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June 12, 2025

VIA ELECTRONIC CASE FILING

Executive Secretary
Michigan Public Service Commission
7109 W. Saginaw Highway
Lansing, Michigan 48917

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

Dear Executive Secretary:

Enclosed for filing please find the **Association of Businesses Advocating Tariff Equity's Direct Testimony & Exhibits of James R. Dauphinais** and **Proof of Service** as it relates to in the above-referenced matter.

Sincerely,

CLARK HILL PLC

Stephen A.
Campbell

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Stephen A. Campbell

SAC/nb
Enclosures

cc: Parties of Record

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

In the matter of the application of)
CONSUMERS ENERGY COMPANY for)
Ex Parte Approval of Certain)
Amendments to Rate GPD.)

Case No. U-21859

Direct Testimony and Exhibits of

James R. Dauphinais

On behalf of

Association of Businesses Advocating Tariff Equity

June 12, 2025



Project 11812

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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

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STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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

Direct Testimony of James R. Dauphinais

I. Introduction

1

2 Q PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

3 A James R. Dauphinais. My business address is 16690 Swingley Ridge Road, Suite 140,
4 Chesterfield, MO 63017.

5 Q WHAT IS YOUR OCCUPATION?

6 A I am a consultant in the field of public utility regulation and a Managing Principal of
7 Brubaker & Associates, Inc., energy, economic and regulatory consultants.

8 Q PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND EXPERIENCE.

9 A This information is included in Appendix A to my testimony.

10 Q ON WHOSE BEHALF ARE YOU APPEARING IN THIS PROCEEDING?

11 A I am appearing on behalf of the Association of Businesses Advocating Tariff
12 Equity ("ABATE"). ABATE consists of large usage customers that purchase substantial
13 amounts of electric power and/or delivery service from Consumers Energy
14 Company ("Consumers" or "Company"). They primarily take service under Consumers'
15 Rate GPD, Rate GPTU, Rate EIP, Rate GP, Rate GSG-2 and/or Rate LTILRR.

1 **Q HAVE YOU PRESENTED TESTIMONY IN PRIOR ELECTRIC REGULATORY**
2 **PROCEEDINGS BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**
3 **(“COMMISSION”)?**

4 A Yes. Over my 27 years of employment by BAI, I have provided testimony to the
5 Commission on several occasions regarding issues that include electric rate design,
6 class cost of service, power supply cost recovery (“PSCR”), standby service rates,
7 resource planning, transmission planning and transmission line routing. In recent years
8 this has included providing testimony in the most recent general rate cases of
9 Consumers (Case Nos. U-20963, U-21224, U-21389 and U-21585), DTE Electric
10 Company (“DTE”) (Case Nos. U-18014, U-18255, U-20162, U-20561, U-20836, U-
11 21297 and U-21534) and Indiana Michigan Power Company (Case Nos. U-18370, U-
12 20359 and U-21461) as well as in the original Section 6w State Reliability Mechanism
13 (“SRM”) Capacity Charge proceedings of Consumers (Case No. U-18239) and DTE
14 (Case No. U-18248). I also provided testimony in the 2020 PSCR Reconciliation cases
15 of Consumers (Case No. U-20526) and DTE (Case No. U-20528) as well as the most
16 recent Integrated Resource Plan (“IRP”) proceedings of Consumers Energy Company
17 (Case No. U-21090), DTE (Case No. U-21193) and Indiana Michigan Power Company
18 (Case No. U-21189).

19 **Q WHAT IS THE SUBJECT OF YOUR DIRECT TESTIMONY?**

20 A I address the Company’s February 7, 2025 proposal in this proceeding to amend Rate
21 GPD of its tariff to address the unique circumstances created by new large data center
22 loads and ensure that accommodating the load growth attributed to data centers does
23 not create unacceptable risks for the Company or its customers. The proposal includes
24 a new “Data Center Provision” under Rate GPD that would be applicable to new data

1 center loads 100 MW or larger at a single site or aggregated sites taking service under
2 Rate GPD as well as certain annual reporting commitments by Consumers to the
3 Commission.

4 My silence in this testimony with regard to any issue should not be construed
5 as an endorsement of Consumers' position on that issue.

6 **Q PLEASE BRIEFLY SUMMARIZE YOUR CONCLUSIONS AND**
7 **RECOMMENDATIONS IN THIS PROCEEDING.**

8 A For the reasons detailed in my testimony herein, the Commission should only approve
9 Consumers' proposal for new data center load as a separate, standalone rate with the
10 modification summarized below:

- 11 • Rather than placing new large data center loads on Rate GPD subject to additional
12 terms and conditions as Consumers has proposed in its Application, to avoid
13 potential intra-class subsidies between existing Rate GPD customers and new
14 large data center loads, Consumers should instead be required from the outset to
15 establish a new rate for new large data center load using the Rate GPD rates,
16 terms, conditions, and applicable riders as an initial starting point for the rate, as
17 well as the additional terms and conditions applicable to new large data center
18 loads discussed below.
- 19 • Consumers should be required to do the following to ensure it does not enter into
20 a contract with a large data center load customer for full-service under an average
21 embedded cost of service rate where Consumers' incremental cost to provide the
22 service exceeds Consumers' average embedded cost to provide the service:
 - 23 ○ In its proposed annual reporting to the Commission, Consumers should
24 demonstrate its expected incremental cost to provide power supply and delivery
25 service to new large data center loads continues to be less than its expected
26 average embedded cost of providing that service.
 - 27 ○ If transmission investments are required to accommodate a new large data
28 center customer, Consumers should verify that Consumers' incurred cost for
29 those investments through higher MISO transmission charges will not cause
30 the incremental cost to serve the new large data center customer to exceed
31 Consumers' average embedded cost to serve that customer.
 - 32 ○ Consumers should be required to, at least on an *ex parte* basis, file an
33 application with the Commission for approval of each proposed large data
34 center load contract and demonstrate in that filing that Consumers' incremental

1 cost to serve that new customer is less than Consumers' average embedded
2 cost to serve it.

- 3 • Given the large size of the resource additions that will likely be needed to serve
4 large data center loads, and the depreciation or contract term of those resources
5 often exceeding 15 years, as a minimum Consumers should be required to include
6 in its large data center full-service contracts a five year evergreen provision under
7 which the term of each customer's full-service contract will be automatically
8 extended at its end by an additional five years unless the customer provides a
9 written notice of termination of the full-service agreement to Consumers at least five
10 years prior to the current contract term end date. This would permit Consumers to
11 reflect such full-service contract terminations and the freed-up capacity they would
12 provide in its resource planning.
- 13 • Given the large size of the resource additions that will likely be needed to serve
14 large data center loads, Consumers should be required, at least on an *ex parte*
15 basis, to file with the Commission an application for approval of any proposed
16 reduction or increase in contract capacity for a large data center customer.
- 17 ○ Regarding a proposed reduction in contract capacity, this filing should
18 demonstrate that the reduction will not result in a stranded asset related to the
19 investment made to serve the customer's original contract capacity request, or
20 otherwise cause costs to be shifted to other customers.
- 21 ○ Regarding a proposed increase in a data center customer's contract capacity,
22 if a proposed increase is 5% or more above the original contract capacity
23 amount for the large data center (or 5% or more above the last contract capacity
24 amount reviewed and approved by the Commission in the case where such
25 review and approval of a contract capacity increase has previously occurred),
26 Consumers should be required to at least make an *ex parte* filing with the
27 Commission requesting approval of the proposed increase in which it must
28 demonstrate it is reasonable and will not cause disruptions on the Company's
29 system and negatively impact service for other customers.

30 **II. Special Rate GPD Provision Versus Separate, Standalone Tariff Rate**

31 **Q PLEASE DESCRIBE CONSUMERS' PROPOSAL IN THIS PROCEEDING AND ITS**
32 **REASONING FOR IT.**

33 **A** Consumers' application indicates that data centers are often massive, energy intensive
34 facilities that require large capital investments to serve their energy needs.¹
35 Consumers notes they require consistent, high levels of demand – operating around

¹ Application at 1-2.

1 the clock and 365 days a year – and are unique in that they are extremely large loads,
2 but bring more risk than traditional manufacturing customers who take service under
3 Consumers' Rate GPD.² Specifically, Consumers indicates data centers do not
4 necessarily have significant numbers of on-site employees or significant local supply
5 chain needs, both of which make it easier for data centers to either reduce their demand
6 or leave a utility service territory.³ Consumers notes this creates a greater risk for
7 stranded assets with respect to data center customers than exists with traditional
8 manufacturing customers who take service under Rate GPD.⁴ Consumers, in its direct
9 testimony, indicates it has over 15,000 MW of data center load in its economic
10 development pipeline from over 30 different data center loads and some of these loads
11 are quoting individual demands greater than 1,000 MW.⁵ In response to Data Request
12 U-21859-DCC-CE-0045, Consumers provided a complete list of those inquiries
13 including the date of each inquiry and, when known, the general location, MW size,
14 requested in-service year, 50% of peak demand year, and peak demand year of each.⁶

15 To put the foregoing into perspective, the current peak system demand on
16 Consumers' system is only approximately 7 GW (7,000 MW).⁷ Even if only one-quarter
17 of the 15 GW of the new data center load inquiries were to be contracted, it would still
18 increase the demand of Consumers' total served load by over 50%. Moreover, even,
19 if only one of the seven 900 MW or higher new data center load inquiries was
20 contracted, it would increase the total demand of Consumers' load by at least 12%.
21 This potentially provides an opportunity to collect a significant new contribution toward

² *Id.* at 2.

³ *Id.* at 2.

⁴ *Id.* at 2.

⁵ Consumers Witness Connolly Direct at 4,8 and 9.

⁶ Consumers Response to Data Request U21859-DCC-CE-0045 at Attachment 1. A complete copy of all data request responses referenced by Mr. Dauphinais in his testimony herein is provided in Exhibit AB-1.

⁷ Consumers Energy Company 2023 FERC Form 1 Report, Page 401b at Column (d).

1 Consumers' average embedded fixed costs to the benefit of Consumers' existing
2 customers to the extent the contracted load fully materializes, remains fully
3 materialized, and provides non-fuel revenues greater than Consumers' incremental
4 fixed cost to serve that load.

5 However, it also presents a significant cost subsidy risk to Consumers' existing
6 customers if either: (i) the collected non-fuel revenues from the fully materialized load
7 are less than the incremental fixed costs incurred by Consumers to serve the load; or
8 (ii) the load fails to full materialize (or fails to remain fully materialized) such that the
9 collected non-fuel revenues from the load fall far enough below what was projected
10 from the load that they no longer cover the incremental fixed costs Consumers incurred
11 to serve the new load that cannot be mitigated. In addition, new loads of this magnitude
12 can potentially introduce resource adequacy, reliability, or service quality issues for
13 existing customers if the resources or facilities necessary to serve the new loads are
14 delayed and the ramp up of the new load is not similarly delayed.

15 To address its concerns, Consumers first sought and received approval in Case
16 No. U-21646 to close Rate LED (Large Economic Development) to new data center
17 loads.⁸ In this current proceeding, Consumers now proposes to subject new data
18 center loads 100 MW or larger requesting service at a single site or at aggregated sites
19 under Consumers' Rate GPD to a new "Data Center Provision."⁹ The proposed "Data
20 Center Provision" under Rate GPD would impose the following on these new data
21 center loads:

- 22 • A 15-year minimum contract term, commencing after the negotiated
23 ramp up period;
- 24 • A Minimum Billing Demand Requirement;

⁸ Case No. U-21646, June 6, 2024 Order.

⁹ Application at 2-3, Connolly Direct at 5, and Exhibit A-1 (LMC-1).

- 1 • Financial Security Stipulations;
- 2 • An exit fee requirement;
- 3 • A one-time reduction to Contract Capacity at the Company’s sole
- 4 discretion;
- 5 • Suspension and/or Contract amendment if the customer uses 1,000
- 6 kW or more above Contracted Capacity; and
- 7 • An upfront administrative fee for project proposal.¹⁰

8 The Company also proposed to provide an annual report to the Commission
9 documenting its service to data center customers. It would include information on the
10 number of administrative fees assessed and the number of executed rate contracts. It
11 would also report aggregated “Data Center Provision” MWs and MWh in service and
12 the number of reductions and/or increases to capacity requests and associated MWs.
13 Finally, it would provide the number of termination contract notices and exit fees
14 applied.¹¹

15 **Q IN GENERAL, HOW DOES ABATE RESPOND TO CONSUMERS’ “DATA CENTER**
16 **PROVISION” PROPOSAL FOR RATE GPD?**

17 **A**The combination of load size, stranded cost risk, and the level of influx associated with
18 new data center load is unprecedented and needs to be addressed by reasonably
19 subjecting this new load to additional requirements designed to protect Consumers’
20 existing customers from potential harm. This said, ABATE disagrees with Consumers’
21 proposal to add a special provision for these new loads to Rate GPD. Instead,
22 Consumers should be required to establish a new separate, standalone rate for these
23 loads. Furthermore, as discussed later in my testimony, the specifics of Consumers’

¹⁰ Connolly Direct at 5.

¹¹ Application at 5.

1 proposed "Data Center Provision" and Consumers' annual reporting commitment do
2 not go far enough toward protecting Consumers' existing customers. They need to be
3 expanded upon as discussed below.

4 **Q PLEASE EXPLAIN WHY CONSUMERS SHOULD BE REQUIRED TO ESTABLISH**
5 **A NEW SEPARATE, STANDALONE RATE FOR LARGE DATA CENTER LOADS**
6 **RATHER THAN SERVE THEM UNDER RATE GPD IN CONJUNCTION WITH**
7 **CONSUMERS' PROPOSED "DATA CENTER PROVISION".**

8 A Consumers' proposed continued use of Rate GPD for these new loads is inconsistent
9 with its own arguments with respect to why these new loads should be treated
10 differently. While Consumers indicates Rate GPD is its most competitive existing rate
11 available to serve this type of load, it also indicates new large scale data centers are
12 different than other Rate GPD customers and are unique in that they are extremely
13 large loads that bring more risk than other Rate GPD customers.¹²

14 Consumers has identified that these new loads have a substantially higher
15 demand and load factor than typical Rate GPD customers, with some of the quoted
16 new loads having a demand in excess of 1,000 MW and the new loads being at high
17 level of demand on a 24 hours a day, 365 days a year basis rather than running varying
18 shifts of production or only operating during normal business hours like traditional
19 industrial or commercial business customers under Rate GPD.¹³ Indeed, Consumers
20 has identified a need to keep all data centers on the same rate to allow the Company
21 to analyze their combined load shape and eventually put them in their own customer
22 class.¹⁴ Furthermore, given the 15 GW of new data center load inquiries that

¹² Connolly Direct at 5 and 9.

¹³ Application at 2 and Connolly Direct at 4.

¹⁴ Connolly Direct at 5.

1 Consumers has received, the influx of new data center load has the potential to quickly
2 overwhelm and dominate the Rate GPD class, such that the Rate GPD class looks
3 much more like data center load than traditional Rate GPD load.

4 With respect to risk, Consumers indicates data centers do not necessarily have
5 significant numbers of on-site employees or significant local supply chain needs, both
6 of which make it easier for data centers to either reduce their demand or leave a utility
7 service territory.¹⁵ As I noted earlier in my testimony, Consumers notes this creates a
8 greater risk for stranded assets with respect to data center customers than exists with
9 traditional manufacturing customers who take service under Rate GPD.¹⁶

10 For the above reasons, the separation of new data center loads from Rate GPD
11 needs to happen now, rather than later. The Commission should therefore order
12 Consumers to establish a separate, standalone rate for new data center loads whose
13 initial rates, terms, conditions, and applicable riders are the same as Rate GPD, but
14 subject to Consumers' proposed "Data Center Provision" modified as I recommend
15 later in my testimony herein. Rate GPD itself would be left as is other than being closed
16 to new large data center load.

17 **Q UNDER YOUR RECOMMENDATION TO ESTABLISH A NEW SEPARATE,**
18 **STANDALONE TARIFF RATE FOR NEW DATA CENTER LOAD AT THIS TIME,**
19 **WHEN WOULD THE RATES UNDER THE NEW SEPARATE, STANDALONE**
20 **TARIFF RATE FOR NEW DATA CENTER LOAD DIVERGE FROM MIMICKING THE**
21 **RATES UNDER RATE GPD?**

22 **A** This would occur when new load starts taking service under the new separate,
23 standalone tariff rate for new data center load and sufficient historical meter data has

¹⁵ *Id.* at 2.

¹⁶ *Id.* at 2.

1 been collected for that load such that Consumers can reasonably allocate its costs
2 based on its own load characteristics. This provides the same interim outcome for the
3 new data center loads as if they initially remained under Rate GPD, but would provide
4 certainty for existing Rate GPD customers with respect to not being subjected to either
5 the risk of intra-class subsidies between them and the new data center loads, or being
6 subject in an unwarranted manner to any of the additional requirements that are being
7 placed on new data center loads to address the risks associated with the latter that are
8 not present for traditional Rate GPD loads.

9 **III. Concerns with “Data Center Provision” Details and Reporting**

10 **Q YOU INDICATED EARLIER THAT YOU ALSO HAVE A CONCERN THAT**
11 **CONSUMERS’ PROPOSED “DATA CENTER PROVISION” FOR RATE GPD AND**
12 **ANNUAL REPORTING COMMITMENTS DO NOT GO FAR ENOUGH WITH**
13 **RESPECT TO PROTECTING CONSUMERS’ EXISTING CUSTOMERS. PLEASE**
14 **EXPLAIN YOUR CONCERN.**

15 **A Consumers’ “Data Center Provision” and annual reporting commitments fall short with**
16 **respect to:**

- 17 • Ensuring Consumers does not enter into a contract with a new large data
18 center load customer for full-service under an average embedded cost of
19 service rate under the “Data Center Provision” where Consumers’ incremental
20 cost to provide the service exceeds Consumers’ average embedded cost of
21 providing that service;
- 22 • Ensuring Consumers’ customers are adequately protected from stranded
23 generation investment costs at the end of the initial 15-year term of service
24 under the “Data Center Provision”; and
- 25 • Ensuring Consumers’ existing customers are adequately protected from any
26 adverse impact resulting from any reduction or increase in the contract
27 capacity for a large data center customer.

1 Q PLEASE EXPLAIN YOUR FIRST CONCERN, RELATED TO CONSUMERS
2 PROVIDING SERVICE UNDER A RATE LESS THAN CONSUMERS'
3 INCREMENTAL COST TO PROVIDE THAT SERVICE.

4 A As I noted earlier in my testimony, Consumers providing electric service to new large
5 data center loads potentially provides an opportunity to collect a significant new
6 contribution toward Consumers' average embedded fixed costs to the benefit of
7 Consumers' existing customers to the extent the contracted load fully materializes,
8 remains fully materialized, and provides non-fuel revenues greater than Consumers'
9 incremental fixed cost to serve that load. However, it also presents a significant cost
10 subsidy risk to Consumers' existing customers if the collected non-fuel revenues from
11 the fully materialized load are less than the incremental fixed costs incurred by
12 Consumers to serve the load. This is a risk with respect to the new data center loads
13 due to the potential number and very great size of these loads.

14 At least seven of the new data center inquiries Consumers has received are
15 900 MW or higher and another eight are in the range of 500 MW to 700 MW.¹⁷
16 Consumers has also reported it has engaged a local transmission owner to examine
17 2.65 GW (2,650 MW) of large load additions and that transmission owner has estimated
18 a transmission infrastructure investment of \$730 million to \$780 million would be
19 necessary to serve that level of load additions.¹⁸ These costs would be in addition to
20 any generation costs and generation interconnection transmission infrastructure costs
21 also incurred to serve this load.¹⁹

22 These generation and transmission costs would neither be directly assigned to
23 new data center loads nor be subject to the Company's Contribution in Aid of

¹⁷ Consumers Responses to Data Request U21859-DCC-CE-0045 at Attachment 1.

¹⁸ Consumers Response to Data Request U21859-DCC-CE-0005.

¹⁹ Consumers Response to Data Requests U21859-DCC-CE-0005 and U21859-DCC-CE-0007.

1 Construction (“CIAC”) provisions, which apply to distribution interconnection costs for
2 new load.²⁰ Consumers would experience the incremental transmission costs to serve
3 the new load, including any generation interconnection transmission infrastructure
4 costs, through higher MISO Schedule 9 and/or 26 transmission charges.²¹ These
5 transmission charges would be passed on by Consumers to all of Consumers’ full-
6 service customers through a combination of Consumers’ base rates and Power Supply
7 Cost Recovery (“PSCR”) factor. Similarly, the generation costs incurred by Consumers
8 to serve the new load would be passed on by Consumers to all of Consumers’ full-
9 service customers through a combination of Consumers’ base rates and PSCR factor.

10 Given all of the above, and the risk that future transmission facility costs could
11 be even greater than estimated, there is a significant risk that the incremental fixed
12 costs incurred by Consumers to serve new data center loads could be in excess of the
13 non-fuel revenues Consumers collects from new data center loads. If that were to
14 occur, Consumers’ existing full-service customers would end up subsidizing either the
15 new data center load customers or Consumers. Consumers has not provided a
16 proposed method for detection and protection with respect to this issue. Therefore,
17 Consumers’ proposal needs to be modified.

18 **Q WHAT DO YOU RECOMMEND TO THE COMMISSION WITH RESPECT TO THIS**
19 **ISSUE?**

20 **A** Consumers should be required to do the following to ensure it does not enter a contract
21 with a large data center load customer for full-service under an average embedded cost

²⁰ Consumers Response to Data Requests U21859-MNSC-CE-0034, U21859-MNSC-CE-0078 and U21859-MNSC-CE-0082.

²¹ Consumers Response to Data Request U21859-DCC-CE-0090.

1 of service rate where Consumers' incremental cost to provide the service exceeds
2 Consumers' average embedded cost to provide the service:

- 3 ○ In its proposed annual reporting to the Commission, Consumers should
4 demonstrate its expected incremental cost to provide power supply and delivery
5 service to new large data center loads continues to be less than its expected
6 average embedded cost of providing that service.
- 7 ○ If transmission investments are required to accommodate a new large data
8 center load customer, Consumers should verify that Consumers' incurred cost
9 for those investments through higher MISO transmission charges will not cause
10 the incremental cost to serve the new large data center customer to exceed
11 Consumers' average embedded cost to serve that customer.
- 12 ○ Consumers should be required to, at least on an *ex parte* basis, file an
13 application with the Commission for approval of each proposed large data
14 center load contract and demonstrate in that filing that Consumers' incremental
15 cost to serve that new customer is less than Consumers' average embedded
16 cost to serve it.

17 **Q PLEASE EXPLAIN YOUR SECOND CONCERN, WHICH WAS RELATED TO**
18 **ENSURING CONSUMERS' CUSTOMERS ARE ADEQUATELY PROTECTED FROM**
19 **STRANDED GENERATION INVESTMENT COSTS AT THE END OF THE INITIAL**
20 **15-YEAR TERM OF SERVICE UNDER THE "DATA CENTER PROVISION".**

21 **A** Consumers indicates it will need to make significant long-term resource investments to
22 serve the new data centers. Specifically, self-build of new generation generally
23 includes resources with a 30 year or longer depreciation schedule and Purchased
24 Power Agreements ("PPAs") that generally have 15- to 25-year terms.²² To ensure the
25 new data center load customers causing Consumers to procure these assets are
26 committed to taking service and paying for the assets in place to service them,
27 Consumers under the "Data Center Provision" proposes that new data center load
28 have a minimum initial term of 15 years upon completion of load ramp up.²³ While this

²² Connolly Direct at 6.

²³ Connolly Direct at 6.

1 partially addresses the issue, it is inadequate because most of the assets in question
2 have a depreciation schedule or term that is greater than 15 years. To be able to
3 mitigate the cost exposure for the remaining years for the asset, Consumers needs to
4 be able to plan to utilize the resources to serve other loads if Consumers will no longer
5 be serving a data center load at the end of its contract. However, due to the challenges
6 associated with supply chain and generation interconnection issues, for Consumers to
7 be able to utilize the assets in question in its resource planning to serve other
8 customers at the end of a data center load contract, Consumers will need
9 approximately five years of advance notice with respect to no longer needing to serve
10 the data center load.

11 **Q WHAT DO YOU RECOMMEND TO ADDRESS THIS ISSUE?**

12 A Given the large size of the resource additions that will likely be needed to serve large
13 data center loads and the depreciation or contract term of those resources often
14 exceeding 15 years, as a minimum Consumers should be required to include in its large
15 data center full-service contracts a five-year evergreen provision under which the term
16 of each customer's full-service contract will be automatically extended at its end by an
17 additional five years unless the customer provides a written notice of termination of the
18 full-service agreement to Consumers at least five years prior to the current contract
19 term end date. This would permit Consumers to reflect such full-service contract
20 terminations and the freed-up capacity they would provide in its resource planning.

1 **Q PLEASE EXPLAIN YOUR LAST CONCERN, WHICH WAS RELATED TO**
2 **ENSURING CONSUMERS' EXISTING CUSTOMERS ARE ADEQUATELY**
3 **PROTECTED FROM ANY ADVERSE IMPACT RESULTING FROM ANY**
4 **REDUCTION OR INCREASE IN THE CONTRACT CAPACITY FOR LARGE DATA**
5 **CENTER CUSTOMERS.**

6 A Consumers has proposed that it have discretion within the bounds of certain criteria
7 with respect to either reducing or increasing a data center customer's contract
8 capacity.²⁴ Consumers should not have such discretion given the potential stranded
9 large resource addition cost issues associated with reducing contract demand, and the
10 potential resource adequacy, reliability, and service quality issues associated with
11 increasing contract demand.

12 **Q WHAT DO YOU RECOMMEND TO ADDRESS THIS ISSUE?**

13 A Consumers should be required, at least on an *ex parte* basis, to file with the
14 Commission an application for approval of any proposed reduction or increase in
15 contract capacity for a large data center customer.

- 16 • Regarding a proposed reduction in contract capacity, the filing should
17 demonstrate that the reduction will not result in a stranded asset related to the
18 investment made to serve the customer's original contract capacity request, or
19 otherwise cause costs to be shifted to other customers.

- 20 • Regarding a proposed increase in a data center customer's contract capacity,
21 if a proposed increase is 5% or more above the original contract capacity
22 amount for the large data center (or 5% or more above the last contract capacity
23 amount reviewed and approved by the Commission in the case where such
24 review and approval of a contract capacity increase has previously occurred),
25 Consumers should be required to at least make an *ex parte* filing with the
26 Commission requesting approval of the proposed increase in which it must
27 demonstrate it is reasonable and will not cause disruptions on the Company's
28 system and negatively impact service for other customers.

²⁴ Connolly Direct at 7-8.

1 Q DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?

2 A Yes, it does.

Qualifications of James R. Dauphinais

1 **Q PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2 A James R. Dauphinais. My business address is 16690 Swingley Ridge Road, Suite 140,
3 Chesterfield, MO 63017, USA.

4 **Q PLEASE STATE YOUR OCCUPATION.**

5 A I am a consultant in the field of public utility regulation and a Managing Principal with
6 the firm of Brubaker & Associates, Inc. ("BAI"), energy, economic and regulatory
7 consultants.

8 **Q PLEASE SUMMARIZE YOUR EDUCATIONAL BACKGROUND AND EXPERIENCE.**

9 A I graduated from Hartford State Technical College in 1983 with an Associate's Degree
10 in Electrical Engineering Technology. Subsequent to graduation, I was employed by
11 the Transmission Planning Department of the Northeast Utilities Service Company¹ as
12 an Engineering Technician.

13 While employed as an Engineering Technician, I completed undergraduate
14 studies at the University of Hartford. I graduated in 1990 with a Bachelor's Degree in
15 Electrical Engineering. Subsequent to graduation, I was promoted to the position of
16 Associate Engineer. Between 1993 and 1994, I completed graduate level courses in
17 the study of power system analysis, power system transients and power system
18 protection through the Engineering Outreach Program of the University of Idaho. By
19 1996 I had been promoted to the position of Senior Engineer.

¹In 2015, Northeast Utilities changed its name to Eversource Energy.

1 In the employment of the Northeast Utilities Service Company, I was
2 responsible for conducting thermal, voltage and stability analyses of the Northeast
3 Utilities' transmission system to support planning and operating decisions. This
4 involved the use of load flow, power system stability and production cost computer
5 simulations. It also involved examination of potential solutions to operational and
6 planning problems including, but not limited to, transmission line solutions and the
7 routes that might be utilized by such transmission line solutions. Among the most
8 notable achievements I had in this area include the solution of a transient stability
9 problem near Millstone Nuclear Power Station, and the solution of a small signal (or
10 dynamic) stability problem near Seabrook Nuclear Power Station. In 1993 I was
11 awarded the Chairman's Award, Northeast Utilities' highest employee award, for my
12 work involving stability analysis in the vicinity of Millstone Nuclear Power Station.

13 From 1990 to 1996, I represented Northeast Utilities on the New England Power
14 Pool Stability Task Force. I also represented Northeast Utilities on several other
15 technical working groups within the New England Power Pool ("NEPOOL") and the
16 Northeast Power Coordinating Council ("NPCC"), including the 1992-1996 New York-
17 New England Transmission Working Group, the Southeastern Massachusetts/Rhode
18 Island Transmission Working Group, the NPCC CPSS-2 Working Group on Extreme
19 Disturbances and the NPCC SS-38 Working Group on Interarea Dynamic Analysis.
20 This latter working group also included participation from a number of ECAR, PJM and
21 VACAR utilities.

22 From 1990 to 1995, I also acted as an internal consultant to the
23 Nuclear Electrical Engineering Department of Northeast Utilities. This included
24 interactions with the electrical engineering personnel of the Connecticut Yankee,

1 Millstone and Seabrook nuclear generation stations and inspectors from the Nuclear
2 Regulatory Commission (“NRC”).

3 In addition to my technical responsibilities, from 1995 to 1997, I was also
4 responsible for oversight of the day-to-day administration of Northeast Utilities' Open
5 Access Transmission Tariff. This included the creation of Northeast Utilities' pre-FERC
6 Order No. 889 transmission electronic bulletin board and the coordination of Northeast
7 Utilities' transmission tariff filings prior to and after the issuance of Federal Energy
8 Regulatory Commission (“FERC” or “Commission”) FERC Order No. 888. I was also
9 responsible for spearheading the implementation of Northeast Utilities' Open Access
10 Same-Time Information System and Northeast Utilities' Standard of Conduct under
11 FERC Order No. 889. During this time, I represented Northeast Utilities on the Federal
12 Energy Regulatory Commission's "What" Working Group on Real-Time Information
13 Networks. Later I served as Vice Chairman of the NEPOOL OASIS Working Group
14 and Co-Chair of the Joint Transmission Services Information Network Functional
15 Process Committee. I also served for a brief time on the Electric Power Research
16 Institute facilitated "How" Working Group on OASIS and the North American Electric
17 Reliability Council facilitated Commercial Practices Working Group.

18 In 1997 I joined the firm of Brubaker & Associates, Inc. The firm includes
19 consultants with backgrounds in accounting, engineering, economics, mathematics,
20 computer science and business. Since my employment with the firm, I have filed or
21 presented testimony before the Federal Energy Regulatory Commission in Consumers
22 Energy Company, Docket No. OA96-77-000; Midwest Independent Transmission
23 System Operator, Inc., Docket No. ER98-1438-000; Montana Power Company, Docket
24 No. ER98-2382-000; Inquiry Concerning the Commission's Policy on Independent
25 System Operators, Docket No. PL98-5-003; SkyGen Energy LLC v. Southern

1 Company Services, Inc., Docket No. EL00-77-000; Alliance Companies, et al., Docket
2 No. EL02-65-000, et al.; Entergy Services, Inc., Docket No. ER01-2201-000;
3 Remediating Undue Discrimination through Open Access Transmission Service,
4 Standard Electricity Market Design, Docket No. RM01-12-000; Midwest Independent
5 Transmission System Operator, Inc., Docket No. ER10-1791-000; NorthWestern
6 Corporation, Docket No. ER10-1138-001, et al.; Illinois Industrial Energy Consumers
7 v. Midcontinent Independent System Operator, Inc., Docket No. EL15-82-000;
8 Midcontinent Independent System Operator, Inc., Docket No. ER16-833-000;
9 Midcontinent Independent System Operator, Inc., Docket No. ER17-284-000; and
10 Midcontinent Independent System Operator, Inc. and Ameren Services Company
11 Docket No. ER18-463-000. I have also filed or presented testimony before the Alberta
12 Utilities Commission, the California Public Utilities Commission, the Colorado Public
13 Utilities Commission, the Connecticut Department of Public Utility Control, the Florida
14 Public Service Commission, the Idaho Public Service Commission, the Illinois
15 Commerce Commission, the Indiana Utility Regulatory Commission, the Iowa Utilities
16 Board, the Kentucky Public Service Commission, the Louisiana Public Service
17 Commission, the Michigan Public Service Commission, the Missouri Public Service
18 Commission, the Montana Public Service Commission, the Nevada Public Utilities
19 Commission, the New Mexico Public Regulation Commission, the Council of the City
20 of New Orleans, the Oklahoma Corporation Commission, the Public Utility Commission
21 of Texas, the Public Service Commission of Utah, the Virginia State Corporation
22 Commission, the Wisconsin Public Service Commission, the Wyoming Public Service
23 Commission, Federal District Court and various committees of the Illinois, Missouri and
24 South Carolina state legislatures. This testimony has been given regarding a wide
25 variety of issues including, but not limited to, ancillary service rates, avoided cost

1 calculations, certification of public convenience and necessity, class cost of service,
2 cost allocation, fuel adjustment clauses, fuel costs, generation interconnection,
3 interruptible rates, market power, market structure, off-system sales, prudence,
4 purchased power costs, resource adequacy, resource planning, rate design, retail open
5 access, standby rates, transmission losses, transmission planning, transmission rates
6 and transmission line routing.

7 I have also participated on behalf of clients in the Southwest Power Pool
8 Congestion Management System Working Group, the Alliance Market Development
9 Advisory Group and several committees and working groups of the Midcontinent
10 Independent System Operator, Inc. ("MISO"), including the Congestion Management
11 Working Group; Economic Planning Users Group; Loss of Load Expectation Working
12 Group; Market Subcommittee; Michigan Transmission Studies Task Force; Planning
13 Subcommittee; Regional Expansion, Criteria and Benefits Working Group; Resource
14 Adequacy Subcommittee (formerly the Supply Adequacy Working Group); and
15 Reliability Subcommittee. I am currently a member of the MISO Advisory Committee
16 in the end-use customer sector on behalf of industrial customer groups in Illinois,
17 Louisiana, Michigan and Texas. I am also the past Chairman of the Issues/Solutions
18 Subgroup of the MISO Revenue Sufficiency Guarantee ("RSG") Task Force.

19 In 2009, I completed the University of Wisconsin-Madison High Voltage Direct
20 Current ("HVDC") Transmission course for Planners that was sponsored by MISO. I
21 am a member of the Power and Energy Society ("PES") of the Institute of Electrical and
22 Electronics Engineers ("IEEE").

23 In addition to our main office in St. Louis, the firm also has branch offices in
24 Corpus Christi, Texas; Louisville, Kentucky; and Phoenix, Arizona.

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Question:

DCC-5. Please provide a description of the transmission infrastructure investment required to accommodate a 15 GW increase in the Company's electric peak load. a. If the Company has evaluated the transmission infrastructure investment necessary to accommodate a different level of peak load increase, identify the specific load increase evaluated and provide a description of the transmission infrastructure investment the Company believes would be required to serve that level of peak load increase.

Response:

Objection of Counsel: Consumers Energy Company objects to this discovery request on the grounds that said request is not relevant to a determination of reasonable modification of the Company's Rate GPD tariff to allow for certain customer protections. Subject to this objection, and without waiving it, Consumers Energy responds as follows:

The Company does not design or construct transmission infrastructure. Furthermore, the Company has not requested the local Transmission Owner to conduct a study to identify the transmission infrastructure investment required to accommodate a 15 GW increase in the Company's electric peak load. The Company provides its firm load forecast to MISO for the 10-year horizon, enabling the Transmission Planner to identify necessary transmission investments.

- a. When a customer requests a significant large load addition, the Company engages with the Transmission Owner and requests a System Impact Study of the transmission system. The Company has engaged with the Transmission Owner for 2.65 GW of large load additions, which the Transmission Owner estimated would necessitate a transmission infrastructure investment of \$730-\$780 million to support the load interconnections. This estimate does not include additional transmission infrastructure required to interconnect additional generation to support the load.

As evidenced in MISO's DPP studies with increasing queue sizes, the Company anticipates that transmission investment will be exponential, rather than linear, when considering an increase from the studied 2.65 GW load additions to the requested 15 GW increase.

Witness: Laura M. Connolly

Date: April 16, 2025

Question:

DCC-7. Please provide a description of the generation investment the Company believes would be required to serve approximately 15 GW of new peak load.

a. If the Company has evaluated the generation investment necessary to accommodate a different level of peak load increase, identify the specific load increase evaluated and provide a description of the generation investment the Company believes would be required to serve that level of peak load increase.

Response:

The Company has not evaluated generation investment required for 15 GW of additional peak load.

- a. The Company has considered load growth scenarios and required generation supply for up to approximately 2 GW of new peak load. Generation investment requirements have not been identified for the load growth, in isolation. Instead, the Company adds load growth scenarios to existing or projected peak load requirements for the entirety of its service territory. Determination of generation investment required for projected peak load is done within the integrated resource plan process. Incremental generation investment would be identified in the Company's next IRP.

Witness: Laura M. Connolly

Date: April 16, 2025

Question:

18. Please identify each type of cost associated with interconnecting a new large load customer of 100 MW or larger. For each type of cost, please identify whether it is directly assigned to the prospective customer load.

Response:

Cost associated with interconnecting a new large load customer of 100 MW or greater includes Transmission and Distribution costs.

Transmission costs could include, but are not limited to, new transmission lines built between the existing transmission facilities and the location of the new load, new transmission switching station(s) at the site of the load or elsewhere, transmission network upgrades such as reconductoring of transmission lines, substation equipment replacement, system protection relaying upgrades, line or substation facilities to increase transmission capacity for the new load addition, and/or line routing and easement acquisition. The transmission costs listed are for interconnection costs of load and do not include additional transmission costs to interconnect new energy resources to serve the load.

Distribution costs could include, but are not limited to, new distribution lines built between existing or new transmission facilities and the new dedicated customer substation, distribution switching station(s), dedicated customer substation(s), line routing and easement acquisition, and/or power factor correction equipment depending on the customer's power factor.

Supply resource costs are not included in these types of costs, as those are associated with serving new load not interconnection costs. Feasibility studies, customer meetings, contract negotiations, etc. are not considered in this response because they could be incurred with or without interconnecting new load.

The Company does not currently direct assign costs to specific customers but rather allocates costs in accordance with the requirements set forth in 2008 PA 286.

Witness: Laura M. Connolly

Date: April 30, 2025

Question:

21859-DCC-CE-0013. Please refer to Connolly Direct at 4:7-8. "The Company has data center inquiries that total over 15 gigawatts of electric load in the economic development pipeline." Please provide a spreadsheet or other document listing each of the referenced "data center inquiries," and identify, for each inquiry: a) the proposed location; b) the associated electric load and/or contract capacity; and c) the timeline for energization and delivery of requested capacity, including any proposed load ramp.

Response:

See attached

Witness: Laura M. Connolly

Date: May 13, 2025

Id	Location	Load (MW)	Requested in-service year	50% of peak year	Peak demand reached year	Date of Inquiry	Description
A	East Central Region	400	As soon as possible	Unknown	Unknown	10/7/2024	Data Center
B	South Central Region	1,000	Q1 2026	Q2 2033	Q1 2040	10/14/2024	Data Center
C	Unknown	300	Unknown	Unknown	Unknown	11/6/2024	Data Center
D	East Central Region	300	As soon as possible	Unknown	Unknown	7/15/2024	Data Center
E	Unknown	200	As soon as possible	Unknown	Within 36 months	5/7/2024	Data Center
F	Southwest Region	Unknown	Unknown	Unknown	Unknown	12/3/2024	Data Center
G	Unknown	200	Unknown	Unknown	Unknown	11/19/2024	Data Center
H	Unknown	250	As soon as possible	Unknown	Unknown	3/10/2025	Data Center
I	East Central Region	1,000	As soon as possible	Unknown	Within 36 months	2/26/2025	Data Center
J	West Region	300	Q1 2029	Q4 2030	Q4 2033	3/1/2024	Data Center
K	Unknown	300	Q4 2029	Q2 2030	Q4 2033	6/6/2024	Data Center
L	East Region	100	Unknown	Unknown	Unknown	1/9/2025	Data Center
M	Unknown	300	Unknown	Unknown	Q1 2030	12/14/2024	Data Center
N	East Region	700	Unknown	Unknown	Unknown	2/4/2025	Data Center
O	Unknown	1,000	Within 2-3 years	Unknown	Within 5-10 years	2/28/2025	Data Center
P	East Central Region	300	Unknown	Unknown	Unknown	3/10/2025	Data Center
Q	Unknown	Unknown	Unknown	Unknown	Unknown	7/29/2024	Data Center
R	Unknown	500	Unknown	Unknown	Unknown	8/7/2024	Data Center
S	South Central Region	100	Unknown	Unknown	Unknown	10/14/2024	Data Center
T	Unknown	Unknown	Q1 2027	Unknown	Q1 2031	10/31/2024	Data Center
U	Southwest Region	50	Unknown	Unknown	Unknown	12/19/2024	Data Center
V	Unknown	1,200	Q1 2028	Q2 2029	Q4 2030	10/16/2024	Data Center
W	Unknown	300	Unknown	Unknown	Unknown	8/19/2024	Data Center

Id	Location	Load (MW)	Requested in-service year	50% of peak year	Peak demand reached year	Date of Inquiry	Description
X	Southwest Region	4	2024	2024	2024	7/25/2024	Data Center
Y	Unknown	300	Unknown	Unknown	Unknown	1/15/2025	Data Center
Z	Unknown	Unknown	Unknown	Unknown	Unknown	10/31/2024	Data Center
AA	Unknown	500	Unknown	Unknown	Unknown	9/10/2024	Data Center
AB	Unknown	1,000	Q1 2029	Unknown	Unknown	10/31/2024	Data Center
AC	Unknown	500	Q1 2026	Unknown	Q1 2029	7/12/2024	Data Center
AD	Unknown	Unknown	Unknown	Unknown	Unknown	10/29/2024	Data Center
AE	Unknown	500	Q3 2026	Q3 2027	Q3 2029	7/25/2024	Data Center
AF	Unknown	500	Unknown	Unknown	Unknown	10/10/2024	Data Center
AG	Unknown	600	Q4 2027	Unknown	2030	12/11/2024	Data Center
AH	Unknown	145	Unknown	Unknown	Unknown	7/31/2024	Data Center
AI	Unknown	1,000	2027	Unknown	Unknown	2/4/2025	Data Center
AJ	Southeasterly Region	500	Unknown	Unknown	Q1 2029	1/6/2025	Data Center
AK	Unknown	900	Q4 2027	Q4 2028	Q4 2029	9/11/2024	Data Center
AL	East Central	Unknown	Unknown	Unknown	Unknown	11/21/2024	Data Center

Question:

13. Please refer to the response to U21859-MNSC-CE-0034.
- a. Please identify the specific portion(s) of 2008 PA 286 to which the Company is referring in the Company's statement that it "allocates costs in accordance with the requirements set forth in 2008 PA 286."
 - b. Are the referenced requirements for allocating new load interconnection costs under 2008 PA 286 implemented in specific tariffs or cost of service methodologies? If so, please identify and produce those tariffs and cost of service methodologies.
 - c. Explain how the Company's Contribution In Aid of Construction policy interacts with the referenced requirements for allocating new load interconnection costs.
 - d. The response to U21859-MNSC-CE-0034 lists dedicated customer substation(s) as a potential distribution cost associated with interconnecting a new large load customer of 100 MW or greater. Define "dedicated." Explain why the Company would not directly assign the cost of "dedicated" customer infrastructure to that customer.

Response:

- a. The response incorrectly referenced 2008 PA 286 when the reference should have been MCL 460.11(1). MCL 460.11(1) states that "the commission shall ensure the establishment of electric rates equal to the cost of providing service to each customer class." The Company files and has its COSS reviewed for adherence of this standard and approved by the Commission.
- b. The requirements apply to the COSS in its entirety. For a copy of the Company's most recently approved COSS, please see the Company's response to U-21859-DCC-CE-0009.
- c. The Company's CIAC policy is outlined in its approved tariff on Sheets 3.0 -4.0. The Company may collect from customers the cost of distribution facilities via a refundable contribution (Customer Advance) or non-refundable contribution (CIAC). CIAC is removed from the plant balance that gets included in the Company's COSS and Customer Advances, which are treated as a deduction to rate base, are currently allocated based on distribution plant in service.
- d. Dedicated refers to a substation put in place to serve one customer. See the Company's response to subpart c for an explanation of how the Company recovers those costs from that customer.

Witness: Laura M. Connolly**Date:** May 30, 2025

Question:

21859-DCC-CE-0031.

Which MISO rate schedules recover the cost of incremental transmission infrastructure built to serve Consumers' retail customers?

Response:

MISO Rate Schedules 9 and 26 are the main two schedules responsible for a majority of the incremental costs for Michigan retail customers.

Witness: Laura M. Connolly

Date: May 30, 2025

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of)
CONSUMERS ENERGY COMPANY for)
Ex Parte Approval of Certain Amendments to)
Rate GPD.)
_____)

Case No. U-21859

Hon. Katherine E. Talbot

PROOF OF SERVICE

STATE OF MICHIGAN)
) ss
COUNTY OF WAYNE)

Stephen A. Campbell, being first duly sworn, deposes and says that on June 12, 2025, he did cause to be served the *Association of Businesses Advocating Tariff Equity's Direct Testimony & Exhibits of James R. Dauphinais*, as well as this *Proof of Service*, in the above docket, via electronic mail, to the persons identified on the attached service list.

Stephen A.
Campbell

Digitally signed by: Stephen A. Campbell
DN: CN = Stephen A. Campbell email =
SCampbell@clarkhill.com C = US O = Clark Hill
PLC
Date: 2025.06.12 15:18:49 -04'00'

Stephen A. Campbell

SERVICE LIST
MPSC Case No. U-21859

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