

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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| In the matter of the application of |) | |
| CONSUMERS ENERGY COMPANY |) | |
| for <i>ex parte</i> approval of certain amendments |) | Case No. U-21859 |
| to Rate GPD. |) | |
| _____ |) | |

At the March 13, 2025 meeting of the Michigan Public Service Commission in
Lansing, Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Katherine L. Peretick, Commissioner
Hon. Alessandra R. Carreon, Commissioner

ORDER

On February 7, 2025, Consumers Energy Company (Consumers) filed an application in this case (February 7 application), with a supporting affidavit and exhibit, requesting *ex parte* approval of certain amendments to the company’s General Primary Demand Rate (Rate GPD) to add a Data Center Provision. Pursuant to the February 7 application, Consumers is proposing changes to address what the company has described as “unique circumstances created by data centers” and to ensure that accommodating the growth attributed to data centers does not create unacceptable risks for the company or its customers. February 7 application, p. 2. Consumers reviewed its rates and believes that Rate GPD is appropriate for new data centers, with a load of 100 megawatts or more, but the company also believes additional protections are necessary due to the size of the data center customer’s load and the impacts it

could cause on the company and its other customers. *Id.*, p. 3. The exhibit attached to the February 7 application is a draft tariff sheet reflecting the proposed amendments to Rate GPD. Consumers states that it has several new data center customers who are considering locating in the company's service territory and requests that the Commission grant expeditious relief on an *ex parte* basis. *Id.*, p. 6.

On February 20, 2025, Data Center Coalition (DCC) filed a petition for leave to intervene, an objection to the request for *ex parte* approval, and a request for a contested case proceeding. The Association of Businesses Advocating Tariff Equity also filed a petition to intervene and a motion for a contested case proceeding on the same date. On February 24, 2025, the Michigan Department of Attorney General filed a petition to intervene and request for a contested case proceeding.

On February 28, 2025, Consumers filed an answer opposing the requests for a contested case proceeding. Consumers states that its *ex parte* application is solely focused on putting safeguards in place so that when the company accommodates the load growth attributed to data centers, it does not create unacceptable risks for the company or its customers. Consumers' answer, p. 5. As an alternative to a contested case proceeding, the company proposes a comment period on its *ex parte* application. *Id.*, p. 6. However, if the Commission determines that a contested case proceeding should be conducted, Consumers requests that the evidentiary hearings be held in person at the Commission's office and again requests that its application be considered in an expeditious manner. Consumers also requests that the Commission direct the parties to meet in person to conduct settlement negotiations in this matter. *Id.*

On March 6, 2025, DCC filed a response in opposition to Consumers' request for an in-person hearing if the Commission determines that a contested case should be conducted. On

March 7 and 10, 2025, Michigan Environmental Council, Natural Resources Defense Council, Sierra Club, and Citizens Utility Board of Michigan (collectively, MNSC) and the Ecology Center, Environmental Law & Policy Center, Union of Concerned Scientists, and Vote Solar (collectively, Clean Energy Organizations), respectively, filed petitions to intervene and motions for a contested case.

The Commission has reviewed the filed pleadings and applicable legal authority and finds that *ex parte* treatment of the application is not appropriate. The electric load of new data centers presents unique and significant cost implications, and the development of an evidentiary record to consider the February 7 application is prudent and reasonable. MCL 460.6a(3); *see also*, June 30, 2020 order in Case No. U-20763, pp. 69-70. Thus, the Commission grants the requests for a contested case proceeding in this matter. Mich Admin Code, R 792.10415(1).

Accordingly, the Commission has scheduled a prehearing conference for 9:30 a.m. (Eastern time (ET)) on April 16, 2025, before Administration Law Judge Katherine E. Talbot. By April 2, 2025, Consumers shall serve copies of this order on all parties to its general electric rate case, Case No. U-21585, and on those participants who have requested a contested case proceeding in the instant case. No later than 5:00 p.m. (ET) on April 2, 2025, Consumers shall publish the notice of prehearing conference, attached to this order as Exhibit A, in accordance with the instructions of the Commission's Executive Secretary. The affidavit of publication shall be filed by the date of the prehearing conference on April 16, 2025. Any additional petitions for intervention in the matter shall be filed by 5:00 p.m. (ET) on April 9, 2025.

The record for this contested case proceeding, including all evidence and briefing, shall be completed by September 16, 2025. With the goal of issuing an expeditious decision on the company's February 7 application, the Commission shall read the record, dispensing with the

need for a proposal for decision. While the Commission has directed a contested case proceeding, the Commission encourages settlement of contested cases and thus takes this opportunity to encourage the parties in this matter to pursue settlement discussions. Mich Admin Code, R 792.10431. The Commission declines to approve Consumers' request to direct the parties to meet in person to conduct settlement discussions and defers Consumers' request for an in-person evidentiary hearing to the discretion of the assigned administrative law judge.

THEREFORE, IT IS ORDERED that:

A. The February 7, 2025 application filed by Consumers Energy Company in this case for approval of certain amendments to Rate GPD shall be set for a contested case proceeding.

B. Consumers Energy Company and other participants are directed to attend the April 16, 2025 prehearing conference, as set forth in Exhibit A. The record for this contested case proceeding, including all evidence and briefing, shall be completed by September 16, 2025, and the remaining details of the case schedule are left to the discretion of the assigned administrative law judge.

C. By April 2, 2025, Consumers Energy Company shall serve a copy of this order on all parties in its general electric rate case, Case No. U-21585, and on those participants who have filed either a petition to intervene or requested a contested case proceeding in the instant case. Consumers Energy Company shall publish the notice of the prehearing conference, attached as Exhibit A, in accordance with the instructions of the Commission's Executive Secretary. The affidavit of publication shall be filed by the date of the prehearing conference on April 16, 2025.

D. Any additional petitions for intervention shall be filed no later than 5:00 p.m. (Eastern time) on April 9, 2025.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel. Electronic notifications should be sent to the Executive Secretary at LARA-MPSC-Edockets@michigan.gov and to the Michigan Department of Attorney General - Public Service Division at sheacl@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Daniel C. Scripps, Chair

Katherine L. Peretick, Commissioner

Alessandra R. Carreon, Commissioner

By its action of March 13, 2025.

Lisa Felice, Executive Secretary

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION
NOTICE OF HEARING
FOR THE ELECTRIC CUSTOMERS OF
CONSUMERS ENERGY COMPANY
CASE NO. U-21859**

- Consumers Energy Company requests Michigan Public Service Commission’s approval of Certain Amendments to Rate General Primary Demand (GPD) to add a Data Center Provision.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company One Energy Plaza, Jackson, MI 49201, 800-477-5050, for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company or on the Commission’s website at: <https://mi-psc.my.site.com/s/>.
- A pre-hearing will be held:

DATE/TIME: **Wednesday, April 16, 2025 at 9:30 AM**

BEFORE: **Administrative Law Judge Katherine E. Talbot**

LOCATION: Video/Teleconference

PARTICIPATION: Any interested person may participate. Persons needing any assistance to participate or who are seeking access to the video/teleconference should contact the Administrative Law Judge’s secretary at (517) 284-8130 or by email at LARA-MOHR-PSC@michigan.gov in advance of the hearing.

The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider Consumers Energy Company’s (Consumers Energy) February 7, 2025 application requesting the Commission to approve certain amendments to Rate GPD. In its application, Consumers Energy states that the proposed amendments to Rate GPD will: 1) serve data center load growth in a manner that justly and reasonably balances the interests of new data centers with other Consumers Energy customers; 2) address the unique circumstances created by data centers; and 3) ensure that accommodating the growth attributed to data centers does not create unacceptable risks for Consumers Energy or its customers.

All documents filed in this case shall be submitted electronically through the Commission’s E-Dockets website at: <https://mi-psc.my.site.com/s/>. Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in PDF format, as an attachment to an email sent to: mpscdockets@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: mpscdockets@michigan.gov.

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by April 9, 2025. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy Company's attorney, Anne M. Uitvlugt, 1 Energy Plaza Dr., Jackson, MI 49201. The Coalition Data Center, Association for Businesses Advocating Tariff Equity, and the Michigan Department of the Attorney General are not required to refile a petition for intervention, but may supplement if desired.

The prehearing is scheduled to be held remotely by video conference or teleconference. Persons filing a petition to intervene will be advised of the process for participating in the hearing.

Any person wishing to appear at the hearing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of their wish to make a statement of position. Mich Admin Code, R 792.10413 (Rule 413).

Any person wishing to file a public comment may do so by filing a written statement in this docket. The written statement may be mailed or emailed and should reference Case No. **U-21859**. Statements may be emailed to: mpscedockets@michigan.gov. Statements may be mailed to: Executive Secretary, Michigan Public Service Commission, 7109 West Saginaw Hwy., Lansing, MI 48917.

All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private. For more information on how to participate in a case, you may contact the Executive Secretary at the above address or by telephone at (517) 284-8090.

Requests for adjournment must be made pursuant to Michigan Office of Administrative Hearings and Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and Parts 1 & 4 of the Administrative Hearing Rules of the Michigan Office of Administrative Hearings and Rules, Mich. Admin Code, R 792.10106(2), (3), (4), (5), (6), and (7); R 792.10121; and R 792.10401 through R 792.10448.

R 792.10422 Adjournments.

Rule 422

(1) Unless the presiding officer allows otherwise, a request for adjournment shall be by motion or stipulation made orally at a hearing or in writing and shall be based on good cause.

(2) A motion or stipulation for adjournment shall state the party who is requesting the adjournment and the reason for the adjournment.

(3) An adjournment may be granted for good cause and shall be in writing or on the record.

(4) In granting an adjournment, the presiding officer, administrative law manager assigned by the hearing system to the commission, or commission may impose reasonable conditions.

R 792.10432 Motion practice.

Rule 432

(1) In a pending proceeding, a request to the commission or presiding officer for a ruling or order, other than a final order, shall be by motion. Unless made during a hearing, a motion shall be in compliance with all of the following provisions:

(a) Be in writing.

(b) State with particularity the grounds and authority on which the motion is based. (c) State the relief or order sought.

(d) Be signed by the party or the party's attorney.

(2) Unless a different time is set by the commission or presiding officer or unless the motion is one that may be heard ex parte, a written motion, notice of the hearing on the motion, and any supporting brief or affidavits shall be served as follows:

(a) Not less than 9 days before the hearing, if served electronically or by mail.

(b) Not less than 7 days before the hearing, if served electronically or by delivery to the attorney or party under Michigan court rule 2.107(c)(1) or (2).

(3) Unless a different time is set by the commission or presiding officer, any response to a motion, including a brief or an affidavit, shall be served as follows:

(a) Not less than 5 days before the hearing, if served electronically or by mail.

(b) Not less than 3 days before the hearing, if served electronically or by delivery to the attorney or party under Michigan court rule 2.107(c)(1) or (2).

(4) Motions shall be noticed for hearing at the time designated by the commission or presiding officer.

(5) When a motion is based on facts not appearing on the record, the commission or presiding officer may hear the motion on affidavits presented by the parties or may direct that the motion be heard wholly or partly as oral testimony or deposition.

(6) The commission or presiding officer may limit oral arguments on motions and may require the parties to file briefs in support of, and in opposition to, a motion. The commission may dispense with oral argument on matters brought before the commission.

MICHIGAN PUBLIC SERVICE COMMISSION
RATE-REGULATED UTILITIES
PUBLISHING REQUIREMENTS FOR NOTICE

- Attached notice shall be published in at least 3 newspapers of general circulation in service area (rate-regulated utilities with greater than 20,000 customers) or in one newspaper of general circulation that covers the entire service area (rate-regulated utilities with fewer than 20,000 customers)

- Published title of notice shall be printed in at least 12-point boldface type

- Body of notice shall be in 9-point type surrounded by a black border 1/8 inch from the body of the notice

- Company logo shall be displayed at the end of the published notice

- Affidavits of publication with annexed notice shall be filed by the date of the prehearing conference

STATE OF MICHIGAN
BEFORE THE
MICHIGAN PUBLIC
SERVICE COMMISSION
NOTICE OF HEARING
FOR THE CUSTOMERS
OF
(COMPANY)
CASE NO. U-(CASE
NUMBER)

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- **(COMPANY)** will implement a **(proposed action)** if the Michigan Public Service Commission (Commission) approves its request.
- The information below describes how a person may participate in this case.
- You may call or write **(Company, Address, Telephone Number)** for a free copy of its application. Any person may review the documents at the offices of **(Company)**.
- A (Hearing Type) will be held:

DATE/TIME: **Month, day, year** (e.g. April 5, 2018) at **Time** (e.g. 9:00 a.m.)

BEFORE: Administrative Law Judge **(Name)**

LOCATION: Michigan Public Service Commission
7109 West Saginaw Highway
Lansing, Michigan 48917

PARTICIPATION: Any interested person may participate. Persons needing any assistance to participate or who are seeking access to the video/teleconference should contact the Administrative Law Judge's secretary at (517) 284-8130 or by email at LARA-MOHR-PSC@michigan.gov in advance of the hearing.

The Michigan Public Service Commission (Commission) will hold a (Hearing Type) to consider (Company's) (Date) application for (brief summary of application).

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by **(Date)**. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon **(Company's) Attorney, (Name), (Address)**.

Any person wishing to appear at the hearing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private.

Requests for adjournment must be made pursuant to Michigan Office of Administrative Hearings and Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of (Company's) application may be reviewed on the Commission's website at: <https://mi-psc.my.site.com/s/> and at the office of and at the office of (Company). For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

The Commission has jurisdiction pursuant to **(cite appropriate jurisdiction)**.

(Company Logo)

PROOF OF SERVICE

STATE OF MICHIGAN)

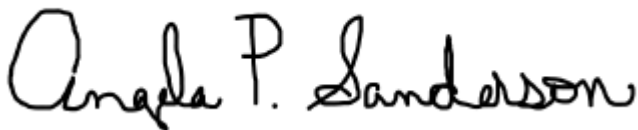
Case No. U-21859

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on March 13, 2025 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).


Brianna Brown

Subscribed and sworn to before me
this 13th day of March 2025.



Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2030

Service List for Case: U-21859

| Name | On Behalf Of | Email Address |
|--------------------------------------|--------------------------|-----------------------------|
| Adam M. Cozort | MPSC Staff | cozorta1@michigan.gov |
| Amit T. Singh | MPSC Staff | singha9@michigan.gov |
| Anne M. Uitvlugt | Consumers Energy Company | anne.uitvlugt@cmsenergy.com |
| Consumers Energy Company (1 of 2) | Consumers Energy Company | mpsc.filings@cmsenergy.com |
| Consumers Energy Company (2 of 2) | Consumers Energy Company | kelly.hall@cmsenergy.com |
| David W. Isakson | MPSC Staff | isaksond@michigan.gov |
| Katherine E. Talbot | ALJs - MPSC | talbotk@michigan.gov |