peaks to**
6 **support your recommendation that the 4CP allocation method is a more**
7 **appropriate method to allocate the Company’s production plant demand**
8 **costs?**

9 A. Yes. My recommendation is supported by the results of the three Federal Energy
10 Regulatory Commission (“FERC”) coincident peak (“CP”) tests. Historically, the
11 FERC has considered three quantitative tests in determining whether a system is
12 better characterized as 3CP or 12CP.¹³ While these criteria are typically used to
13 evaluate the appropriate demand allocator for transmission costs, it does provide a
14 quantitative method to evaluate the relative “peakiness” of system loads that drive

¹² Data from DTE FERC Form 1, year ending 12-31-2023.

¹³ *Golden Spread Electric Cooperative, Inc., Lyntegar Electric Cooperative, Inc., Farmers’ Electric Cooperative, Inc., Lea County Electric Cooperative, Inc., Central Valley Electric Cooperative, Inc., Roosevelt County Electric Cooperative, Inc. v. Southwestern Public Service Company*, Docket Nos. EL05-19-004 and ER05-168-001, Opinion No. 501-A Order on Rehearing, ¶ 27 (Aug. 15, 2013).

1 demand-related production costs. Based on DTE’s monthly peak loads in 2023, the
2 results of all of the FERC CP tests would strongly suggest that DTE’s system is not
3 indicative of a 12CP system.

4 **Q. Can you please describe the three FERC CP tests?**

5 A. The three FERC CP tests are summarized below:

6 1) On and Off Peak Test: compares the average of the monthly system
7 peaks during the on-peak months, as a percentage of the annual peak, to
8 the average of the system peaks during the off-peak months, as a
9 percentage of the annual peak. Generally, FERC has held that a 19% or
10 less difference between these two figures supports the use of the 12CP
11 method.

12 2) Low to Annual Peak Test: compares the lowest monthly peak as a
13 percentage of the annual monthly peak. FERC considers a range of 66%
14 or higher as indicative of a 12CP system.

15 3) Average to Annual Peak Test: computes the average of the twelve
16 monthly peaks as a percentage of the annual peak. Generally, the range
17 for a utility system to be considered 12CP is 81% or higher.¹⁴

18 **Q. What are the results of the FERC CP tests based on DTE Michigan’s monthly**
19 **peaks?**

20 A. The results of the FERC CP tests are presented in Exhibit JB-1 and
21 summarized in Table JB-3 below.

¹⁴ *Id.*

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**Table JB-3
FERC CP Test Results
For DTE Michigan Monthly Peak Loads**

	On and Off Peak Test	Low-to-Annual Peak Test	Average to Annual Peak Test
Historical Commission Range for 12CP	19% or Less	66% of Higher	81% or Higher
DTE Michigan Retail Load	28%	59%	75%
Result	Does Not Support 12CP	Does Not Support 12CP	Does Not Support 12CP

4

5 **Q. You explain above that the FERC has historically considered the three FERC**
6 **CP tests to determine whether a system is better characterized as 3CP or**
7 **12CP. Please explain why it would be more appropriate to allocate demand-**
8 **related productions based on a 4CP allocator instead of the proposed Seasonal**
9 **Capacity Increment method or 9CP?**

10 A. As I explain above, both Mr. Jester’s proposed Seasonal Capacity Increment and
11 9CP allocation methods closely resemble the 12CP allocator. In contrast, a 4CP
12 allocator is reasonably close to a 3CP. Furthermore, and as can be seen in Figure
13 JB-1 above, the system peak occurs in September, which the Company defines as
14 one of the four summer months for the purposes of its UCOS and rate design. Mr.
15 Jester’s Seasonal Capacity Increment methodology defines summer as the three
16 months of June-August and calculates the summer months as requiring the highest
17 capacity, yet it would leave the single highest peaking month of September out of
18 the calculation of the highest peaking season. In contrast, the Company’s use of a

1 4CP allocator reasonably defines the summer months to include all of the four
2 highest peaking months.

3 **Q. Please summarize your recommendations regarding the allocation of**
4 **production plant demand costs.**

5 A. I recommend rejecting CUB's recommendations to use either the Seasonal
6 Capacity Increment methodology or the 9CP methodology to allocate *demand-*
7 *related* production plant. As I explain above, Mr. Jester's recommended allocation
8 methods for the demand-related portion of production plant do not appropriately
9 reflect the fact that DTE has a summer peaking system. Instead, I recommend that
10 the Commission accept the Company's proposal to continue utilizing the 4CP
11 method to allocate demand-related production plant.

12 **Q. Does this conclude your rebuttal testimony?**

13 A. Yes.

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


**In the Matter of the Application of)
DTE Electric for Authority to Increase its Rates,)
Amend its Rate Schedules and Rules Governing the)
Distribution and Supply of Electric Energy, and) Case No. U-21534
For Miscellaneous Accounting Authority)**

AFFIDAVIT OF JUSTIN BIEBER

STATE OF UTAH)
)
COUNTY OF SALT LAKE)


Justin Bieber, being first duly sworn, deposes and states that:

1. He is a Principal with Energy Strategies. L.L.C., in Salt Lake City, Utah;
2. He is the witness who sponsors the accompanying testimony entitled "DirectTestimony of Justin Bieber;"
3. Said testimony was prepared by him and under his direction and supervision;
4. If inquiries were made as to the facts and schedules in said testimony he would respond as therein set forth; and
5. The aforesaid testimony and schedules are true and correct to the best of his knowledge, information and belief.

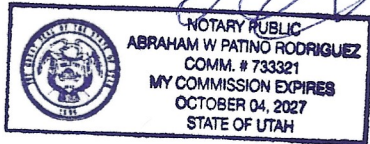


Justin Bieber

Subscribed and sworn to or affirmed before me this 6th day of August, 2024, by Justin Bieber.



Notary Public



EXHIBIT

DTE FERC CP Test Results

	On-Peak or	DTE
Month	Off-Peak	Peak Monthly Demand
		(MW)
January	Off-Peak	6,402
February	Off-Peak	6,560
March	Off-Peak	6,124
April	Off-Peak	6,288
May	Off-Peak	8,477
June	On-Peak	9,029
July	On-Peak	9,907
August	On-Peak	9,315
September	On-Peak	10,340
October	Off-Peak	7,634
November	Off-Peak	6,399
December	Off-Peak	6,334

On and Off Peak Test

Avg of System On-Peak Monthly Peaks (MW)	9,648
Avg of System Off-Peak Monthly Peaks (MW)	6,777
Annual Peak (MW)	10,340
Avg of System On-Peak Monthly Peaks/Annual Peak	93.31%
Avg of System Off-Peak Monthly Peaks/Annual Peak	65.5%
Difference Between On-Peak and Off-Peak Avg Compared to Annual Peak	27.8%
19% or Less Indicates 12CP	Does Not Indicate 12 CP

Low to Annual Peak Test

Lowest Monthly Peak (MW)	6,124
Annual Peak (MW)	10,340
Lowest Peak/Annual Peak	59.2%
66% or Greater Indicates 12CP	Does Not Indicate 12 CP

Average to Annual Peak Test

Avg of System Peaks (MW)	7,734
Annual Peak (MW)	10,340
Avg Peak/Annual Peak	74.8%
81% or Greater Indicates 12CP	Does Not Indicate 12 CP

Source: DTE Electric Company 2023 FERC Form No. 1, 401B, Monthly Peaks and Output

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

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

PROOF OF SERVICE

I, Kurt J. Boehm, being duly sworn, deposes and says that on August 16, 2024 he served (via electronic mail) THE KROGER CO's REBUTTAL TESTIMONY AND EXHIBIT OF JUSTIN BIEBER and its PROOF OF SERVICE upon the persons listed on the attached Certificate of Service.

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COUNSEL FOR THE KROGER CO.

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
rules governing the distribution and supply of
electric energy, and for miscellaneous
accounting authority.

Case No. **U-21534**

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