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March 6, 2025

Lisa Felice  
Executive Secretary  
Michigan Public Service Commission  
7109 West Saginaw Highway  
Lansing, MI 48917

RE: In the Matter of the Application of Consumers Energy Company for an Ex Parte  
Approval of Certain Amendments to Rate GPD  
Case No. U-21859

Dear Ms. Felice:

Attached for filing in the above-referenced matter is Data Center Coalition's Response to Consumers Energy Company's Request (for an In-Person Hearing) and Proof of Service of same. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

FOSTER SWIFT COLLINS & SMITH PC

Michael G. Oliva

MGO:jlk  
Enclosure

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of )  
Consumers Energy Company for *Ex Parte* ) Case No. U-21859  
Approval of Certain Amendments to Rate )  
GPD. )

**THE DATA CENTER COALITION'S RESPONSE TO  
CONSUMERS ENERGY COMPANY'S REQUEST**

The Data Center Coalition (DCC), by and through its attorneys, submits this Response to Consumers Energy Company's Request for an In-Person Hearing, pursuant to Rule 432(8) of the Michigan Public Service Commission's Rules of Practice. In support of its Response, DCC states as follows:

1. On February 7, 2025, Consumers filed its Application for *Ex Parte* Approval of Certain Amendments to Rate GPD (Application).
2. On February 20, 2025, the Data Center Coalition (DCC) filed its Petition for Intervention and Objection to Consumers' Application (Petition). DCC requested a contested case rather than *ex parte* proceedings, because a contested case will allow the development of a robust record and better assist the Commission's evaluation of a public policy issue that Consumers itself regards as unique and unprecedented.<sup>1</sup>
3. On February 28, 2025, Consumers filed its Answer to the DCC's Petition. In its Answer, Consumers renews its request for Commission review of the Application on an *ex parte* and expeditious basis.<sup>2</sup> However, Consumers also recognizes the potential value in further discussion, given the extraordinary and unprecedented nature of the issues presented by its

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<sup>1</sup> Application at 2; Connolly Direct at 4.

<sup>2</sup> See Consumers' Answer at 5.

Application, and requests the Commission set dates for initial and reply comments in lieu of contested case proceedings.<sup>3</sup>

4. In the event the Commission determines this case should be conducted as a contested case, Consumers requests that evidentiary hearings be conducted in person at the Commission's offices.<sup>4</sup> Consumers also requests a Commission directive that settlement negotiations be conducted in-person.<sup>5</sup>
5. DCC maintains its request for a contested case proceeding, which will enable the kind of robust record development that comments would not.
6. Further, the Commission should refrain from directing in-person settlement discussions or hearings at this time.
7. While DCC is certainly not opposed to the opportunity for in-person participation in both hearings and settlement negotiations in this proceeding, the directives Consumers' requests would prematurely limit the parties' flexibility. Moreover, those directives could potentially protract this proceeding by requiring the parties and their representatives (those who are not local) to account for travel time when scheduling meetings. The parties should be allowed to confer on a format (virtual, hybrid, or in-person) that is practical and efficient for any given convening (and, to the extent they cannot reach agreement on a format, to seek resolution by the Administrative Law Judge).

WHEREFORE, DCC respectfully requests the Commission deny Consumers Energy's request for an in-person hearing and its request for a directive that parties meet in person to conduct settlement negotiations.

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<sup>3</sup> See Consumers' Answer at 6.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

Dated: March 6, 2025

DATA CENTER COALITION

By:

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Michael G. Oliva  
One of Its Attorneys

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STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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CONSUMERS ENERGY COMPANY for )
Ex Parte Approval of Certain Amendments to ) Case No. U-21859
Rate GPD. )

PROOF OF SERVICE

STATE OF MICHIGAN )
) ss
COUNTY OF INGHAM )

Jennifer Knox, being duly sworn, deposes and states that on March 6, 2025, she served a copy of the Data Center Coalition’s Response to Consumers Energy Company’s Request (for an In-Person Hearing) on the following:

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