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April 24, 2025

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

RE: In the matter of the Application of **DTE ELECTRIC COMPANY** for authority to increase its rates, amend its rate schedules and rules governing the distribution and supply of electric energy, and for miscellaneous accounting authority  
MPSC Case No. U-21860

Dear Ms. Felice:

Attached for electronic filing in the above captioned matter are DTE Electric Company's Application, Proposed Notice of Hearing, the Commission's Non-Modifiable Protective Order and Nondisclosure Certificates, Testimony, and Exhibits. Also attached is the Proof of Service.

In addition, Confidential Exhibit A-28, Schedule R4 and Confidential Exhibit A-28, Schedule R5 will be hand delivered and filed under seal with the Commission. Confidential Workpapers are also being hand delivered and provided under seal. The confidential exhibits, confidential schedules, and confidential workpapers will be made available to Staff and to persons associated with parties who have signed the appropriate Non-Disclosure Certificate upon issuance of the Protective Order in this proceeding. All public testimony, exhibits, and workpapers are accessible in the electronic link below. Voluminous Exhibit A-23, Schedules M-12 and 14.1 are exclusively available in the electronic link below.

<https://dteenergy.sharepoint.com/sites/DiscoveryPortal/Elec/U21860/Documents/Forms/AllItems.aspx>

Also provided to the MPSC by hand delivery on April 24, 2025 for filing via external storage drive are DTE Electric Company's Part II – Financial Information materials, Part III – Supplemental Data and electronic files (which are also being provided in the electronic link above).

Very truly yours,

Jon P. Christinidis

JPC/erb  
Attachments  
cc: Service List

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of )  
**DTE ELECTRIC COMPANY** )  
for authority to increase its rates, amend ) Case No. U-21860  
its rate schedules and rules governing the )  
distribution and supply of electric energy, and )  
for miscellaneous accounting authority. )

**APPLICATION**

DTE Electric Company (“Applicant,” the “Company” or “DTE Electric”), a corporation organized and existing under and by virtue of the laws of the State of Michigan, with its principal office at One Energy Plaza, Detroit, Michigan 48226, files this Application pursuant to, inter alia, MCL 460.6 et seq., and various Michigan Public Service Commission (“Commission”) Orders, requesting authority to increase rates, and amend its rate schedules and rules governing the distribution and supply of electric energy. In support of the relief requested in this Application, the Company respectfully represents to the Commission as follows:

1. DTE Electric is owned by DTE Electric Holdings, LLC, which is a wholly-owned subsidiary of DTE Energy providing retail electric service to customers located in Michigan, and is a public utility subject to the jurisdiction of the Commission.
2. The Company is presently serving its electric customers under schedules of rates and charges approved by this Commission in, inter alia, its Order dated January 23, 2025, in Case No. U-21534 (the “U-21534 Order”).
3. This Application is being filed in accordance with the Commission’s determinations in Case No. U-18238. The Commission’s Case No. U-18238 Order dated April 25, 2024 and the Case No. U-18238 Rate Case Filing Requirements dated July 9, 2024 contains a

version of a Protective Order described as “non-modifiable.” As a consequence, the Company submits herewith that version of a Protective Order. The Company does not waive and reserves all of its rights with respect to that Protective Order.

4. The Company has determined the need for additional annual base electric revenues in the amount of approximately \$574.1 million effective as early as February 24, 2026, in order to recover, among other things, Applicant’s continued infrastructure investments to improve the reliability of the grid and to sustain the reliability of its generation fleet while moving toward cleaner sources of generation, including the associated depreciation and property tax increases.

5. This filing provides the rationale, spending, timing, and expected customer benefits associated with significant investments in distribution, generation, information technology and customer service. Strategic distribution investments will support growth in customer demand in specific areas, improve worker and public safety, and reduce the frequency and duration of power outages. In addition, the Company’s filing supports the conversion of Belle River Power Plant’s fuel source from coal to natural gas and the execution of the Trenton Channel Energy Center Battery Energy Storage System, both consistent with the Integrated Resource Plan Order in Case No. U-21193, as well as plant removal associated with the decommissioning of power generation assets at River Rouge, St. Clair, and Trenton Channel Power Plants.

6. The proposed revenue increase described in this Application is necessary to allow the Company to continue to provide safe and reliable electric service, meet customers’ service quality expectations, and allow the Company a reasonable opportunity to recover its costs, including a reasonable rate of return. The historical test year being used by DTE Electric is the calendar year ended December 31, 2023. This 12-month period was then normalized and adjusted for known and measurable changes, as supported by the Company’s witnesses in this case, to

arrive at the Company's January 1, 2026 through December 31, 2026 projected test year.

7. DTE Electric's projected rate base of approximately \$23.6 billion includes actual net plant and working capital as of December 31, 2023, with projected changes through December 31, 2026 and includes the impact of base capital expenditures and further adjustments including but not limited to specific major projects. Major capital projects from 2023 through the projected period ending December 31, 2026, are described in the testimony and exhibits of the Company's witnesses.

8. DTE Electric's testimony and exhibits filed contemporaneously with this Application evidence a need for additional annual base rate revenue beginning February 24, 2026, of approximately \$574.1 million.

9. Attachment 1 to this Application summarizes the Company's request. DTE Electric proposes to allocate the required electric revenue increase among rate classes as set forth on Attachment 2 to this Application. A comparison of typical bills and proposed rates for Residential Service Rate D1.11 is shown on Attachment 3 to this Application. In addition, the Proposed Draft Notice of Hearing is included as Attachment 4 to this Application.

10. With respect to rate design, DTE Electric is proposing, among other things, certain changes to the Company's tariffs, and rules and regulations, including but not limited to updated on-peak hours for primary time of use Rate Schedule D14. In addition, the Company is proposing the extension and expansion of the Infrastructure Recovery Mechanism (IRM) focused on certain distribution capital expenditures that address customer safety, customer reliability, and the integration of increasing levels of electric vehicles and distributed energy resources to be recovered by means of the IRM surcharge revenue requirements of \$85.1 million for 2027, \$152.3 million for 2028, and \$258.5 million for 2029.

11. DTE Electric is seeking Commission approval of certain accounting requests, including but not limited to, regulatory asset treatment for certain merchant fees, regulatory asset

treatment for issuance costs related to the 1706 loan program (if the financing does not close), and regulatory liability treatment for any over-recovery of Midwest Energy Resources Company operating and maintenance costs.

12. DTE Electric is seeking cost recovery of its variable compensation programs that are used to attract and retain employees with the requisite skills and experience to provide quality customer service, make DTE Electric's employees' total compensation externally competitive, and differentiate total compensation based on organizational and individual contributions. The Company is not seeking to recover the variable compensation for the top five DTE Energy executives.

13. DTE Electric is requesting a return on equity of 10.75% with an overall rate of return of 6.03% after tax and 7.52% pre-tax. The Company is requesting a permanent capital structure of approximately 50.75% equity and 49.25% long-term debt. The average rate base for the projected test year is approximately \$23.6 billion, which includes an equity base of approximately \$9.4 billion.

14. DTE Electric is requesting that the Commission adopt the Power Supply Cost Recovery (PSCR) base established in the Commission's Order in Case No. U-15244 on January 13, 2009, adjusted for an updated loss factor.

15. In 2016, the Michigan legislature passed, and the Governor signed into law, PA 341 which, in the part pertinent to this proceeding, amended MCL 460.1 *et seq.* by adding Section 6w (MCL 460.6w). Act 341 became effective on April 20, 2017 and directed the creation of a state reliability mechanism (SRM) and capacity charge. DTE Electric has calculated the capacity charge consistent with the methodology used in the Commission's Order in Case No. U-21534 dated January 23, 2025.

16. The Company is filing the direct testimony and exhibits of 34 witnesses concurrently

with this Application. The contents, recommendations, revenue and expense items, and proposed ratemaking items set forth in those documents are incorporated into this Application by reference.

17. The fact that Applicant may not address an item or position addressed by Applicant in previous cases, or which is presently on appeal before the courts, does not constitute a waiver of such item or position by the Company, or of any rights or positions that the Company may wish to take on these matters in this or any other proceedings before the Commission (now or in the future), or in any other appropriate court or venue.

WHEREFORE, DTE Electric requests that the Commission:

- A. Accept this Application for filing;
- B. Give such Notice to interested parties as may be required by statute or the Commission's rules;
- C. Establish a date, place and time for a prehearing conference;
- D. Conduct a hearing on this Application;
- E. Approve an additional annual revenue increase effective as soon as possible in the projected test year as described herein;
- F. Approve the Company's proposed capital structure and return on equity;
- G. Approve new rates effective as early as February 24, 2026 in the manner described in this Application, the accompanying Attachments and the Company's Direct Testimony and Exhibits;
- H. Grant the Company's request to approve the PSCR base;
- I. Approve the Company's proposals to implement certain customer rate schedules and tariffs;
- J. Approve recovery of the Company's investments related to the strengthening of

the Company's distribution system and improving reliability;

K. Approve recovery of the Company's generation investments;

L. Approve the extension, and expansion of the IRM as proposed by the Company;

M. Approve all proposed regulatory accounting treatments as requested by the Company;

N. Approve the capacity charge calculated by the Company which is based on the methodology approved in Case No. U-21534 and approve the capacity-related costs supported by the Company in this proceeding;

O. Grant any other relief described in this Application as requested by the Company; and;

P. Grant Applicant such further additional relief, as the Commission may deem suitable and appropriate.

Respectfully Submitted,

DTE ELECTRIC COMPANY

By:

\_\_\_\_\_  
Marco A. Bruzzano  
Senior Vice President –Regulatory Affairs

DTE ELECTRIC COMPANY  
Legal Department

By:

\_\_\_\_\_  
Attorneys for DTE Electric Company  
Andrea Hayden (P71976)  
Jon P. Christinidis (P47352)  
One Energy Plaza, 1635 WCB  
Detroit, MI 48226  
(313) 235-7706

Dated: April 24, 2025

**MPSC Case No. U-21860**  
**DTE Electric Company**  
**Electric Revenue Deficiency by Major Component**

(\$ Millions)

(a)

(b)

Line	Description	Projected Revenue Deficiency (1)
1	Rate Base (Plant Investment - Return On & Of, plus Property Taxes)	\$ 260
2	Operating Cost	241
3	Return on Equity	107
4	Sales Margin & Other	<u>(34)</u>
5	Total Requested Rate Relief	<u><u>\$ 574</u></u>

(1) Revenue Deficiency calculated from last approved rate case U-21534

**MPSC Case No. U-21860**  
**DTE Electric Company**  
**Summary of Present and Proposed Revenue by Rate Schedule**

####	(a)	(b)	(c)	(d)	(e)
Line No.	<b>Residential</b>	<b>Total Present Revenue (\$000's)</b>	<b>Total Proposed Revenue (\$000's)</b>	<b>Total Net Increase/ (Decrease) (\$000's)</b>	<b>Total Net Increase/ (Decrease) (%)</b>
1	D1 non-transmit meter	\$17,269	\$19,176	\$1,907	11.0%
2	D1.1 Int. Air	\$49,296	\$55,271	\$5,975	12.1%
3	D1.2 TOD	\$64,412	\$72,775	\$8,362	13.0%
4	D1.7 TOD	\$16,506	\$18,756	\$2,250	13.6%
5	D1.8 Dynamic	\$30,685	\$34,264	\$3,578	11.7%
6	D1.9 Elec. Vehicle	\$2,336	\$2,630	\$294	12.6%
7	D1.11 Time of Use	\$2,798,675	\$3,106,762	\$308,087	11.0%
8	D2 Elec. Space Heat	\$49,642	\$55,637	\$5,995	12.1%
9	D5 Res. Water Ht.	\$13,976	\$15,818	\$1,841	13.2%
10	<b>Total Residential</b>	<b>\$3,042,799</b>	<b>\$3,381,090</b>	<b>\$338,291</b>	<b>11.1%</b>
11					
12	<b>Secondary</b>				
13	D1.1 Int. Air	\$711	\$786	\$75	10.5%
14	D1.7 TOD	\$1,626	\$1,841	\$215	13.2%
15	D1.8 Dynamic	\$118	\$130	\$12	10.3%
16	D 1.9 Elec Vehicle	\$196	\$220	\$24	12.1%
17	D3 Gen. Serv.	\$1,147,333	\$1,269,875	\$122,542	10.7%
18	D3.1 Unmetered	\$12,104	\$13,527	\$1,423	11.8%
19	D3.2 Sec. Educ.	\$64,270	\$73,041	\$8,772	13.6%
20	D3.3 Interruptible	\$8,041	\$9,024	\$984	12.2%
21	D3.5 Charging Serv.	\$0	\$0	\$0	-
22	D4 Lg. Gen. Serv.	\$270,816	\$299,823	\$29,007	10.7%
23	D5 Com. Wat. Ht.	\$1,026	\$1,151	\$125	12.2%
24	E1.1 Eng. St. Ltg.	\$1,223	\$1,374	\$151	12.3%
25	R7 Greenhs. Ltg.	\$277	\$314	\$37	13.3%
26	R8 Space Cond.	\$9,537	\$10,608	\$1,071	11.2%
27	<b>Total Secondary</b>	<b>\$1,517,279</b>	<b>\$1,681,715</b>	<b>\$164,436</b>	<b>10.8%</b>
28					
29	<b>Primary</b>				
30	D11 Prim. Supply	\$987,377	\$1,042,250	\$54,873	5.6%
31	D12 Exp. Lrg Cust	\$0	\$0	\$0	-
32	D6.2 Pri. Educ.	\$81,104	\$84,035	\$2,931	3.6%
33	D8 Int. Primary	\$43,664	\$46,505	\$2,841	6.5%
34	D10 El.Schools	\$1,975	\$2,092	\$117	5.9%
35	R1.1 Alt. Mtl. Melt.	\$7,093	\$7,714	\$621	8.8%
36	R1.2 El. Pr. Htg.	\$30,409	\$33,017	\$2,608	8.6%
37	R3 Standby	\$9,177	\$9,220	\$43	0.5%
38	R10 Int. Supply	\$41,104	\$41,621	\$517	1.3%
39	<b>Total Primary</b>	<b>\$1,201,902</b>	<b>\$1,266,454</b>	<b>\$64,551</b>	<b>5.4%</b>
40					
41	D13 XL	\$0	\$0	\$0	-
42					
43	<b>Other</b>				
44	D9 Protective Ltg.	\$12,943	\$14,405	\$1,462	11.3%
45	E1 Muni Street Ltg	\$68,039	\$72,823	\$4,785	7.0%
46	E2 Traffic Lights	\$5,685	\$6,228	\$543	9.5%
47	<b>Total Other</b>	<b>\$86,667</b>	<b>\$93,456</b>	<b>\$6,789</b>	<b>7.8%</b>
48					
49	<b>Total All Classes</b>	<b>\$5,848,648</b>	<b>\$6,422,715</b>	<b>\$574,067</b>	<b>9.8%</b>

**Attachment 3**

**MPSC Case No. U-21860  
DTE Electric Company  
Comparison of Typical Bills Under Present and Proposed Rates  
Residential Service Rate D1.11 (summer)**

Line No.	(a) Monthly kWh Use	(b) Present Net Monthly Bill	(c) Proposed Net Monthly Bill	(d) Increase		(e)
				<u>Amount</u>	<u>Percent</u>	
1	100	\$28.46	\$30.66	\$2.21	7.76%	
2	200	\$47.54	\$51.96	\$4.41	9.29%	
3	300	\$66.63	\$73.25	\$6.62	9.94%	
4	400	\$85.71	\$94.54	\$8.83	10.30%	
5	500	\$104.80	\$115.83	\$11.04	10.53%	
6	600	\$123.88	\$137.13	\$13.24	10.69%	
7	700	\$142.97	\$158.42	\$15.45	10.81%	
8	800	\$162.06	\$179.71	\$17.66	10.90%	
9	900	\$181.14	\$201.01	\$19.87	10.97%	
10	1,000	\$200.23	\$222.30	\$22.07	11.02%	
11	1,500	\$295.65	\$328.76	\$33.11	11.20%	
12	2,000	\$391.08	\$435.23	\$44.15	11.29%	
13	4,000	\$772.80	\$861.09	\$88.29	11.42%	

*Assumes ~15% of usage is on peak (as designed)*

**PROPOSED  
STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION  
NOTICE OF HEARING**

**FOR THE ELECTRIC CUSTOMERS OF  
DTE ELECTRIC COMPANY  
CASE NO. U-21860**

- DTE Electric Company may increase its annual base electric revenues by approximately \$574.1 million (with additional revenue requirements of \$85.1 million for 2027, \$152.3 million for 2028, and \$258.5 million for 2029 if the Infrastructure Recovery Mechanism (IRM) proposed by the Company is accepted) above existing base electric rate levels along with other requested relief if the Michigan Public Service Commission (Commission) approves its request.
- A typical residential customer’s average electric bill may be increased by up to \$13.50 per month, if the Michigan Public Service Commission approves the request.
- The information below describes how a person may participate in this case.
- You may call or write DTE Electric Company, One Energy Plaza, Detroit, Michigan 48226, 1-800-477-4747, for a free copy of its application, testimony and exhibits. Any person may review the application, testimony and exhibits at the offices of DTE Electric Company or on the Commission’s website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets)
- A pre-hearing will be held:

**DATE/TIME:** \_\_\_\_\_, 2025, at \_\_\_\_ a.m.

**BEFORE:** Administrative Law Judge \_\_\_\_\_

**LOCATION:** \_\_\_\_\_

**PARTICIPATION:** Any interested person may participate. Persons needing any assistance to participate should contact the Commission's Executive Secretary at (517) 284-8090, or by email at [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov) in advance of the hearing.

The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider DTE Electric Company's April 24, 2025 application to increase its annual base electric revenues by approximately \$574.1 million along with other requested relief.

DTE Electric Company's Application states that the requested increase is required to recover the costs associated with continued investments to improve the reliability of the grid and to sustain the reliability of its generation fleet while moving toward cleaner sources of generation. These programs include strategic infrastructure investments in electric distribution assets to modernize equipment, support growth in customer demand in specific areas, improve worker and public safety, and reduce the frequency and duration of power outages. In addition, the Company's filing supports the conversion of Belle River Power Plant's fuel source from coal to natural gas and the execution of the Trenton Channel Energy Center Battery Energy Storage System, both consistent with the Integrated Resource Plan Order in Case No. U-21193, as well as plant removal associated with the decommissioning of power generation assets at River Rouge, St. Clair, and Trenton Channel Power Plants.

DTE Electric Company's requested relief also includes certain changes to its tariffs, and rules and regulations, including but not limited to on-peak hours for primary time of use Rate Schedule D14 as well as the approval of certain accounting requests, including but not limited to, regulatory asset treatment for certain merchant fees, regulatory asset treatment for issuance costs related to the 1706 loan program (if the financing does not close), and regulatory liability treatment for any over-recovery of Midwest Energy Resources Company operating and maintenance costs. In addition, the Company is proposing the extension and expansion of the Infrastructure Recovery Mechanism (IRM), which is focused on specific distribution capital expenditures that address customer safety, reliability, and the integration of increasing levels of electric vehicles and distributed energy resources, in 2027-2029, to be recovered by means of an IRM surcharge.

The Application also requests approval of capital structure cost changes, various accounting proposals and pilot programs. In total, DTE Electric Company's Application seeks Commission approval for additional base electric annual revenues of approximately \$574.1 million based upon a January 1, 2026 through December 31, 2026 projected test year with rates effective as early as February 24, 2026 (the request also includes revenue requirement of \$85.1 million for 2027, \$152.3 million for 2028, and \$258.5 million for 2029 for the IRM proposed by the Company). The chart below summarizes DTE Electric Company's proposed base revenue increases.

**DTE Electric Company**  
**Summary of Proposed Base Electric Revenue Increase /(Decrease)**

Line No.	Residential	Total Present Revenue (\$000's)	Total Proposed Revenue (\$000's)	Total Net Increase/ (Decrease) (\$000's)	Total Net Increase/ (Decrease) (%)
1	D1 non-transmit meter	\$ 17,269	\$ 19,176	\$ 1,907	11.0%
2	D1.1 Int. Air	\$ 49,296	\$ 55,271	\$ 5,975	12.1%
3	D1.2 TOD	\$ 64,412	\$ 72,775	\$ 8,362	13.0%
4	D1.7 TOD	\$ 16,506	\$ 18,756	\$ 2,250	13.6%
5	D1.8 Dynamic	\$ 30,685	\$ 34,264	\$ 3,578	11.7%
6	D1.9 Elec. Vehicle	\$ 2,336	\$ 2,630	\$ 294	12.6%
7	D1.11 Time of Use	\$ 2,798,675	\$ 3,106,762	\$ 308,087	11.0%
8	D2 Elec. Space Heat	\$ 49,642	\$ 55,637	\$ 5,995	12.1%
9	D5 Res. Water Ht.	\$ 13,976	\$ 15,818	\$ 1,841	13.2%
10	Total Residential	\$ 3,042,799	\$ 3,381,090	\$ 338,291	11.1%
11					
12	<b>Secondary</b>				
13	D1.1 Int. Air	\$ 711	\$ 786	\$ 75	10.5%
14	D1.7 TOD	\$ 1,626	\$ 1,841	\$ 215	13.2%
15	D1.8 Dynamic	\$ 118	\$ 130	\$ 12	10.3%
16	D 1.9 Elec Vehicle	\$ 196	\$ 220	\$ 24	12.1%
17	D3 Gen. Serv.	\$ 1,147,333	\$ 1,269,875	\$ 122,542	10.7%
18	D3.1 Unmetered	\$ 12,104	\$ 13,527	\$ 1,423	11.8%
19	D3.2 Sec. Educ.	\$ 64,270	\$ 73,041	\$ 8,772	13.6%
20	D3.3 Interruptible	\$ 8,041	\$ 9,024	\$ 984	12.2%
21	D3.5 Charging Serv.	\$ -	\$ -	\$ -	-
22	D4 Lg. Gen. Serv.	\$ 270,816	\$ 299,823	\$ 29,007	10.7%
23	D5 Com. Wat. Ht.	\$ 1,026	\$ 1,151	\$ 125	12.2%
24	E1.1 Eng. St. Ltg.	\$ 1,223	\$ 1,374	\$ 151	12.3%
25	R7 Greenhs. Ltg.	\$ 277	\$ 314	\$ 37	13.3%
26	R8 Space Cond.	\$ 9,537	\$ 10,608	\$ 1,071	11.2%
27	Total Secondary	\$ 1,517,279	\$ 1,681,715	\$ 164,436	10.8%
28					
29	<b>Primary</b>				
30	D11 Prim. Supply	\$ 987,377	\$ 1,042,250	\$ 54,873	5.6%
31	D12 Exp. Lrg Cust	\$ -	\$ -	\$ -	-
32	D6.2 Pri. Educ.	\$ 81,104	\$ 84,035	\$ 2,931	3.6%
33	D8 Int. Primary	\$ 43,664	\$ 46,505	\$ 2,841	6.5%
34	D10 El. Schools	\$ 1,975	\$ 2,092	\$ 117	5.9%
35	R1.1 Alt. Mtl. Melt.	\$ 7,093	\$ 7,714	\$ 621	8.8%
36	R1.2 El. Pr. Htg.	\$ 30,409	\$ 33,017	\$ 2,608	8.6%
37	R3 Standby	\$ 9,177	\$ 9,220	\$ 43	0.5%
38	R10 Int. Supply	\$ 41,104	\$ 41,621	\$ 517	1.3%
39	Total Primary	\$ 1,201,902	\$ 1,266,454	\$ 64,551	5.4%
40					
41	D13 XL	\$ -	\$ -	\$ -	-
42					
43	<b>Other</b>				
44	D9 Protective Ltg.	\$ 12,943	\$ 14,405	\$ 1,462	11.3%
45	E1 Muni Street Ltg	\$ 68,039	\$ 72,823	\$ 4,785	7.0%
46	E2 Traffic Lights	\$ 5,685	\$ 6,228	\$ 543	9.5%
47	Total Other	\$ 86,667	\$ 93,456	\$ 6,789	7.8%
48					
49	<b>Total All Classes</b>	\$ 5,848,648	\$ 6,422,715	\$ 574,067	9.8%

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: [mpscedockets@michigan.gov](mailto:mpscedockets@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 \_\_\_\_\_, 2025. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon DTE Electric Company's attorney, Jon P. Christinidis, One Energy Plaza, 1635 WCB, Detroit, MI 48226.

The prehearing is scheduled to be held \_\_\_\_\_. Persons filing a petition to intervene will be advised of the process to participate in the hearing.

Any person wishing to participate without intervention under Mich Admin Code, R 792.10413 (Rule 413), or 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-21860. Statements may be emailed to: [mpscedockets@michigan.gov](mailto: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 Commission at the above address or by telephone at (517) 284-8090.

Requests for adjournment must be made pursuant to the 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 DTE Electric Company's application may be reviewed on the Commission's website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets), and at the office of DTE Electric Company, One Energy Plaza, Detroit, MI 48226. 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 Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in various Commission proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Licensing and Regulatory Affairs, P.O. Box 30004, Lansing, Michigan 48909, for more information.

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 Michigan Office of Administrative Hearings and Rules, Mich. Admin Code, R 792.10106 and R 792.10401 through R 792.10448.

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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for authority to increase its rates, amend )	Case No. U-21860
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distribution and supply of electric energy, and )	
<u>for miscellaneous accounting authority.</u> )	

**PROTECTIVE ORDER**

This Protective Order governs the use and disposition of Protected Material that any Party discloses to another Party during the course of this proceeding. This Protective Order protects non-public, confidential information and materials so designated by the Disclosing Party as Protected Material, as defined herein. Accordingly, it is ordered:

**I. “Protected Material” and Other Definitions**

A. “Protected Material” consists of trade secrets or confidential, proprietary, or commercially sensitive information provided in Disclosing Party’s application, exhibits, discovery or audit responses, any witness’ related exhibits and testimony, motions, objections, briefing, responses to an order issued by the presiding hearing officer or the Michigan Public Service Commission (“MPSC” or the “Commission), and any arguments of counsel describing or relying upon the Protected Material. Subject to challenge under Paragraph IV.A, Protected Material shall also consist of non-public confidential information and materials including, but not limited to, the following information disclosed during the course of this case if it is marked as required by this Protective Order:

1. To the extent permitted, information obtained under license from a third-party licensor, to which the Disclosing Party or witnesses engaged by the Disclosing Party is a licensee, that is subject to any confidentiality or non-transferability clause. This information includes reports; analyses; models

(including related inputs and outputs); trade secrets; and confidential, proprietary, or commercially sensitive information that the Disclosing Party or one of its witnesses receives as a licensee and is authorized by the third-party licensor to disclose consistent with the terms and conditions of this Protective Order.

2. Information that is protected as confidential in another jurisdiction that the Applicant provides utility service, and the source of the other jurisdiction's protective designation is made known to the Receiving Party.

B. The information subject to this Protective Order does not include:

1. Information that is or has become available to the public through no fault of the Receiving Party or Reviewing Representative and no breach of this Protective Order, or information that is otherwise lawfully known by the Receiving Party without any obligation to hold it in confidence;
2. Information received from a third party free to disclose the information without restriction;
3. Information that is approved for release by written authorization of the Disclosing Party, but only to the extent of the authorization;
4. Information that is required by law or regulation to be disclosed, but only to the extent of the required disclosure; or Information that is disclosed in response to a valid, non-appealable order of a court of competent jurisdiction or governmental body, but only to the extent the order requires.

C. "Applicant" refers to the filing party in this proceeding.

D. "Disclosing Party" means a Party producing Protected Material in this proceeding.

E. "Party" refers to the Applicant, MPSC Staff ("Staff"), Michigan Attorney General, or any other person, company, organization, or association that is granted intervention in this case under the Commission's Rules of Practice and Procedure, Mich Admin Code, R 792.10401 et al.

F. "Receiving Party" means any Party to this proceeding who requests or receives access to Protected Material. A Receiving Party is responsible for assuring that persons,

representatives, or agents under its control or supervision comply with this Protective Order.

G. “Reviewing Representative” means a representative of the Receiving Party who is:

1. An attorney who has entered an appearance in this proceeding for a Receiving Party;
2. An attorney, paralegal, or other employee associated, for the purpose of this case, with an attorney described in Paragraph I.G.1;
3. An expert or employee of an expert retained by a Receiving Party to advise, prepare for, or testify in this proceeding; or an employee or other representative of a Receiving Party with significant responsibility in this case.

H. “Nondisclosure Certificate” refers to Attachment 1 to this Protective Order. Except as otherwise provided herein, the Reviewing Party and Reviewing Representatives will be required to sign Nondisclosure Certificates. However, Nondisclosure Certificates will not be required from administrative law judges, members of the Commission and its support staff, Staff (excluding consultants, third-party experts, agents or other similar persons), and Staff counsel, for whom by virtue of their employment are presumed to be bound by the terms of this Protective Order.

## **II. Access to and Use of Protected Material**

A. This Protective Order governs the use of all provided Protected Material. This Protective Order protects: (i) the Protected Material; (ii) any copy or reproduction of the Protected Material made by any person; and (iii) any memorandum, handwritten notes, or any other form of information that copies, contains, or discloses Protected Material. All Protected Material in the possession of a Receiving Party and a Reviewing Representative shall be maintained in a secure place. Access to Protected Material shall be limited to the Receiving

Party and the Reviewing Representative, after each has executed the Nondisclosure Agreement and provided a copy of the Nondisclosure Agreement to the Disclosing Party, subject to the limited exception in Paragraph I.H.

B. Protected Material must be used and disclosed by the Receiving Party solely in accordance with the terms and conditions of this Protective Order. A Receiving Party and Reviewing Representative may analyze the Protected Material; make or respond to discovery; present evidence; prepare testimony, argument, briefs, or other filings; prepare for cross-examination; consider strategy; and evaluate settlement. A Reviewing Representative shall not release or disclose the content of Protected Material to any other person or use the information for any other purpose.

C. The Disclosing Party may request the Receiving Party withhold certain information from a Reviewing Representative and retains the right to object to any designated Reviewing Representative if the Disclosing Party has reason to believe that there is an unacceptable risk of misuse of confidential information. If a Disclosing Party objects to a Reviewing Representative, then the Disclosing Party shall submit the dispute to the presiding hearing officer simultaneously upon objection. If the Disclosing Party notifies a Receiving Party of an objection to a Reviewing Representative, then the Protected Material shall not be provided to that Reviewing Representative until the objection is resolved by agreement or by the presiding hearing officer.

D. If a Receiving Party seeks access to Critical Energy Infrastructure Information (“CEII”) as defined in 16 U.S.C § 824o-1(a)(3) and FERC rules, specifically 18 CFR § 388.113(c), the Receiving Party and Reviewing Representative shall also sign the CEII Nondisclosure Certificate (Attachment 2 to this Protective Order) and provide a copy of the

executed CEII Nondisclosure Certificates to the Disclosing Party.

E. The obligations under this Protective Order do not expire by entry of a final order in this case and are enforceable by the MPSC or a court of competent jurisdiction. To the extent Protected Material is not returned to a Disclosing Party, it remains subject to this Protective Order. Members of the Commission, Commission staff assigned to assist the Commission with its deliberations, and the presiding hearing officer shall have access to all Protected Material that is submitted to the Commission under seal.

F. A Party retains the right to seek further restrictions on the dissemination of Protected Material to persons who have or may subsequently seek to intervene in this MPSC proceeding.

G. Nothing in this Protective Order precludes a Party from asserting a timely evidentiary objection to the proposed admission of Protected Material into the evidentiary record for this case.

### **III. Procedures**

A. The Disclosing Party shall identify what portion(s) of any document designated confidential it considers confidential. This can be done through highlights or other clear identifier. The Disclosing Party must mark any information that it considers confidential as “CONFIDENTIAL: SUBJECT TO THE PROTECTIVE ORDER ISSUED IN CASE NO. U-21860.” Software executable files containing Protected Material may not be capable of being marked with the foregoing required protective language. The inability to mark software executable files containing Protected Material with such protective language shall not diminish the requirements of this Protective Order. It shall be sufficient if the medium used to deliver software executable files containing Protected Material is marked with the required protective

language. However, any output from the software executable files containing Protected Material that is generated only as a reproducible document, whether electronic or non-electronic, that is capable of being marked with the required protective language, shall be marked by the party who generated the output with such protective language and subject to the requirements of this Protective Order. If the Receiving Party or a Reviewing Representative makes copies of any Protected Material, they shall conspicuously mark the copies as Protected Material. Notes of Protected Material shall also be conspicuously marked as Protected Material by the person making the notes.

B. If a Receiving Party wants to quote, refer to, or otherwise use Protected Material in pleadings, pre-filed testimony, exhibits, cross-examination, briefs, oral argument, comments, or in some other form in this proceeding (including administrative or judicial appeals), the Receiving Party shall do so consistent with procedures that will maintain the confidentiality of the Protected Material. For purposes of this Protective Order, the following procedures apply:

1. Written submissions using Protected Material shall be filed in a sealed record to be maintained by the MPSC's Docket Section, or by a court of competent jurisdiction, in envelopes clearly marked on the outside, "CONFIDENTIAL – SUBJECT TO THE PROTECTIVE ORDER ISSUED IN CASE NO. U-21860." Simultaneously, identical documents and materials, with the Protected Material redacted, shall be filed and disclosed the same way that evidence or briefs are usually filed;
2. Oral testimony, examination of witnesses, or argument about Protected Material shall be conducted on a separate record to be maintained by the MPSC's Docket Section or by a court of competent jurisdiction. These separate record proceedings shall be closed to all persons except those furnishing the Protected Material and persons otherwise subject to this Protective Order. The Receiving Party presenting the Protected Material during the course of the proceeding shall give the presiding officer or court sufficient notice to allow the presiding officer or court an opportunity to take measures to protect the confidentiality of the Protected Material; and
3. Copies of the documents filed with the MPSC which contain Protected Material, including the portions of the exhibits, transcripts, or briefs that refer

to Protected Material, shall be marked or identified as, “CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER IN CASE NO. U-21860” and shall be maintained in a separate portion of the record under seal, segregated in the files of the Commission, and withheld from inspection by any person not bound by the terms of this Order.

C. The Protected Material subject to this Order shall be shielded from disclosure to the extent permitted by law. If any person files a request under the Freedom of Information Act (“FOIA”) with the MPSC or the Michigan Attorney General seeking access to documents subject to this Protective Order, the MPSC’s Executive Secretary, Staff, or the Attorney General shall promptly notify the Disclosing Party, and the Disclosing Party may take whatever legal actions it deems appropriate to protect the Protected Material from disclosure. In light of Section 5 of the Freedom of Information Act, MCL 15.235, the notice must be given at least five (5) business days before the MPSC, Staff, and/or the Michigan Attorney General grant the request in full or in part.

#### **IV. Termination of Protected Status**

A. A Receiving Party reserves the right to challenge by motion whether a document or information is Protected Material and whether this information can be withheld under this Protective Order. The Receiving Party challenging the protected status of the document must explicitly state its reason for challenging the confidential designation. In response to a motion, the Commission or the presiding hearing officer in this case may revoke a document’s protected status after notice and hearing. If the presiding hearing officer revokes a document’s protected status, then the document loses its protected status after 14 days unless a Party files an application for leave to appeal the ruling and a request for a stay to the Commission pursuant to R 792.10433. If the application for leave is timely, the document’s protected status will continue during the Commission appeal process. Any Party opposing the application for leave to appeal

and the stay shall file an answer with the Commission no more than 14 days after the filing and service of the appeal. Continued protected status post order, will be determined by the Commission in its order addressing the application for leave and the request for stay. Nothing in this paragraph shall prohibit the Disclosing Party from seeking a stay on appeal of the Commission's decision regarding the revocation of any document's protected status.

B. The Disclosing Party bears the burden of proving that the document should continue to be protected from disclosure.

#### **V. Retention of Documents**

Protected Material remains the property of the Disclosing Party and, except as required by applicable law and State retention schedules, only remains available to the Receiving Party until the time expires for petitions for rehearing of a final MPSC order, until the MPSC has ruled on all petitions for rehearing in this case (if any), or until judicial review is completed and the time to take further appeal has expired. If the Disclosing Party seeks to have the Receiving Party return all Protected Material in the Receiving Party's possession or in the possession of its Reviewing Representatives, or certify in writing that all Protected Material has been destroyed, it is the responsibility of the Disclosing Party to contact the Receiving Party and make its request no earlier than the expiration of time for filing petitions for rehearing of a final MPSC order, until the MPSC has ruled on all petitions for rehearing in this case (if any), or until judicial review is completed and the time to take further appeal has expired. Further, for a Receiving Party that is associated with the State, the request must be consistent with the expiration of the State retention requirement.

Notwithstanding the foregoing, counsel for the Receiving Party may maintain a single confidential file of Protected Material subject to all other provisions in this Order. Should

counsel seek to refer to the Protected Material in another Commission proceeding, the Disclosing Party must be the Applicant in said proceeding and counsel must ensure there is a protective order in said proceeding which protects the Protected Material from public disclosure.

## **VI. Limitations and Disclosures**

This Protective Order does not apply to a particular document, or portion of a document, described in Paragraph II.A if a Receiving Party can demonstrate that it has been previously disclosed by the Disclosing Party on a non-confidential basis or meets the criteria set forth in Paragraphs I.B.1 through I.B.4. A Receiving Party intending to disclose information taken directly from materials identified as Protected Material must-before actually disclosing the information-do one of the following: (i) contact the Disclosing Party's counsel of record and obtain written permission to disclose the information, or (ii) challenge the confidential nature of the Protected Material and obtain a ruling under Paragraph IV that the information is not confidential and may be disclosed in or on the public record.

## **VII. Remedies**

If a Receiving Party violates this Protective Order by improperly disclosing or using Protected Material, the Receiving Party shall take all necessary steps to remedy the improper disclosure or use. This includes promptly notifying all Parties and the presiding hearing officer in writing. The written notice must identify the person known or reasonably suspected to have obtained the Protected Material. A Party or person that violates this Protective Order remains subject to this paragraph regardless of whether the Disclosing Party could have discovered the violation earlier than it was discovered. This paragraph applies to both inadvertent and intentional violations. Nothing in this Protective Order limits the Disclosing Party's rights and remedies, at law or in equity, against a Party or person using Protected Material in a manner not authorized by this Protective Order, including the right to obtain injunctive relief in a court of

competent jurisdiction to prevent violations of this Protective Order.

**VIII. Modification**

Formal Addendums to this agreement may be established by an ALJ upon motion by any party and after notice and hearing.

MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
For the Michigan Public Service Commission

---

Administrative Law Judge

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of )  
**DTE ELECTRIC COMPANY** )  
for authority to increase its rates, amend )  
its rate schedules and rules governing the )  
distribution and supply of electric energy, and )  
for miscellaneous accounting authority. )

Case No. U-21860

Attachment 1

---

**NONDISCLOSURE CERTIFICATE**

By signing this Nondisclosure Certificate, I acknowledge that access to Protected Material is provided to me under the terms and restrictions of the Protective Order issue in Case No. U-21860, that I have read the Protective Order, and that I agree to be bound by the terms of the Protective Order.

Reviewing Representative:

Date: \_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

Receiving Party: \_\_\_\_\_

Printed Name: \_\_\_\_\_

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of )  
**DTE ELECTRIC COMPANY** )  
for authority to increase its rates, amend )  
its rate schedules and rules governing the )  
distribution and supply of electric energy, and )  
for miscellaneous accounting authority. )

Case No. U-21860

Attachment 2

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**NONDISCLOSURE CERTIFICATE**

**FOR CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION**

I hereby agree and certify my understanding that access to Critical Electric Infrastructure Information (“CEII”) as defined at 16 USC Section 824o-1(a)(3) and 18 CFR Section 388.113(c) is provided to me pursuant to the terms and restriction of this CEII Nondisclosure Certificate and the Protective Order issued in Case No. U-21860, that I have been given a copy of and have read the Protective Order, and I agree to be bound by the terms of this CEII Nondisclosure Certificate and the Protective Order. I further agree that:

1. I will use CEII only for the purpose for which it was requested;
2. I will only discuss CEII with a Party and/or Reviewing Representative;
3. I will keep CEII in a secure place in a manner that prevents unauthorized access;
4. I will destroy CEII or return it to the disclosing party upon request;
5. I understand that CEII is not subject to release under the Freedom of Information Act;

6. I understand that I am obligated to protect CEII even after a designation as CEII has lapsed until a determination by the administrative law judge that the information should no longer be designated as CEII; and

7. I will report all unauthorized disclosures of CEII to the Disclosing Party.

Reviewing Representative:

Date: \_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

Receiving Party: \_\_\_\_\_

Printed Name: \_\_\_\_\_

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In In the matter of the Application of )  
DTE ELECTRIC COMPANY for )  
authority to increase its rates, amend its )  
rate schedules and rules governing the )  
distribution and supply of electric energy, )  
and for miscellaneous accounting authority )

Case No. U-21860

**PROOF OF SERVICE**

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF WAYNE )

ESTELLA R. BRANSON states that on April 24, 2025, she served a copy of DTE Electric Company’s Application, Proposed Notice of Hearing, Commission Non-Modifiable Protective Order and Nondisclosure Certificates, Testimony and Exhibits, DTE Electric Company’s Part II – Financial Information materials and Part III – Supplemental Data materials in the above captioned matter, via electronic mail and secure electronic link, upon the persons listed on the attached service list.

\_\_\_\_\_  
ESTELLA R. BRANSON

**MPSC Case No. U-21860**  
**U-21297 & U-21534 Joint Service List**  
**Page 1**

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**MPSC Case No. U-21860**  
**U-21297 & U-21534 Joint Service List**  
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**MPSC Case No. U-21860**  
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**Page 3**

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