



**Dykema Gossett PLLC**  
Capitol View  
201 Townsend Street, Suite 900  
Lansing, MI 48933

WWW.DYKEMA.COM

Tel: (517) 374-9100

Fax: (517) 374-9191

**Richard J. Aaron**

Direct Dial: (517) 374-9198

Direct Fax: (855) 230-2517

Email: RAaron@dykema.com

June 25, 2025

Ms. Lisa Felice  
Executive Secretary  
Michigan Public Service Commission  
7109 West Saginaw Hwy, 3rd Floor  
Lansing, MI 48909

Re: Case U-21870 - *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.*

Dear Ms. Felice:

Enclosed for electronic filing is Michigan Electric Transmission Company, LLC's Petition to Intervene, Affidavit in Support of Petition to Intervene, and Proof of Service in the above-referenced matter.

Sincerely,

**DYKEMA GOSSETT PLLC**

Richard J. Aaron

4901-2871-2528.1

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

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In the matter of the Application of )  
CONSUMERS ENERGY COMPANY for )      Case No. U-21870  
authority to increase its rates for the )  
generation and distribution of electricity )  
and for other relief. )

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**MICHIGAN ELECTRIC TRANSMISSION COMPANY, LLC'S**  
**PETITION TO INTERVENE**

Michigan Electric Transmission Company, LLC (“METC”) respectfully petitions the Michigan Public Service Commission (the “Commission”) for leave to intervene in the above-listed proceedings pursuant to the Commission’s Rules of Practice and Procedure:

**I.      **INTERVENTION STANDARD****

The Michigan Public Service Commission (“Commission”) Rules of Practice and Procedure set forth the general criteria for intervention. Mich Admin Code, R 792.10410. The Commission generally recognizes two types of intervention: (1) intervention by right; and (2) permissive intervention. METC meets the Commission’s tests for both types of intervention.

A.      Intervention By Right

For the Commission to grant intervention by right, a prospective intervenor must satisfy a traditional two-prong test for standing in Commission proceedings. See *In re Detroit Edison Co*, Opinion and Order, Case Nos. U-15768 and U-15751, p 7 (January 11, 2010) (hereinafter “*In re Detroit Edison*”), citing *Ass’n of Data Processing Serv Orgs Inc v Camp*, 397 U.S. 150; 90 S. Ct. 827; 25 L. Ed. 2d 184 (1970). To satisfy the first

prong of the *Data Processing* test, an intervenor must be likely to suffer an injury-in-fact as a result of the outcome of the proceeding. *In re Detroit Edison* at 7; *Drake v Detroit Edison Co*, 453 F Supp 1123, 1127 (WD Mich 1978).

To satisfy the second prong of the *Data Processing* test, a prospective intervenor must be within the zone of interests protected or regulated by the statute or statutes governing a particular proceeding. *In re Detroit Edison* at p 7. “The zone of interests test does not present a difficult barrier for litigants to negotiate insofar as it must only be shown that the asserted interests are arguably within the zone of interests to be protected.” *Drake*, 453 F Supp at 1129. Indeed, the court in *Drake* noted that the zone of interests test is generally a liberal one. *Id.*

B. Permissive Intervention

Permissive intervention is appropriate when an intervenor’s participation can provide useful information to the Commission and when a proceeding “raises novel questions and important issues of policy” and the intervenor will “bring a unique perspective” to the case. *In re Consumers Energy Co*, Order, Case No. U-17771, pp 2-3, 6 (October 27, 2015), citing *In re Mascotech Forming Technologies Inc.*, Opinion and Order, Case No. U-11057 (June 5, 1996). “As recognized in prior Commission orders, ‘the Commission’s discretion to grant leave to intervene is broader than the two-prong test . . . . 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.’” *Id.* at 5, citing *In re Michigan Consol Gas Co*, Opinion and Order, Case No. U-10150, p 5 (December 8, 1992).

## II. BACKGROUND REGARDING METC’S RELATIONSHIP WITH CONSUMER’S RATE CASE

METC is a Michigan corporation engaged in the transmission of electricity under the jurisdiction of Federal Energy Regulatory Commission (“FERC”). METC owns, operates, maintains, and plans the transmission system in Consumers Energy’s (“Consumers”) service territory, and transmission service over METC’s facilities is provided by the Midcontinent Independent System Operator, Inc. (“MISO”) pursuant to its Open Access Transmission, Energy and Operating Reserves Tariff. METC is a customer of Consumers.

## III. METC SATISFIES THE COMMISSION’S INTERVENTION STANDARDS AND SHOULD BE PERMITTED TO INTERVENE

### A. Intervention By Right

METC satisfies both prongs of the *Data Processing* test for standing to intervene in Commission proceedings because METC is: (1) likely to suffer an injury-in-fact as a result of the outcome of the proceeding; and (2) within the zone of interests of applicable law.

A “direct financial impact” on a prospective intervenor constitutes a potential injury-in-fact under the first prong. *In the matter, on the Commission’s own motion, establishing the method and avoided cost calculation for DTE Electric Company to fully comply with the Public Utility Regulatory Policies Act of 1978, 16 USC 2601 et seq.*, Opinion and Order, Case No U-18091, p 14 (February 21, 2019). Because METC is a customer of Consumers and is therefore directly impacted by any change in rates, METC is likely to suffer an injury-in-fact as a result of this proceeding.

Furthermore, METC’s interests fall within the zone of interests sought to be protected in this case because METC has an interest relating to the transactions that are the subject of this action. Specifically, METC has an interest in Consumers’ distribution grid modernization, electric vehicle (“EV”) charging and infrastructure planning, and planning for the addition of new large load customers and associated load impacts and rate setting from those customers. As the only independent transmission company within Consumers’ service territory, METC has a substantial interest in the way Consumers addresses the financial and reliability risks associated with each topic, such as new or changing infrastructure requirements. Moreover, the disposition of this action, without the intervention of METC, may impair or impede METC’s ability to protect those interests. METC also has an interest in investment in the subtransmission system to the extent that it impacts METC’s high-side subtransmission assets. Finally, as demonstrated by Consumers’ Application, there are a number of Consumers’ projects for which METC and Consumers work cooperatively.

B. Permissive Intervention

METC also meets the Commission’s criteria for permissive intervention because, as an independent transmission company, METC has a unique perspective on the issues to be decided in this case, has questions of fact in common to Consumers, and is in an excellent position to provide pertinent evidence during the proceedings.

As the Commission’s Rules of Practice and Procedure explain, the Rules “shall be liberally construed to secure a just, economical, and expeditious determination of the issues presented.” Mich Code Admin, R 792.10403(2). Because METC will provide useful information to the Commission and, given its role as both customer and

transmission provider in Consumers' service territory, will provide expertise on issues directly affected by Consumers' proposals in this case, METC satisfies the test for permissive intervention.

#### **IV. METC'S POSITIONS IN THIS PROCEEDING**

Based on METC's initial review of Consumers' Application, if intervention is granted, METC anticipates participating in all phases of this proceeding. As a customer, METC has an interest in assuring that Consumers' rates are designed to provide for recovery of reasonable and prudently incurred costs. As Consumers' main transmission provider, METC will be involved in matters related to Consumers' distribution grid modernization, EV programs, actions taken to address large load customers, such as the proposed changes to its Large Economic Development Rate, projects that impact the high-side of the subtransmission system, and certain projects that impact effective grid operation, all of which are at issue in this proceeding. See, e.g., Application, p 10. METC's interests are not adequately represented by any other party and, therefore, it would be detrimental to the public interest to deny this Petition to Intervene. Moreover, the Commission has granted METC's intervention in Consumers' last three previous rate proceedings, including Case Nos. U-21585, U-21389, and U-21224. The Commission should again grant METC intervention in this proceeding.

#### **V. CONCLUSION**

METC satisfies the Commission's criteria for both intervention by right and permissive intervention. Accordingly, METC should be granted intervention along with the full rights of a party pursuant to the Commission's Rules of Practice and Procedure and the Administrative Procedures Act of 1969.

WHEREFORE, METC respectfully requests that this Honorable Commission:

- A. Grant Leave to Intervene as requested herein; and
- B. Grant such further and additional relief as may be lawful and proper.

Dated: June 25, 2025

Respectfully submitted,

**DYKEMA GOSSETT PLLC**

By: \_\_\_\_\_

Richard J. Aaron (P35605)  
Courtney F. Kissel (P74179)  
Olivia R.C.A. Flower (P84518)  
Hannah E. Buzolits (P84702)  
Anthony J. Hunt (P87976)  
201 Townsend Street, Suite 900  
Lansing, Michigan 48933  
(517) 374-9100

[RAaron@dykema.com](mailto:RAaron@dykema.com)

[Ckissel@dykema.com](mailto:Ckissel@dykema.com)

[OFlower@dykema.com](mailto:OFlower@dykema.com)

[HBuzolits@dykema.com](mailto:HBuzolits@dykema.com)

[AHunt@dykema.com](mailto:AHunt@dykema.com)

*Attorneys for METC*

**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 ) Case No. U-21870  
generation and distribution of electricity )  
and for other relief )

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**AFFIDAVIT OF ADELAIDE PASCARIS IN SUPPORT OF MICHIGAN ELECTRIC  
TRANSMISSION COMPANY, LLC'S PETITION TO INTERVENE**

STATE OF MICHIGAN )  
 )ss:  
COUNTY OF Oakland )

Adelaide Pascaris, being first sworn, states:

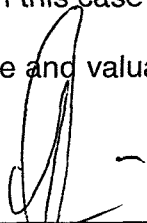
1. I have personal knowledge of the facts set forth in this Affidavit and file it in support of the Petition to Intervene of Michigan Electric Transmission Company, LLC ("METC") in Case No. U-21870. If sworn as a witness, I could testify competently to the truth of the matters set forth in this Affidavit.
2. I am the Manager of Regulatory Strategy at ITC Holdings Corp. ITC Holdings Corp. is the parent company of METC. METC is a Michigan corporation engaged in the Federal Energy Regulatory Commission ("FERC") jurisdictional transmission of electricity whose footprint mirrors that of Consumers Energy Company ("Consumers") METC purchased its assets from Consumers, on September 22, 2006.
3. METC owns, operates, maintains, and plans the transmission system in Consumers' service territory. METC owns a fully-regulated, high-voltage system that transmits electricity to local electricity distribution facilities.

4. METC has standing to intervene as of right in this matter because Consumers' Application addresses several issues the resolution of which may cause injury in fact to METC. Consumers' Rate Case addresses proposals regarding distribution grid modernization, electric vehicle ("EV") charging and infrastructure planning, and planning for the addition of new large load customers and associated load impacts and rate setting from those customers. Furthermore, METC provides electric transmission services to Consumers and is directly impacted by their rate changes.

5. In addition, METC, as a transmission owner, may have information about potential new or upgraded electric transmission options that may be relevant to these proceedings.

6. The Commission has consistently recognized METC's interests and standing to intervene in cases involving Consumers. Intervention in this case is timely, appropriate, and will provide the Commission with unique perspective and valuable information.

Date: 6-24-25

  
\_\_\_\_\_  
Adelaide Pascaris  
Manager of Regulatory Strategy  
TC Holdings Corp.

Subscribed and sworn to before me in Oakland County,  
Michigan, this 24<sup>th</sup> day of June, 2025

Laura J. McCray  
Laura J. McCray  
Notary Public, State of Michigan, County of Oakland  
My commission expires: 7/31/27  
Acting in the County of Oakland

LAURA J MCCRAY  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Jul 30, 2027  
ACTING IN COUNTY OF Oakland

**STATE OF MICHIGAN  
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In the matter of the application of )  
Consumers Energy Company for )  
authority to increase its rates for the ) Case No. U-21870  
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and for other relief. )  
)  
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)

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**PROOF OF SERVICE**

Melissa A. Goodrich, an employee of Dykema Gossett PLLC, being first duly sworn, deposes and says that on the 25<sup>th</sup> day of June, 2025, she served Michigan Electric Transmission Company, LLC's Petition to Intervene, Affidavit in Support of Petition to Intervene, and Proof of Service on the parties listed on the attached service list via electronic mail.

\_\_\_\_\_  
Melissa A. Goodrich

**SERVICE LIST**  
**MPSC CASE NO: U-21870**

<b>ADMINISTRATIVE LAW JUDGE</b> Jonathan F. Thoits	<a href="mailto:thoitsj@michigan.gov">thoitsj@michigan.gov</a>
<b>CASE COORDINATOR</b> Lori Mayabb	<a href="mailto:mayabbl@michigan.gov">mayabbl@michigan.gov</a>
<b>ATTORNEY GENERAL, DANA NESSEL</b> Celeste R. Gill Lucas Wollenzien	<a href="mailto:GillC1@michigan.gov">GillC1@michigan.gov</a> <a href="mailto:WollenzienL@michigan.gov">WollenzienL@michigan.gov</a> <a href="mailto:ag-enra-spec-lit@michigan.gov">ag-enra-spec-lit@michigan.gov</a>
<b>CONSUMERS ENERGY COMPANY</b> Gary A. Gensch, Jr. Spencer A. Sattler Evan B. Keimach Bret. A. Totoraitis Anne M. Uitvlugt Mark R. Ruszkiewicz	<a href="mailto:Gary.genschjr@cmsenergy.com">Gary.genschjr@cmsenergy.com</a> <a href="mailto:Spencer.sattler@cmsenergy.com">Spencer.sattler@cmsenergy.com</a> <a href="mailto:Evan.keimach@cmsenergy.com">Evan.keimach@cmsenergy.com</a> <a href="mailto:Bret.totoraitis@cmsenergy.com">Bret.totoraitis@cmsenergy.com</a> <a href="mailto:Anne.uitvlugt@cmsenergy.com">Anne.uitvlugt@cmsenergy.com</a> <a href="mailto:Mark.ruszkiewicz@cmsenergy.com">Mark.ruszkiewicz@cmsenergy.com</a> <a href="mailto:Mpsc.filings@cmsenergy.com">Mpsc.filings@cmsenergy.com</a>
<b>GREAT LAKES RENEWABLE ENERGY ASSOCIATION</b> Don L. Keskey	<a href="mailto:donkeskey@publiclawresourcecenter.com">donkeskey@publiclawresourcecenter.com</a>
<b>HEMLOCK SEMICONDUCTOR OPERATIONS, LLC</b> Jennifer U. Heston	<a href="mailto:jheston@fraserlawfirm.com">jheston@fraserlawfirm.com</a>
<b>MICHIGAN ENVIRONMENTAL COUNCIL CITIZENS UTILITY BOARD OF MICHIGAN</b> Holly L. Hillyer Christopher M. Bzdok Tracy Jane Andrews	<a href="mailto:holly@tropospherelegal.com">holly@tropospherelegal.com</a> <a href="mailto:chris@tropospherelegal.com">chris@tropospherelegal.com</a> <a href="mailto:tjandrews@tropospherelegal.com">tjandrews@tropospherelegal.com</a>
<b>MICHIGAN PUBLIC SERVICE COMMISSION STAFF</b> Daniel E. Sonneveldt Amit T. Singh Michael J. Orris Nicholas Q. Taylor Alena Clark Adam M. Cozort	<a href="mailto:sonneveldtd@michigan.gov">sonneveldtd@michigan.gov</a> <a href="mailto:singha9@michigan.gov">singha9@michigan.gov</a> <a href="mailto:orrism@michigan.gov">orrism@michigan.gov</a> <a href="mailto:taylor10@michigan.gov">taylor10@michigan.gov</a> <a href="mailto:clarka55@michigan.gov">clarka55@michigan.gov</a> <a href="mailto:cozarta1@michigan.gov">cozarta1@michigan.gov</a>

D:\KEMA\GOSSETT\PLIC-Capitol View 2017\Townsend Street Suite 600 Lansing Michigan 48933

<b>SIERRA CLUB, NATURAL RESOURCES DEFENSE COUNCIL</b> Holly L. Hillyer Christopher M. Bzdok Tracy Jane Andrews	<a href="mailto:holly@tropospherelegal.com">holly@tropospherelegal.com</a> <a href="mailto:chris@tropospherelegal.com">chris@tropospherelegal.com</a> <a href="mailto:tjandrews@tropospherelegal.com">tjandrews@tropospherelegal.com</a>
<b>THE ECOLOGY CENTER, THE ENVIRONMENTAL LAW &amp; POLICY CENTER, UNION OF CONCERNED SCIENTISTS, AND VOTE SOLAR</b> Daniel Abrams Katie Duckworth	<a href="mailto:dabrams@elpc.org">dabrams@elpc.org</a> <a href="mailto:kduckworth@elpc.org">kduckworth@elpc.org</a>
<b>WALMART INC.</b> Melissa M. Horne	<a href="mailto:mhorne@hcc-law.com">mhorne@hcc-law.com</a>

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