



ENVIRONMENTAL LAW & POLICY CENTER

January 6, 2025

Ms. Lisa Felice
Michigan Public Service Commission
7109 W. Saginaw Hwy.
P. O. Box 30221
Lansing, MI 48909

RE: MPSC Case No. U-21806

Dear Ms. Felice:

The following is attached for paperless electronic filing:

Petition to Intervene of The Ecology Center, The Environmental Law & Policy Center, Union of Concerned Scientists, and Vote Solar

Appearance of Daniel Abrams

Proof of Service

Sincerely,

Daniel Abrams (P87696)
Environmental Law & Policy Center
35 E Wacker Dr., Ste. 1600
Chicago, IL 60601
312-673-6500
dabrams@elpc.org

cc: Service List, Case No. U-21806

HQ: 35 East Wacker Drive | Suite 1600 | Chicago, IL 60601

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Manny Flores, Chair | Howard A. Learner, Executive Director

Illinois | Indiana | Iowa | Michigan | Minnesota | North Dakota | Ohio | South Dakota | Wisconsin | Washington D.C.



2. **The Ecology Center** is a membership-based, nonprofit environmental organization based in Ann Arbor, Michigan. Founded by community activists after the country's first Earth Day in 1970, the Ecology Center is now a regional leader that works for a safe and healthy environment where people live, work, and play. The Ecology Center works for a just and healthy environment through grassroots organizing, advocacy, and demonstration projects, and has advocated for expanded use of renewable energy since the organization's founding in 1970. The Ecology Center has members throughout the state of Michigan, including in Consumer's service territory, and has intervened and participated fully as a party in many recent MPSC cases involving Michigan utilities. The Ecology Center has intervened and participated fully as a party in recent MPSC cases involving Michigan utilities, including U-18090 (Consumers PURPA), U-20649 and U-21134 (Consumers Voluntary Green Pricing Docket); U-20134, U-20963, U-21224, U-21389, and U-21585 (Consumers Rate Cases); and U-21291 (DTE Gas Rate Case). The Ecology Center has also intervened in a number of cases involving other utilities regulated by the Commission regarding the same or similar issues.

3. **ELPC** is a not-for-profit regional public interest environmental organization that works to achieve cleaner air, advance clean renewable energy and energy efficiency resources, improve environmental quality, protect clean water and preserve natural resources in Michigan and the Midwest. ELPC has members throughout the state of Michigan, including members who reside in Consumer's service territory and members who are electric customers of Consumers Energy and will be directly impacted by the decision in this case. ELPC has intervened and participated fully as a party in many recent MPSC cases involving Michigan utilities, including U-20165 and U-21090 (Consumers IRPs); U-18090 (Consumers PURPA); U-20649 and U-21134 (Consumers Voluntary Green Pricing Docket); U-20134, U-20679, U-20963, U-21224, U-21389,

and U-21585 (Consumers Rate Cases); and U-21291 (DTE Gas Rate Case). ELPC has also intervened in a number of cases involving other utilities regulated by the Commission regarding the same or similar issues.

4. **UCS** is a national non-profit organization headquartered in Cambridge, Massachusetts, with additional offices in Washington, DC; Oakland, California; and Chicago, Illinois. UCS is a public interest organization with more than 50 years of experience advocating for science-based policies, including responsible energy policy and utility oversight at the state and federal level, and with more than 6 years working in Michigan on these issues. UCS has over 10,500 supporters, 1,300 members, and 658 Science Network members that live, use electricity, and pay electric bills in Michigan, including in Consumers' service territory. UCS has been engaged in Michigan's energy future for several years, including advancing sound policies through the legislative process, ensuring appropriate enforcement of relevant regulations, and has intervened and participated fully as a party in recent MPSC cases, including U-21090 and U-20165 (Consumers IRP); U-21389 and U-21585 (Consumers Rate Cases); and U-21291 (DTE Gas Rate Case).

5. **Vote Solar** is an independent 501(c)(3) nonprofit working to repower the U.S. with clean energy by making solar power more accessible and affordable through effective policy advocacy. Vote Solar seeks to promote the development of solar at every scale, from distributed rooftop solar to large utility-scale plants. Vote Solar has over 90,000 members nationally, including over 2,600 members in Michigan. Vote Solar has members residing in Consumer's service territory who are customers of the Company. Vote Solar is not a trade organization nor does it have corporate members. Since 2002 Vote Solar has engaged in state, local, and federal advocacy campaigns to remove regulatory barriers and implement the key policies needed to bring

solar to scale. Vote Solar is a frequent party to state utility regulatory dockets throughout the nation. Vote Solar and its members have an interest in expanding prudent and cost-effective opportunities to provide solar power in Consumer's service territory. Vote Solar's technical experts help regulators and other policymakers understand policy options, identify strong program and regulatory design, and provide expertise on how to implement sustainable programs for solar growth. Vote Solar has intervened and participated fully as a party in recent MPSC cases involving Michigan utilities, including U-20165 and U-21090 (Consumers IRPs); U-18090 (Consumers PURPA), U-20649 and U-21134 (Consumers Voluntary Green Pricing Docket); U-20134, U-20679, U-20963, U-21224, U-21389, and U-21585 (Consumers Rate Case); and U-21291 (DTE Gas Rate Case). Vote Solar has also intervened in a number of cases involving other utilities regulated by the Commission regarding the same or similar issues.

6. Petitioners and their members have an interest in rate changes that could potentially affect access to environmentally responsible electricity. As the company seeks to substantially increase revenues, the Petitioners and their members are interested in ensuring that rates are reasonable and relatively stable over time. Petitioners and their members are also interested in programs that provide environmental benefits and increase access to renewable energy, such as programs related to distributed generation, electric vehicles and residential battery storage, which the Company proposes to change or introduce.

7. The Commission generally recognizes two types of intervention: intervention by right and permissive intervention. Petitioners qualify for both types of intervention.

8. To be granted intervention by right, a prospective intervenor must satisfy a traditional two-prong test for standing in Commission proceedings. *See In re Detroit Edison*

at 7, citing *Ass'n of Data Processing Serv. Orgs. Inc. v Camp*, 397 U.S. 150 (1970); *see also Re Mich. Consol. Gas Co.*, MPSC Case No. U-10150 (December 8, 1992) at 3.

9. To satisfy the first prong of 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*, 453 F. Supp. at 1127.

10. Petitioners and their members in the Company's service territory are directly affected by the rates, policies, terms and conditions governing Company's provision of electricity to them. These members are likely to be harmed if they are required to incur higher costs or face environmental harm as a result of Company's proposals. Petitioners seek to protect their members' interests from injury by advocating for prudent and reasonable rate design.

11. To satisfy the second prong of the *Data Processing* test for standing to intervene in Commission proceedings by right, 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 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 (emphasis added). Indeed, the court in *Drake* noted that the zone of interests test is generally a liberal one. *Id.*

12. Petitioners and their members' interests are within the zone of interests protected by MCL 460.1, *et seq.* These statutes generally protect ratepayers and other interested persons and provide opportunities for advocacy by groups to protect their interests in Commission proceedings. Here, petitioners seek to protect access to cost-effective and environmentally responsible electricity as the Company proposes to substantially raise annual revenues.

13. In addition to meeting the test for intervention by right, Petitioners also meet the test for permissive intervention. “[P]ermissive intervention is appropriate where the intervenor’s participation will provide a benefit that outweighs any resulting delay or expense. Permissive intervention has also been granted where a proceeding ‘raises novel questions and important issues of policy’ and the intervenor will ‘bring a unique perspective’ to the case.” *In re. the application of DTE Electric Co*, Case No. U-17319 (March 6, 2014) at 10. Furthermore, the Commission has granted permissive intervention “to an association that represents the interests of its members, where the members generally meet the zone of interests test.” *Id.*

14. Petitioners will provide useful information to the Commission and unique perspectives and expertise in the areas of environmental, energy and ratepayer advocacy that will benefit the process as a whole. Petitioners bring a unique perspective to this case because its staff and witnesses specialize in issues related to rate design and renewable energy. Petitioners have an interest in the consistent and fair administration of this type of offering throughout Michigan.

15. Petitioners’ intervention will provide benefits far in excess of any delay or expense. Petitioners have intervened in numerous cases before the Commission in Michigan and in other cases throughout the Midwest and across the nation, both individually and in coalition. As has been Petitioners’ general practice in similar cases, Petitioners intend to coordinate closely with each other and with other intervenors in order to streamline their collective participation in discovery, testimony, and briefing in this case to ensure that the Commission has high-quality information and analysis provided through the most efficient process possible.

16. Petitioners plan to evaluate the Company’s application, testimony, and exhibits, to conduct discovery, to raise issues, and ultimately to take positions that best serve the interests described above. Petitioners reserve the right to advance other issues as the case develops.

17. This petition to intervene is timely and within the period for intervention set in the Notice of Hearing.

18. Petitioners request that all notices and pleadings be served on:

Daniel Abrams
Environmental Law & Policy Center
35 East Wacker Drive, Suite 1600
Chicago, IL 60601
dabrams@elpc.org

and on:

Alondra Estrada, Paralegal
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and on:

Carolyn Boyce, Paralegal
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cboyce@elpc.org

For the reasons just outlined, Petitioners respectfully request that the Commission grant this Petition to Intervene and treat Petitioners as parties to this proceeding.

Dated: January 6, 2025



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