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June 23, 2025

Ms. Lisa Felice, Executive Secretary
Michigan Public Service Commission
7109 W. Saginaw Hwy.
Lansing, MI 48917

Re: MPSC Docket No. U-21870

Dear Ms. Felice:

Enclosed herewith for filing in the above-referenced matter, please find the Entry of Appearance in an Administrative Hearing, the Petition of Solar Technology LLC for Leave to Intervene, and a Proof of Service.

If you have any questions regarding the enclosures, please do not hesitate to contact my office. Thank you.

Very truly yours,

Fraser Trebilcock Davis Dunlap & Cavanaugh, P.C.



Jennifer U. Heston

JUH/cjf
Enclosures
Cc: All parties of record

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
PUBLIC SERVICE COMMISSION

ENTRY OF APPEARANCE IN AN ADMINISTRATIVE HEARING

This form is issued as provided for by 1939 PA 3, as amended, and by 1933 PA 254, as amended. The filing of this form, or an acceptable alternative, is necessary to ensure subsequent service of any hearing notices, Commission orders, and related hearing documents.

General Instructions:

Type or print legibly in ink. For assistance or clarification, please contact the Public Service Commission at 517-284-8090.

*Please Note: The Commission will provide **electronic** service of documents to all parties in this proceeding.*

THIS APPEARANCE TO BE ENTERED IN ASSOCIATION WITH THE ADMINISTRATIVE HEARING:

Case / Company Name: CONSUMERS ENERGY COMPANY Docket No. U- 21870

Please enter my appearance in the above-entitled matter on behalf of:

| |
|-----------------------------------|
| 1. (Name) Solar Technology LLC |
| 2. (Name) |
| 3. (Name) |
| 4. (Name) |
| 5. (Name) |
| 6. (Name) |
| 7. (Name) |

Name Jennifer U. Heston
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Date 06/23/2025

Signature: 

| |
|---|
| <input type="radio"/> I am not an attorney |
| <input checked="" type="radio"/> I am an attorney whose: Michigan Bar # is P- <u>65202</u> _____ Bar # is: _____ (state) |

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of)
CONSUMERS ENERGY COMPANY)
for authority to increase its rates for the)
generation and distribution of electricity)
and for other relief.)
_____)

Case No. U-21870

PETITION OF
SOLAR TECHNOLOGY LLC
FOR LEAVE TO INTERVENE

NOW COMES Solar Technology LLC (“Solar Tech” or “Petitioner”), by and through its attorneys, Fraser Trebilcock Davis Dunlap & Cavanaugh, P.C., and hereby submits its petition to this Honorable Commission seeking leave to intervene in the above-entitled action pursuant to Rule 410 of the Commission’s Rules of Practice and Procedure, R. 792.10410. In support of this petition, Petitioner states as follows:

1. This docket involves an application by Consumers Energy Company (“Consumers”) for authority to increase its rates for the generation and distribution of electricity and for other relief.

2. Petitioner is a Michigan limited liability company with its principal offices located Saginaw County, Michigan. Petitioner is a customer of Consumers.

3. Petitioner has direct and vital interests in the issues raised in this docket because Petitioner purchases large quantities of electricity from Consumers and will be subject to the rates, terms and conditions of service approved in this case. Consumers’ proposals will affect what Petitioner must pay for electric service rendered in the future.



4. Petitioner currently purchases electricity from Consumers under Rate LED, Consumers' Large Economic Development Rate.

5. In its application, Consumers is seeking approval an annual rate increase of \$436 million based on a projected test year ending April 30, 2027. Consumers is also proposing several changes to Rate LED including an increase in rates, a new facilities allowance, and a new adjustment for power factor, as well as several new surcharges that would be applied to Rate LED.

6. Petitioner has a direct interest in the rates, terms and conditions applicable to Consumers' electric service including, but not limited to, Consumers' proposals related to rates that the Petitioner pays or may pay in the future. Therefore, the Petitioner, as a ratepayer, has a direct interest in this case because it has a direct financial stake in the rates.

7. There are several legal bases for standing to intervene in a proceeding before the MPSC. The first is standing as of right. "The Commission has repeatedly held that prospective intervenors must generally satisfy the two-prong test for standing established in Association of Data Processing Service Organizations, Inc. v Camp, 397 US 150 (1970), which has been applied to utility matters in Drake v The Detroit Edison Company, 453 F Supp 1123 (WD Mich, 1978). This test requires the prospective intervenor to show: (1) that it will suffer an injury in fact, and (2) that the interests allegedly endangered are within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question." See, e.g., In re Michigan Consolidated Gas Company, MPSC Case No. U-10150 (December 8, 1992).

8. Petitioner meets the Commission's test for standing as a matter of right because it is a customer of Consumers. As such, it has shown (1) that it will suffer an injury in fact if the final order in this case approves rates, terms or conditions that are unreasonable, and (2) an

interest which falls within the “zone of interests” to be protected or regulated in the context of this case. See, e.g., Michigan Consolidated Gas Company, MPSC Case No. U-9138 (November 10, 1988).

9. Turning first to the “injury in fact” test, it has been recognized in numerous rate cases before the MPSC that ratepayers have standing to intervene in rate cases because they are affected by the rates that are at issue in the rate cases. See, e.g., Consumers’ 11 most recent prior rate cases where ratepayers were granted standing to intervene. MPSC Case Nos. U-15245, U-15645, U-16191, U-16794, U-17735, U-17990, U-18322, U-20697, U-21124, U-21389, and U-21585.

10. The amounts that the Petitioner will pay to Consumers will have a direct impact upon the Petitioner. Clearly, any case which will involve a determination of the costs that the Petitioner will pay to Consumers will impact the Petitioner. If the rates that are applicable to the Petitioner are set at levels that are not reasonable, the extra expenses incurred by the Petitioner will constitute an injury in fact to the Petitioner.

11. The second prong of the two-pronged test for standing as a matter of right is a showing that the prospective intervenor’s interest falls within the “zone of interests” to be protected or regulated in the context of the case. Here, the Petitioner is a ratepayer who pays and will continue to pay rates and comply with terms and conditions under tariffs that are to be regulated in the context of this case.

12. Paragraph 2 of Consumers’ Application in this case states: “Consumers Energy’s retail electric business is subject to the jurisdiction of the Commission pursuant to various provisions of 1909 PA 106, as amended, MCL 460.551 *et seq.*, 1919 PA 419, as amended, MCL 460.54 *et seq.*, and 1939 PA 3, as amended, MCL 460.1, *et seq.* Pursuant to

these statutory provisions, the Commission has the power and jurisdiction to regulate Consumers Energy's retail electric rates."

13. Thus, Consumers has confirmed that the rates that are of interest to the Petitioner in this case are to be regulated in the context of this rate case. In other words, a ratepayer's interest in rates is within the zone of interests to be regulated in a rate case. More specifically, this Petitioner, as a ratepayer, has stated an interest in rates that Consumers admits are to be regulated by the Commission in the context of this case.

14. Thus, Consumers' rates fall within the zone of interests to be regulated by the Commission in this case, and the Petitioner's interest in fair and reasonable rates fall within the zone of interests to be protected in this case.

15. Having demonstrated that its interest as a ratepayer satisfies the two-pronged test for standing as a matter of right, the Petitioner respectfully submits that it is entitled to intervene in this case as a matter of right.

16. Even if it were determined that Petitioner does not have standing as a matter of right, it would be entitled to intervene under the Commission's discretionary intervention standards. There are at least two alternative bases for discretionary intervention at the Commission. The first has been described by the Commission as follows: "the Commission's discretion to grant leave to intervene is broader than the two-prong test. As recognized in prior Commission orders, the requirements for standing before the Commission are not as strict as those applied by the courts. Unlike a court of law, an administrative agency can allow intervention whenever the resulting delay will likely be outweighed by the benefit of the intervenor's participation." In re Michigan Consolidated Gas Company, MPSC Case No.

U-10150 (December 8, 1992) (In that case, the Commission found that discretionary intervention was appropriate, and “a detailed discussion of the two-prong test is unnecessary”).

17. Here, delay would clearly result from a denial of the Petitioner’s Petition for several reasons. First, of course, the Petitioner would appeal any such denial and, based on the overwhelming weight of applicable precedent, would likely prevail. At that point, the Petitioner would join the proceedings in progress, and would have the right to insist on a change in the schedule to accommodate its need to fully participate in the proceedings. This process would inevitably result in unnecessary delay.

18. Still another source of potential delay is based on the fact that new issues may be raised during the course of this case that may provide the Petitioner with the right to intervene later in the case. For example, paragraph 28 of Consumers’ Application states, in part, as follows: “Consumers Energy reserves the right to revise, amend, or otherwise change the relief it is requesting in any way appropriate depending upon the duration and progress of hearings in this proceeding, the issuance of orders that have an impact upon this case, or the occurrence of other material events.”

19. If Petitioner were to wait to seek intervention until after Consumers submits an amended or supplemental filing, its late intervention in the case would be justified, but it could cause delay in the proceedings.

20. Moreover, if the Petitioner waits to seek intervention until after Consumers submits an amended or supplemental filing, it could be argued that its Petition to Intervene would be untimely. This could lead to more delay as the parties argue the timeliness issue.

21. It should also be noted that, in order to protect its right to be heard with respect to the future unknown proposals that Consumers may make, but has not yet revealed to the public, Petitioner's Petition to Intervene should be granted now.

22. The second category of discretionary intervention is granted where a prospective intervenor can provide useful information to the Commission or a unique perspective on the issues to be resolved. See, *e.g.*, In re Mascotech Forming Technologies, Inc., MPSC Case No. U-11057 (June 5, 1996); In re MCI Metro Access Transmission, Inc., MPSC Case No. U-10610 (November 30, 1994); and In the matter, on the Commission's own motion, to investigate the appropriateness of instituting a surcharge to assist in the funding of the Gas Technology Institute, MPSC Case No. U-14561 (October 18, 2005).

23. Here, the Petitioner is a very large industrial ratepayer who has significant interests in the case and is capable of providing information useful to the Commission. Petitioner offers a unique perspective on this case. Petitioner is one of, at most, only a few existing customers taking service pursuant to Rate LED.

24. Thus, the Petitioner has demonstrated its standing to intervene in this case on all available bases: as of right, and under both forms of discretionary intervention.

25. It is the position of the Petitioner that Consumers' proposals should be carefully examined and revised as necessary to assure that the terms and conditions are just and reasonable, as required by law.

26. Petitioner seeks to intervene on the grounds that the rates, terms and conditions of service affected by this proceeding will directly and substantially impact it. Petitioner respectfully submits that because it will be directly and substantially affected by Consumers' rates, the Commission should permit Petitioner to intervene as a full party of record in these

proceedings and be given the opportunity to conduct discovery, to cross-examine witnesses, to present witnesses on their behalf, if necessary, and to generally advocate its positions with respect to all issues presented.

27. Petitioner intends to address Consumers' proposed changes to Rate LED. Petitioner will take the position that Consumers' filing should be carefully scrutinized and any unjustified, unsubstantiated, or imprudently incurred costs should be disallowed, and any unjust, unreasonable, or unlawful terms or conditions should be rejected.

28. Petitioner reserves the right to raise new and different positions if, and when, this case proceeds to full hearings and following a full review of the utility testimony filed in this case and responses to discovery, as may be relevant and appropriate.

29. Petitioner reserves the right to take other positions and/or seek other relief based on any proposals that may be submitted by other parties in this case.

30. The relief that Petitioner seeks in this proceeding is an order approving only those rates, terms and conditions of service that are just, reasonable and lawful. Petitioner reserves the right to seek other relief based on a review of the filings and/or discovery responses in this proceeding.

31. Petitioner's interests, as set forth above, are not adequately represented by the present parties and, therefore, it would be detrimental to the public interest to deny this Petition to Intervene.

32. Because the issues set forth above are of great significance to Petitioner and to the public, a denial of this Petition would result in a miscarriage of justice.

WHEREFORE, the Petitioner, Solar Technology LLC, hereby respectfully requests that this Honorable Commission grant it Leave to Intervene in the above-entitled proceedings as a full party of record.

Respectfully submitted,

FRASER TREBILCOCK DAVIS DUNLAP & CAVANAUGH, P.C.
ATTORNEYS FOR SOLAR TECHNOLOGY LLC



Date: June 23, 2025

By: _____
Jennifer U. Heston (P65202)

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STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of)
CONSUMER ENERGY COMPANY)
for authority to increase its rates for the)
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and for other relief.)
_____)

Case No. U-21870

PROOF OF SERVICE

Caroline J. Fisher hereby certifies that, on the 23rd day of June, 2025, she electronically filed the Entry of Appearance and Petition of Solar Technology LLC for Leave to Intervene, with the Michigan Public Service Commission and served them on the persons identified in the attached service list by electronic mail.

/s/Caroline J. Fisher
Caroline J. Fisher

U-21870 SERVICE LIST

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|---|--|
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