

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

TO: Case No. U-21806
FROM: James M. Varchetti, ALJ
DATE: January 13, 2025
SUBJECT: Case No. U-21806 (Consumers Energy Gas Rate Case)

SCHEDULE FILING

New Dates

Testimony	April 23, 2025
Rebuttal Testimony	May 14, 2025
Motions to Strike	May 16, 2025
Responses to Motions	May 21, 2025
Briefs	June 25, 2025
Reply Briefs (RTW)	July 11, 2025
PFD Target Date	August 14, 2025

SCHEDULE HEARING

Cross-Exam Scheduled May 29, 2025 – June 4, 2025
(all parties, all testimony)

Intervenor Status Granted To:

- Michigan Attorney General Dana Nessel
- The Retail Energy Supply Association (RESA)
- Michigan Environmental Council (MEC)
- Citizens Utility Board (CUB)
- Energy Michigan
- The Association of Businesses Advocating Tariff Equity (ABATE)
- The Ecology Center, Environmental Law & Policy Center, Union of Concerned Scientists, and Vote Solar, collectively known as the Clean Energy Organizations (CEO)
- The Lansing Board of Water & Light (LBWL)
- Michigan State University (MSU)

Discovery Turnaround: 8 business days until April 23, 2025, and then 5 business days thereafter. All discovery is on a best efforts basis.

Additional Instructions: Additional instructions are Included on Attachment A to this scheduling memo.

Service and Exchanging of Documents

The parties should, at a minimum, serve every attorney that has filed an appearance in the case along with any general mailboxes, administrative assistants, or other people specified by the parties to receive service.

To avoid missing any key filings, at least one counsel from each party should also sign up through the MPSC e-docket system to receive notification of anything filed in this case.

Confidential documents should only be served on those persons authorized to receive them in accordance with the protective order entered in this case. 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.

Testimony & Exhibits

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.

It is helpful to include a summary of each witness's testimony. This summary may be added to the beginning or end of the testimony or the beginning or end of a section 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.

Testimony and exhibits should be filed as PDFs that are searchable and copyable; and workpapers should be served on all parties along with the testimony.

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.

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.

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.

Rebuttal Evidence

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.

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.

Rebuttal testimony and exhibits should be filed as PDFs that are searchable and copyable; and workpapers should be served on all parties along with the testimony.

Table of Disputed Issues

Counsel for the utility shall file a table of disputed issues with the company's rebuttal filing, comparable to the table circulated in Case No. U-21389, but not reflecting any of the Staff/Intervenor rebuttal filings that may be made. The ALJ may, at the ALJ's discretion, direct other parties to work to refine or add to the table after it is filed, according to further guidance and instructions that the ALJ may provide at a later date. This is intended as an organizational tool to facilitate potential settlement, assist counsel in preparing briefs, and assist the Commission and its legal staff in preparing a final order, and is not intended to prejudice any party.

Cross Examination Hearing Preparation

SharePoint invitations will be sent to those on the service list approximately two weeks before the first hearing date, i.e. May 15th. The parties may send any additional names and email addresses to the ALJ for invites up to one week before the first hearing date. Note that "mailbox" email addresses cannot receive SharePoint invitations. And be aware that invitees should log into the SharePoint promptly after receiving the invitation, and then periodically after that, to avoid losing access.

The parties shall provide a schedule for cross examination at least three (3) days before the beginning of the evidentiary hearings, i.e. no later than Monday, May 26, 2025. 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 so and a lunch break and build that into the schedule.

Briefs

The ALJ may provide further guidance on briefing after the evidentiary 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, which should include citations to the relevant parts of the record.

Pro Hac Vice Motions

If a party files a motion for admission pro hac vice, that party shall collect all the necessary documentation (including the notification from the State Bar of Michigan) and serve as a package to those on the service list. 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.