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STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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

VOLUME I

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PREHEARING

Proceedings held via Microsoft Teams in

the above-entitled matter before James M. Varchetti,
Administrative Law Judge with MOAHR, for the Michigan
Public Service Commission, Lansing, Michigan, on Monday,
January 13, 2025, at 9:00 a.m.

APPEARANCES:

ANNE M. UITVLUGT, ESQ.
GARY A. GENSCH, JR., ESQ.
BRET A. TOTORAITIS, ESQ.
SPENCER A. SATTLER, ESQ.
EVAN B. KEIMACH, ESQ.
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Jackson, Michigan 49201

On behalf of Consumers Energy Company

ANNA STIRLING, ESQ.
AMIT T. SINGH, ESQ.
ALENA M. CLARK, ESQ.
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On behalf of Michigan Public Service Commission Staff

1 (Appearances continued)

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Assistant Attorney General
3 525 West Ottawa Street
Floor 6
4 Lansing, Michigan 48933

5 On behalf of Attorney General Dana Nessel

6
7 JENNIFER U. HESTON, ESQ.
Fraser Trebilcock Davis Dunlap & Cavanagh
124 West Allegan Street
8 Suite 1000
Lansing, Michigan 48933

9 On behalf of Retail Energy Supply Association
10

11 CHRISTOPHER M. BZDOK, ESQ.
TROPOSPHERE LEGAL
12 420 East Front Street
Traverse City, Michigan 49686

13 On behalf of Michigan Environmental Council
14

15 HOLLY L. HILLYER, ESQ.
TROPOSPHERE LEGAL
16 420 East Front Street
Traverse City, Michigan 49686

17 On behalf of Citizens Utility Board of Michigan (CUB)
18

19 STEPHEN A. CAMPBELL, ESQ.
CLARK HILL, PLC
20 500 Woodward Avenue
Suite 3500
21 Detroit, Michigan 48226

22 On behalf of Association of Businesses Advocating
Tariff Equity (ABATE)
23

24

25

1 (Appearances continued)

2 TIMOTHY J. LUNDGREN, ESQ.
3 LAURA A. CHAPPELLE, ESQ.
4 JUSTIN K. OOMS, ESQ.
5 Potomac Law Group, PLLC
6 120 North Washington Square
7 Suite 300
8 Lansing, Michigan 48933

9 On behalf of Energy Michigan, Inc.

10 DANIEL H.B. ABRAMS, ESQ.
11 Environmental Law & Policy Center
12 35 East Wacker Drive
13 Suite 1600
14 Chicago, Illinois 60601

15 On behalf of The Ecology Center, Environmental Law
16 and Policy Center, Union of Concerned Scientists,
17 Vote Solar, (Collectively referred to as the Clean
18 Energy Organizations)

19 NOLAN J. MOODY, ESQ.
20 Dickinson Wright
21 123 West Allegan Street
22 Suite 900
23 Lansing, Michigan 48933

24 On behalf of Michigan State University (MSU) and
25 Lansing Board of Water and Light (LBWL)

REPORTED BY: Dawn M. Houghton, CSR-3071

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Monday, January 13, 2025
9:00 AM Eastern

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(Hearing commenced pursuant to due notice)

JUDGE VARCHETTI: Good morning, everyone. We are now on the record in Case No. U-21806, which is captioned 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.

My name is James Varchetti. I am an administrative law judge with the Michigan Office of Administrative Hearings and Rules, and I have been assigned to be the hearing officer in this case.

Today is January 13th, 2025, and this is the date and the time scheduled for the prehearing conference in this case. This hearing is being held remotely via the Microsoft Teams platform, and a link to participate has been provided to everyone that filed an appearance or that requested to participate.

So I'd like to start today, then, by taking the appearances of the attorneys, starting with who is appearing for Consumers Energy today.

MS. UITVLUGT: I am, Your Honor. Anne Uitvlugt appearing on behalf of Consumers Energy. I'd

1 also like to enter the appearance of Bret Totoraitis, Gary
2 Gensch, Spencer Sattler, and Evan Keimach.

3 JUDGE VARCHETTI: Thank you. And good
4 morning.

5 And who is appearing today for the
6 Commission Staff?

7 MS. STIRLING: Good morning, Your
8 Honor. Anna Stirling on behalf of the Michigan Public
9 Service Commission Staff. Also appearing in this case on
10 behalf of staff are Amit Singh, Alena Clark, and Michael
11 Orris.

12 JUDGE VARCHETTI: Thank you. And good
13 morning.

14 And who is appearing today for the
15 Attorney General?

16 MS. GILL: Good morning, Your Honor.
17 Celeste Gill on behalf of Attorney General Dana Nessel.

18 JUDGE VARCHETTI: Thank you. And good
19 morning.

20 Who is appearing today for the Retail
21 Energy Supply Association?

22 MS. HESTON: Good morning, Your Honor.
23 Jennifer Heston of the law firm of Fraser Trebilcock Davis
24 Dunlap and Cavanagh, appearing on behalf of the Retail
25 Energy Supply Association.

1 JUDGE VARCHETTI: Thank you. And good
2 morning.

3 All right. And who is appearing today
4 for the Michigan Environmental Council?

5 MR. BZDOK: Good morning, Your Honor.
6 Christopher Bzdok on behalf of the Michigan Environmental
7 Council.

8 JUDGE VARCHETTI: Thank you. And good
9 morning.

10 Next, who is appearing for the Citizens
11 Utility Board?

12 MS. HILLYER: Good morning, Your Honor.
13 Holly Hillyer appearing on behalf of the Citizens Utility
14 Board of Michigan.

15 JUDGE VARCHETTI: Thank you. And good
16 morning.

17 Who is appearing today for the
18 Association of Businesses Advocating Tariff Equity, also
19 known as ABATE?

20 MR. CAMPBELL: Good morning. Your
21 Honor. Steve Campbell, Clark Hill, PLC, on behalf of the
22 Association of Businesses Advocating Tariff Equity.

23 JUDGE VARCHETTI: Thank you. And good
24 morning.

25 Who is appearing today on behalf of

1 Energy Michigan?

2 MR. LUNDGREN: Good morning, Your
3 Honor. Tim Lundgren appearing on behalf of Energy
4 Michigan. I'd also like to enter appearances for Laura
5 Chapelle and Justin Ooms.

6 JUDGE VARCHETTI: Thank you. And good
7 morning.

8 All right. Who is appearing today on
9 behalf of the group of energies that we commonly know as
10 The Clean Energy Organizations?

11 MR. ABRAMS: Good morning, Your Honor.
12 Daniel Abrams appearing on behalf of The Ecology Center,
13 the Environmental Law and Policy Center, the Union of
14 Concerned Scientists, and Vote Solar; collectively, the
15 Clean Energy Organizations.

16 JUDGE VARCHETTI: Thank you. And good
17 morning.

18 And who is appearing today on behalf of
19 the Lansing Board of Water and Light?

20 MR. MOODY: Good morning, Your Honor.
21 Nolan Moody on behalf of the Lansing Board of Water and
22 Light. I'm also appearing on behalf of Michigan State
23 University.

24 JUDGE VARCHETTI: Thank you. And good
25 morning.

1 I believe that was everyone. Is there
2 any other attorney present that needs to place their
3 appearances on the record or any other party that needs to
4 place their appearance on the record?

5 I'm not seeing anyone, and I believe
6 that's correct, I believe I've got everyone.

7 So, all right, I'd first like to
8 address the issue of notice in this case, so I'd like to
9 ask counsel for the utility to please explain whether the
10 Company was able to provide notice of this hearing in the
11 manner that was directed by the Commission.

12 MS. UITVLUGT: Yes, Your Honor.

13 Pursuant to the directive from the
14 Commission's Executive Secretary, the Company caused to be
15 mailed a Notice of Hearing in this matter to each city,
16 incorporated village, township, and county within the
17 company's gas service area, as well as to intervening
18 parties in Commission Case No. U-21490.

19 In addition to that, the Notice of
20 Hearing was published in newspapers of general circulation
21 in the Company's gas service territory.

22 These two actions were accomplished by
23 December 30th, 2024, as directed by the Executive
24 Secretary, and the proofs have been uploaded to the
25 Commission's E-docket site.

1 JUDGE VARCHETTI: Thank you.

2 And does Staff have any concerns or any
3 objections to the utility's provision of notice?

4 MS. STIRLING: No, Your Honor.

5 JUDGE VARCHETTI: Excellent.

6 Now the Notice of Hearing did provide
7 directions for those who wish to intervene and become a
8 party to this case, and I have received a Notice of
9 Intervention filed by Attorney General -- the Attorney
10 General Dana Nessel that details the statutory and common
11 law powers of the Attorney General to intervene in an
12 administrative proceeding, and that intervention is
13 recognized.

14 I have also received Petitions to
15 Intervene from the following parties; the Retail Energy
16 Supply Association, the Michigan Environmental Council,
17 Citizens Utility Board, the Association of Businesses
18 Advocating Tariff Equity, Energy Michigan, the group
19 commonly known as The Clean Energy Organizations, the
20 Lansing Board of Water and Light, and Michigan State
21 University.

22 Are there any objections to any of
23 these entities participating in this case as parties?

24 I am hearing none, and therefore, I'm
25 going to grant all of the Petitions to Intervene, having

1 reviewed them and found that they satisfied the legal
2 requirements for intervention.

3 The Notice of Hearing also provided
4 directions for those to wish to make a statement without a
5 formal petition for leave to intervene, notice, or rule,
6 or through a Team comment or a public comment.

7 I'll just note for the record that any
8 person wishing to participate without intervention can do
9 so by either mailing or e-mailing their comment to the
10 Michigan Public Service Commission and referencing this
11 case number. That's Case U-21806.

12 Now turning to the matter of setting a
13 schedule for this case, I've asked the parties to
14 develop -- confer and develop a sort of consensus
15 schedule. That has been done off the record.

16 Ms. Stirling, if you could please read
17 the schedule that was proposed into the record.

18 MS. STIRLING: Yes, Your Honor.

19 Staff and intervenor testimony would be
20 due April 23rd, 2025; rebuttal testimony on May 14th,
21 2025; Motions to Strike would be filed on May 16th, 2025;
22 responses to Motions to Strike would be due May 21st,
23 2025; cross-examination dates will be held on May 29th,
24 2025, to June 4th, 2025; initial briefs will be due June
25 25th, 2025; reply briefs will be due July 11th, 2025; and

1 a PFD target date will be August 14th, 2025.

2 Staff would also propose an eight
3 business day discovery turnaround until the point of Staff
4 intervenor testimony, and then a five business day
5 turnaround after that on a best efforts basis.

6 JUDGE VARCHETTI: Thank you,
7 Ms. Stirling.

8 Does any party have any objections to
9 the schedule that was just read into the record or any
10 corrections that might need to be made to it?

11 I am hearing no objections or
12 corrections, so I'm going to adopt that schedule and issue
13 a corresponding scheduling memorandum that I will file
14 into the docket later.

15 All right. Now are there any other
16 matters that we have to take up today?

17 I am hearing none, so in that case,
18 that will conclude this prehearing.

19 I just want to let everyone know that I
20 will be filing the scheduling memorandum later today.
21 Because this is a rate case, it will have additional
22 instructions governing the case, so I will ask you all to
23 read that and take a look at it.

24 Other than that, I have nothing else to
25 say about the case, and it appears that we have achieved

1 everything we needed to achieve today. So thank you,
2 everyone, and that concludes this prehearing, and we are
3 now off the record.

4 (At 9:09 AM, the prehearing was
5 adjourned until cross-examination on May 29, 2025)

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C E R T I F I C A T E

I, Dawn M. Houghton,
CSR-3071, do hereby certify that I reported in stenotype,
via Microsoft Teams, the proceedings had in the
within-entitled matter, that being Case No. U-21806,
before James M. Varchetti, Administrative Law Judge with
MOAHR, for the Michigan Public Service Commission,
Lansing, Michigan, on Monday, January 13, 2025; and do
further certify that the foregoing transcript, consisting
of thirteen (13) pages, is a true and correct transcript
of my stenotype notes.



Dawn M. Houghton, CSR, RPR
Michigan License CSR-3071
Certified Shorthand Reporter
Registered Professional Reporter
Missouri License 1495
Illinois License 084.004881
Wisconsin License 20109559
Oregon License 20-0469
Notary Public

My commission expires: 7-17-2029

Dated: January 23, 2025