S T A T E O F M I C H I G A N

MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

FOR THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of CONSUMERS ENERGY COMPANY for authority to increase its rates for the distribution of natural gas and for other relief.	)))))	Case No. U-21806

Ruling on Sierra Club's Petition to Intervene Out of Time

In this case, the Commission's Executive Secretary directed Consumers Energy Company ("the Company") to mail copies of the Notice of Hearing for this case by December 30, 2024, to all municipalities in its service territory and to all intervenors in Case No. U-21490. The Executive Secretary likewise directed the Company to cause the Notice of Hearing to be published in newspapers of general circulation in the Company's service territory by the same date. The Notice of Hearing stated that the prehearing conference would occur on January 13, 2025, and it directed that any person wishing to become a party to the case should file a petition to intervene by January 6, 2025.

The prehearing conference occurred on the scheduled date, and three days later on January 16, 2025, Sierra Club filed a Petition to Intervene Out of Time seeking intervention in this case. The Rule of Practice governing petitions to intervene, Rule 792.10410, provides in pertinent part as follows:

> A petition for leave to intervene that is not filed in a timely manner may be granted upon a showing of good cause and a showing that a grant of the petition will not delay the

> proceeding or unduly prejudice any party to the proceeding. Except for good cause, an intervenor whose petition is not filed in a timely manner, but who is nevertheless granted leave to intervene, is bound by the record and procedural schedules developed before the granting of leave to intervene.[1]

The undersigned contacted all counsel of record via e-mail on January 16, 2025, and directed that any objections to Sierra Club's petition should be filed by January 22, 2025. No party filed a response or an objection to Sierra Club's Petition to Intervene Out of Time.

To demonstrate good cause, Sierra Club's petition states: "Good cause exists under Rule 410 because Sierra Club needed additional time to make necessary internal arrangements for intervening due to Sierra Club being closed during the holidays."[2] The undersigned notes that the Notice of Hearing was published or mailed during the timeframe that generally corresponds to the Christmas and New Year's holidays when many organizations are typically closed. Therefore, Sierra Club's demonstration of good cause is accepted.

Sierra Club also asserted that its counsel conferred with counsel for the Company and with counsel for the Commission's Staff, and that the Company agreed not to object based upon Sierra Club's stipulation to coordinate all filings with the Michigan Environmental Council (an organization that is already a party to the case) and to accept the schedule already agreed upon by the parties at the January 13, 2025,

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[1] Mich Admin Code, R 792.10410
[2] Petition to Intervene Out of Time, January 16, 2025, p 4 ¶ 15.

prehearing conference.[3] Sierra Club's stipulations shall be enforced, and they demonstrate that its participation in the case will not delay the proceeding or unduly prejudice any party to the proceeding. Thus, Sierra Club's Petition to Intervene Out of Time satisfies the criteria set forth in Rule 792.10410 for late intervention.

Further, the undersigned has reviewed the petition and finds that, for the reasons stated in the petition, Sierra Club satisfies the criteria for either intervention by right or permissive intervention. Accordingly, Sierra Club's Petition to Intervene Out of Time is GRANTED, and Sierra Club shall be a party to the case as of the date of this ruling.

MICHIGAN OFFICE OF ADMINISTRATIVE
HEARINGS AND RULES
For the Michigan Public Service Commission

James M. Varchetti

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James M. Varchetti
Administrative Law Judge

Issued and Served:
January 23, 2025

[3] Petition to Intervene Out of Time, January 16, 2025, p 4-5 ¶ 16.

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

STATE OF MICHIGAN	)	
	) SS.	Case No. U-21806
County of Ingham	)	
_____	)	

PROOF OF SERVICE

Meaghan Dobie being duly sworn, deposes and says that on January 23, 2025, she served a copy of the attached Ruling on Sierra Club's Petition to Intervene Out of Time via email and/or first-class mail, to the persons as shown on the attached service list.

Meaghan Dobie

_____
Meaghan Dobie

Subscribed and sworn to before me this
23rd day of January 2025.

Brianna L. Brown

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

Case No. U-21806
Service List

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