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June 9, 2025

Executive Secretary Lisa Felice  
Michigan Public Service Commission  
7109 West Saginaw Highway  
Post Office Box 30221  
Lansing, MI 48909

**RE: Case No. U-21859**

Executive Secretary Lisa Felice,

Please find attached the following for paperless filing in the above captioned matter:

Rebuttal Testimony of Shana Ramirez  
Proof of Service

Thank you for your consideration.

Sincerely,

/s/ Nikhil Vijaykar

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CC: Parties to Case No. U-21859

**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

**REBUTTAL TESTIMONY OF**

**SHANA RAMIREZ**

**ON BEHALF OF**

**THE DATA CENTER COALITION**

**JULY 9, 2025**

1 **Q. STATE YOUR NAME, OCCUPATION, AND BUSINESS ADDRESS.**

2 A. My name is Shana Ramirez, and I am a Director at Energy and Environmental Economics  
3 also known as E3. My business address is 44 Montgomery Street, Suite 1500, San  
4 Francisco, CA 940104.

5 **Q. On whose behalf are you filing testimony?**

6 A. I am filing testimony on behalf of the Data Center Coalition (“DCC”).

7 **Q. Describe your professional background and experience.**

8 A. I bring over a decade of experience in the energy industry, with a focus on regulatory policy,  
9 load forecasting, rate design, and renewable energy development. Prior to joining E3, I  
10 held several positions at NV Energy, including in the Rates, Load Forecasting, and  
11 Regulatory Affairs departments. Most recently, I served as Program Development Director  
12 in the Renewables Department.

13 In that role, I led a team responsible for advancing innovative power supply  
14 solutions and tariff designs for large-load customers, including data centers and other  
15 energy-intensive users. This work required close coordination with internal regulatory,  
16 legal, and resource planning teams, as well as extensive engagement with external  
17 stakeholders such as customers, developers, and regulatory staff.

18 A key outcome of this work was the design and successful regulatory approval of  
19 the Clean Transition Tariff by the Public Utilities Commission of Nevada. This tariff  
20 enables large-load customers to procure renewable energy resources to meet their  
21 operational needs while aligning customer preferences with state policy objectives. The  
22 role also involved negotiating and structuring contracts that included thorough assessments  
23 of financial security requirements and risk mitigation provisions.

1 Earlier in my career, I worked in the insurance sector where I performed actuarial  
2 analysis focused on risk assessment and modeling. These skills continue to inform my  
3 approach to evaluating utility programs and contract structures.

4 **Q. PLEASE DESCRIBE E3.**

5 A. E3 is an economic consulting firm with more than 30 years of experience specializing in  
6 the North American power sector. The firm provides data-driven insights and objective  
7 recommendations to a diverse range of clients, including utilities, regulatory agencies,  
8 government entities, project developers, investors, and non-profit organizations.

9 Through its work across all segments of the energy industry, E3 offers a  
10 comprehensive understanding of energy markets, resource planning, public policy,  
11 regulation, and environmental considerations. The firm is committed to producing clear  
12 and impartial analyses. That is why my recommendations are fair and balanced, addressing  
13 the needs of both the utility and large-load customers.

14 **Q. Have you previously testified before this Commission?**

15 A. I have not.

16 **Q. What topics are you addressing in your testimony?**

17 A. My testimony addresses financial security requirements for large load customers, including  
18 data centers. I review all parties' proposals, outline best practices for credit and collateral  
19 frameworks, and recommend a holistic risk-appropriate financial security approach to the  
20 Commission. The objective is to protect ratepayers while enabling equitable and scalable  
21 integration of large loads into Consumers' system.

22 I also address the proposed clean energy and renewable resource requirements for  
23 data centers. I evaluate all proposals, state my position, and recommend a flexible approach

1 that supports clean energy options in the context of Michigan's statutes and policies for  
2 large load customers including data centers in a non-discriminatory way.

3 **Q. How is your testimony structured?**

4 A. My testimony is organized in two parts:

5 **i) Part I: Financial Security**

6 Section I: Overview of financial security and large loads

7 Section II: Summary of financial security proposals by party

8 Section III: Best practices for financial security

9 Section IV: Recommendation to the Commission

10 **ii) Part II: Clean Energy**

11 Section I: Summary of clean energy proposals by party

12 Section II: Recommendation to the Commission

13 **Part I: Financial Security**

14 **Section I: Overview of financial security and large loads**

15 **Q. What is financial security?**

16 A. Financial security refers to assets, credit instruments, collateral, or contractual assurances  
17 provided by large-load customers to the utility. It serves to mitigate the risk of non-payment  
18 or stranded assets, helping ensure that the cost of service is recovered and not shifted to  
19 other ratepayers.

20 **Q. What risks do large loads, including data centers, pose to utilities and other  
21 ratepayers?**

22 A. Large loads, such as data centers, pose several potential risks related to system reliability,  
23 cost impacts, and regulatory compliance. Rapid and substantial load growth can strain

1 existing generation resources and create congestion on transmission and distribution  
2 networks. These pressures not only challenge the short-term reliability of the system but  
3 also complicate long-term resource and infrastructure planning.

4 From a financial standpoint, utilities may need to undertake significant capital  
5 investments in infrastructure upgrades, including new substations, transmission lines, and  
6 distribution enhancements, to accommodate such loads. Should the customer reduce  
7 operations unexpectedly or exit the service territory, these investments may become  
8 stranded assets. In such cases, the financial burden could shift to other ratepayers,  
9 especially if adequate financial security protections are not in place to mitigate the impact.  
10 The risk of non-payment or partial recovery of infrastructure costs also poses a liability for  
11 the utility and its broader customer base.

12 The accelerated growth in electricity demand associated with large load customers  
13 may challenge the utility's ability to procure or develop sufficient clean energy resources,  
14 implicating statutory or regulatory clean energy and emission reductions targets along with  
15 the utility's own voluntary objectives.

16 **Q. What are the potential benefits of large load customers taking service in Consumers**  
17 **Energy's territory?**

18 A. Large load customers, including data centers, manufacturing facilities, and emerging  
19 industries, provide substantial economic, operational, and strategic benefits to the utility  
20 and the broader community. Economically, they contribute to job creation, attract private  
21 investment, expand the tax base, and stimulate regional economic development. From a  
22 system reliability perspective, their presence may support and even accelerate necessary

1 utility investments in aging infrastructure, ultimately enhancing service quality for all  
2 customers.

3 Multi-year service commitments from large load customers enhance the utilization  
4 of both existing and new generation and transmission assets. These customers also  
5 contribute stable, long-term demand, which supports more efficient resource planning and  
6 system modernization efforts.

7 Financially, large loads can increase and stabilize utility revenues by expanding  
8 overall system usage. A higher total sales volume allows the utility to distribute fixed  
9 system costs across more kilowatt-hours, which may help reduce costs for other ratepayers.

10 From a policy and compliance standpoint, many large load customers are actively  
11 pursuing ambitious sustainability objectives. This creates opportunities for meaningful  
12 collaboration on clean energy procurement, energy efficiency initiatives, and innovative  
13 grid solutions. Furthermore, large, consistent loads may catalyze the deployment of  
14 emerging technologies, such as advanced geothermal or nuclear power, hydrogen-based  
15 fuels, and grid-scale energy storage as well as supporting a variety of grid-enhancing  
16 technologies. By serving as anchor customers or project sponsors, these entities can help  
17 advance alternative pathways to achieving the utility's clean energy and decarbonization  
18 goals especially if they are willing to take on more risk such as supporting first-of-a-kind  
19 technologies that is not appropriate for a utility to bear but could provide future benefits  
20 when those technologies are potentially de-risked.

21 **Q. Do you support requiring financial security from large load customers?**

22 A. I support requiring financial security from large load customers as a means of protecting  
23 utilities and their ratepayers from potential financial risks, including stranded assets,

1 project delays, and customer default. Large load projects often require substantial  
2 infrastructure investment. If such projects are canceled, delayed, or significantly reduced,  
3 the resulting sunk costs may ultimately be shifted to other ratepayers. Financial assurances  
4 such as collateral, guarantees, or prepayments work in tandem with others rate payer  
5 protections such as capacity reduction penalties and exit fees. These mechanisms  
6 collectively ensure that customers assume appropriate responsibility for the risks they  
7 introduce and that the utility can recover its costs.

8 **Q. At a high level, how should the utility approach the design of financial security**  
9 **requirements for large load customers?**

10 A. Financial security requirements should be proportionate to the specific risks associated  
11 with each project. Many large load customers are backed by financially stable sponsors and  
12 supported by long-term commercial commitments. A rigid and uniform approach may  
13 unintentionally deter low-risk, high-value projects. A more effective strategy involves  
14 structuring requirements to evolve over time, beginning with a collateral ramp reflective  
15 of utility investments, full collateral held during any ramp period and the reduction of  
16 collateral once at full contracted capacity as the risk to both the utility and rate payers  
17 diminishes over the contract term. This staged approach appropriately reflects the risk  
18 profile from the utility's perspective.

19 Offering a range of credit tools, such as milestone-based collateral structures, surety  
20 bonds, guarantees, or upfront financial contributions, can provide necessary flexibility  
21 while maintaining financial discipline. Tailoring credit requirements to a project and  
22 customer-specific risk enhances transparency, reduces unnecessary capital constraints, and  
23 supports responsible growth. The goal is to strike a balance between protecting ratepayers

1 and enabling scalable, long-term development that delivers benefits to both the utility and  
2 the broader community.

3 In addition, flexibility in financial security frameworks can improve how customers  
4 perceive investment risk in the utility's service territory. While stricter requirements may  
5 appear to reduce risk, excessive collateral obligations can, in practice, deter investment.  
6 When combined with uncertain project timelines, these obligations can significantly  
7 increase carrying costs for customers. This may lead to otherwise viable projects being  
8 abandoned or removed from interconnection queues, which in turn increases the risk of  
9 stranded assets and undermines the very protections the financial requirements aim to  
10 ensure.

11 **Q. Should financial security requirements apply only to data centers?**

12 A. No. Limiting financial security requirements to data centers while exempting other large  
13 load customers is both inequitable and unjustified. All large loads, whether from new or  
14 existing customers, including manufacturing facilities and other high-demand users, can  
15 pose similar financial and operational risks to utilities. These risks include project  
16 cancellations, delays, underperformance, or abrupt departures, any of which can result in  
17 stranded costs or unrecovered infrastructure investments.

18 Imposing stricter financial requirements solely on data centers unfairly targets a  
19 sector that often includes financially stable entities with strong institutional backing,  
20 consistent high load factors, and long-term service commitments. At the same time, other  
21 large customers with comparable or even greater risk profiles may not be held to the same  
22 standards.

1           It is also important to evaluate the risk characteristics of individual data centers  
2 rather than generalizing across the entire industry. The data center sector is diverse,  
3 encompassing a range of business models such as hyperscalers, colocation providers, and  
4 enterprise-owned facilities. It also includes widely varying financial and ownership  
5 structures. For this reason, a uniform approach to financial security is not appropriate.  
6 Instead, policies should be structured based on measurable risk factors and applied  
7 consistently across all large load customers, regardless of industry classification.

8           A risk-based framework should consider project maturity, customer financial  
9 strength, and the scale of potential exposure. Applying consistent criteria in this way  
10 promotes fairness, protects ratepayers, and upholds transparency and nondiscriminatory  
11 utility practices. This also ensures that the financial security practices determined today  
12 can apply to the next innovative type of large load customers.

13 **Section II: Financial security proposals by party**

14 **Q. Provide an overview of each party's views on Consumers Energy's financial security**  
15 **proposal and any recommended changes.**

16 A. Table 1 summarizes the recommendations and positions of all parties regarding Consumers  
17 Energy's financial security proposal.

1

**Table 1: Parties Positions on Credit and Collateral**

<b>Party</b>	<b>Collateral Requirement</b>	<b>Creditworthiness Criteria</b>
<b>Consumers Energy (L. Connolly)<sup>1</sup></b>	Up to 100% of projected cost to serve over 15-year contract term; additional financial security at discretion.	Exemptions for investment-grade credit and high liquidity, but not embedded in tariff.
<b>MPSC Staff (D. Isakson)<sup>2</sup></b>	Acknowledges the need for financial security to protect other ratepayers from risks tied to large data centers. Supports clear tariff language enabling Consumers to require financial protections, including collateral.	Recommends formalizing the evaluation process and requiring Consumers to outline credit standards in the tariff to avoid arbitrary application and ensure transparency.
<b>Attorney General (M. Deupree)<sup>3</sup></b>	Supports financial security; criticizes vagueness; seeks codified credit standards and oversight.	Wants formal tariff language defining credit standards; partial/full exemptions based on credit rating and liquidity.

2

3 **Q. What is your understanding of Consumers Energy’s financial security proposal?**

4 A. Consumers Energy proposes the authority to require data center customers to provide  
5 collateral equal to up to 100 percent of the projected cost of service over a 15-year contract  
6 term if not deemed creditworthy. Customers with credit rating of A- from S&P and A3 from  
7 Moody’s and liquidity greater than 10 times the collateral requirement will be exempt from  
8 collateral. Customers that do not possess that credit rating but have liquidity greater than  
9 10 times the collateral requirement would be exempt from 50% of the requirement not  
10 exceeding \$250 million. The proposal would also allow Consumers to impose additional  
11 financial security requirements at its discretion.

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<sup>1</sup> Connolly Direct at 7 (collateral); Draft Data Center Contract at Jester Direct, Exhibit MEC-2 at 3; and Deupree Direct at 16 (discussing including specifics of collateral requirements as part of the tariff) (credit).

<sup>2</sup> Isakson Direct at 9–10 (collateral) and 11-12 (credit).

<sup>3</sup> Deupree Direct at 17-18 (collateral) and 20-22 (credit).

1 **Q. What is your position on Consumers Energy’s proposal?**

2 A. Consumers Energy’s proposal to require up to 100 percent financial security is  
3 disproportionate to the actual risk presented by most large load projects. When combined  
4 with other safeguards such as exit fees, minimum billing demand provisions, and long-term  
5 contracts, such a high collateral requirement creates an unnecessary barrier that could  
6 discourage investment and delay beneficial projects.

7 Many of the customers anticipated to take service under the tariff at issue are likely  
8 to have investment-grade credit and stable, long-term commitments. For these customers,  
9 imposing blanket, high collateral requirements are not warranted. Instead, I support flexible  
10 collateral structures that are calibrated to the specific risk profile of each customer. These  
11 structures should operate within a clearly defined framework based on industry best  
12 practices, which I discuss later in my testimony. This approach ensures both ratepayer  
13 protection and the promotion of sustainable load growth.

14 **Q. Are you opposed to Consumers Energy’s proposal to address financial security**  
15 **through individual agreements with customers?**

16 A. No, I am not opposed. I view bilateral negotiations and a defined collateral framework as  
17 complementary tools that serve the same overall purpose: protecting ratepayers while  
18 enabling responsible load growth. Bilateral agreements provide the flexibility to tailor  
19 solutions to the specific financial conditions of large load customers. At the same time, a  
20 well-designed, standardized framework can offer consistency and transparency where  
21 individual negotiations are not feasible. However, Consumers’ proposal does not  
22 appropriately balance risk management with the goal of encouraging long-term,  
23 sustainable load growth. A rigid, high-collateral model may discourage projects that could

1 improve load factors, enhance fixed-cost recovery, and support grid investments. A  
2 proportionate, risk-based framework is needed to safeguard ratepayers while enabling  
3 growth that strengthens system performance and long-term affordability.

4 **Q. Provide more detail on Staff's financial security proposal.**

5 A. Staff proposes that the required collateral would equal the exit fee, defined as 80 percent  
6 of the customer's contracted capacity multiplied by the number of months remaining in the  
7 contract. This amount would decrease annually to reflect the utility's declining financial  
8 exposure.

9 Customers could satisfy the requirement using approved instruments, including:

- 10 i) A parent or affiliate guarantee from an entity rated at least A- by S&P and A3 by  
11 Moody's, with liquidity ten times the required collateral  
12 ii) A standby irrevocable letter of credit from a qualifying U.S. or U.S.-branch bank  
13 iii) Cash posted in full  
14 iv) Unrated customers may qualify for a 50 percent exemption, capped at \$250 million, if  
15 they provide quarterly financials and certify liquidity of ten times the required amount.

16 Staff's proposal rejects Consumers Energy's broader discretionary authority to require  
17 collateral up to the full projected service cost.

18 **Q. What is your position on Staff's proposal?**

19 A. I do not support Staff's proposal. While its intent to protect ratepayers is sound, the  
20 collateral structure is excessive and misaligned with practical risk management. Requiring  
21 collateral equal to the full or half of the remaining exit fee imposes an unnecessary barrier  
22 for customers, particularly those with strong financial backing and long-term  
23 commitments.

1           A more appropriate approach would base collateral on a customer's monthly bill  
2 over a defined period. This method better reflects actual exposure and allows exemptions  
3 for creditworthy customers. The collateral should increase as the utility makes investments  
4 on the customers behalf to the date of energization and then should also be reduced  
5 annually following the ramp period, recognizing the declining risk to the utility and  
6 ratepayers.

7           If the Commission includes credit requirements in the tariff, they should be based  
8 on project-specific risk. The current proposal, even in its "compromise" form, still poses  
9 an unreasonable financial barrier and does not align with principles of fairness, risk  
10 calibration, or regulatory equity.

11 **Q. What is the Attorney General's financial security proposal?**

12 A. The Attorney General opposes granting the utility broad authority to impose collateral  
13 equal to the full cost of service. Instead, the proposal calls for specific tariff language to  
14 govern how collateral is calculated and to ensure that only customers posing significant  
15 risk are required to provide financial security.

16           The Attorney General supports Consumers' exemptions for customers with  
17 investment-grade credit ratings and sufficient liquidity, and allows a 50 percent exemption,  
18 capped at \$250 million, for unrated customers that meet liquidity thresholds. These  
19 standards must be clearly stated in the tariff.

20 **Q. What is your position on the Attorney General's proposal?**

21 A. I do not support the Attorney General's proposal because it is overly prescriptive and does  
22 not provide adequate flexibility for Consumers Energy and large load customers to engage  
23 in bilateral negotiations regarding financial security requirements. Bilateral agreements are

1 an important tool that allow financial security obligations to be tailored based on the unique  
2 financial characteristics, risk profiles, and development stages of individual projects. This  
3 flexibility is critical to supporting long-term, sustainable load growth while ensuring that  
4 collateral requirements remain proportionate and do not create unnecessary barriers to  
5 investment.

6 However, I also recognize the importance of establishing a consistent framework  
7 that outlines guiding principles for determining financial security obligations. A well-  
8 defined framework can enhance transparency, promote fairness, and provide a predictable  
9 structure for both the utility and prospective customers. It helps ensure that ratepayers are  
10 protected and that financial risk is managed appropriately.

11 Importantly, I do not view a consistent framework and the ability to negotiate  
12 bilateral agreements as mutually exclusive. Rather, they can and should function together.  
13 A standardized framework can serve as a foundational reference that sets expectations and  
14 best practices, while still allowing for case-by-case adjustments through negotiation where  
15 circumstances warrant a more customized approach. This dual-path structure ensures that  
16 the utility is equipped to manage financial risk effectively while also encouraging economic  
17 development and grid-enhancing projects.

18 **Section III: Financial security best practices**

19 **Q. Are there best practices for large load financial security?**

20 A. Yes. E3 has identified best practices for managing financial security for large load  
21 customers, particularly where utilities face significant capital investment and risk of  
22 stranded costs. These practices aim to ensure cost recovery, support responsible load  
23 growth, and promote fair treatment of all customers.

1           A key principle is aligning financial security requirements with actual risk  
2 exposure. This involves using a phased or milestone-based structure in which collateral  
3 levels adjust based on the project's stage and the utility's financial commitment. Early-  
4 stage projects, which carry higher risk, should provide greater upfront security that can be  
5 reduced as the project advances through permitting, financing, construction, and operation.

6           Another best practice is offering a standardized set of acceptable collateral  
7 instruments. Utilities should accept various forms of security, such as surety bonds;  
8 guarantees from a parent, affiliate, tenant, or other entity with a financial interest in the  
9 customer; sponsor support agreements; and contributions in aid of construction. This  
10 flexibility accommodates different customer financial structures while maintaining utility  
11 protection.

12           Avoiding redundancy is also important. Utilities should not impose overlapping  
13 forms of security that address the same risk, such as combining contributions-in-aid-of-  
14 construction ("CIAC"), exit fees, and demand guarantees without clear justification. Credit  
15 frameworks should include evaluation tools, such as a credit efficiency index or  
16 "scorecard", to assess the adequacy of existing protections and calibrate requirements  
17 appropriately.

18           Transparency and consistency are essential. Utilities should define clear credit  
19 evaluation criteria, including liquidity thresholds, credit ratings, and exemption standards.  
20 Frameworks must also be scalable and adaptable to accommodate growing and evolving  
21 large load interconnection requests.

1           Together, these practices provide a disciplined and balanced approach that protects  
2           ratepayers, supports infrastructure investment, and ensures a fair and efficient  
3           interconnection process.

4   **Q.   Please provide more details on the milestone-based approach.**

5   A.   A milestone-based approach to financial security ties the level and type of collateral to key  
6           stages in the development of a large load project and the customer’s lifecycle. Rather than  
7           imposing a fixed collateral requirement, this approach adjusts financial security obligations  
8           as the utility’s exposure evolves over time.

9           Collateral requirements should begin when the utility starts making financial  
10          commitments on behalf of the customer and increase as those investments grow. At the  
11          customers' facility commercial operation date and throughout the load ramp period, full  
12          collateral should be held to incentivize customers to meet their ramp targets and to mitigate  
13          the risk of underutilized assets. Once the customer has fully ramped their load, collateral  
14          should be gradually reduced to reflect the declining risk to the utility and ratepayers. This  
15          reduction should continue month by month as the customer meets its contractual  
16          obligations, aligning financial security with actual performance and risk.

17          The milestone-based framework offers a transparent, scalable, and disciplined way  
18          to manage financial security. It balances ratepayer protection with flexibility for  
19          responsible, creditworthy customers and aligns financial obligations with both project risk  
20          and utility investment timing.

21   **Q.   Please expand on the standardized menu of acceptable collateral instruments.**

22   A.   A standardized menu of acceptable collateral instruments is essential to a transparent and  
23          effective financial security framework for large load customers. It provides clarity and

1 consistency by listing approved financial tools that customers may use to meet collateral  
2 obligations. This approach promotes fairness and allows customers to select instruments  
3 that align with their financial structure, while ensuring the utility remains protected.

4 Common instruments include letters of credit, guarantees, surety bonds, and cash  
5 deposits. Letters of credit must be issued by a U.S. bank or a U.S. branch of a foreign bank  
6 with a minimum credit rating, typically BBB- or higher from S&P and a Baa3 or higher  
7 from Moody's. These letters must meet requirements for term length and automatic  
8 renewal. Parent or affiliate guarantees must come from entities with sufficient credit quality  
9 and liquidity to support the obligation. Surety bonds, issued by qualified insurers, can be a  
10 cost-effective option. Cash collateral, though less flexible, offers strong security and is  
11 universally accepted.

12 Including these instruments, along with clear eligibility standards, ensures the  
13 utility's financial exposure is adequately managed without imposing excessive burdens on  
14 customers. The availability of multiple options supports a range of financial profiles and  
15 simplifies compliance and enforcement. This structure helps maintain equitable treatment,  
16 operational efficiency, and a balanced approach to risk management.

17 **Q. Should there be collateral exemptions?**

18 A. Yes. Collateral exemptions are appropriate because financial security requirements should  
19 reflect the actual risk posed by each customer. Applying uniform collateral across all large  
20 load customers can lead to overcollateralization and create unnecessary barriers,  
21 particularly for financially stable and low-risk entities.

22 Exemptions should be based on objective criteria as discussed in the previous  
23 answer. For example, a customer with an investment-grade rating and liquidity exceeding

1 ten times the required collateral should not be subject to the same obligations as a customer  
2 with speculative credit and low liquidity. Customers without formal ratings but with strong  
3 liquidity and financial transparency should also qualify for partial exemptions.

4 Establishing structured, risk-based exemptions allows utilities to maintain  
5 necessary protections while promoting fairness and investment. A balanced exemption  
6 framework ensures accountability, avoids unnecessary cost burdens, and protects  
7 ratepayers without discouraging viable large load development.

8 **Q. What is your stance on collateral reduction?**

9 A. Collateral reduction is an essential element of a sound financial security framework. As a  
10 large load project progresses and the utility recovers capital investments, financial risk  
11 declines. Collateral requirements should decrease accordingly, either over time or upon  
12 reaching performance milestones. For example, once a customer completes construction,  
13 begins commercial operation, and demonstrates payment reliability, the likelihood of  
14 default or early termination diminishes. A declining collateral schedule ensures alignment  
15 with actual risk and prevents unnecessary capital burdens on the customer.

16 This mechanism should be clearly outlined in the tariff or service agreement, with  
17 reductions triggered automatically by defined criteria such as contract term progression or  
18 ongoing compliance. Collateral reduction reflects prudent credit practice, enhances  
19 investment efficiency, and maintains protection for ratepayers.

20 **Q. Do you recommend a certain form of collateral?**

21 A. No. There is no single form of collateral suitable for all utilities or large load customers.  
22 Risk preferences vary by utility, and customer financial structures differ widely. A rigid,  
23 uniform approach is often impractical and may lead to unintended consequences.

1 Collateral options should include cash deposits, standby letters of credit from  
2 investment-grade institutions, surety bonds from qualified insurers, and guarantees from a  
3 parent, affiliate, tenant or other entity with a financial interest in the customer and  
4 supported by strong credit and liquidity. Each instrument carries distinct costs, risks, and  
5 administrative considerations.

6 Providing a standardized menu of approved collateral types allows utilities to  
7 manage risk effectively while giving customers flexibility to meet requirements in a  
8 manner consistent with their financial strategy. This approach encourages participation,  
9 streamlines project development, and upholds ratepayer protection through enforceable,  
10 risk-aligned instruments.

11 **Q. Why are scalability and adaptability in credit frameworks important?**

12 A. Scalability and adaptability are essential for managing the increasing number and diversity  
13 of large load customers, including data centers, electric vehicle charging hubs, hydrogen  
14 production facilities, and other emerging technologies. A scalable credit framework enables  
15 utilities to apply consistent processes across a wide range of project sizes and customer  
16 types. This promotes efficiency, reduces administrative burden, and supports fair and  
17 timely evaluation of interconnection requests.

18 Adaptability ensures that the credit framework remains responsive to changes in  
19 market conditions, regulatory objectives, and customer risk profiles. As new customer  
20 categories emerge or financial conditions evolve, utilities must have the ability to adjust  
21 credit thresholds, collateral requirements, and exemption criteria without overhauling the  
22 entire policy structure. This flexibility allows utilities to maintain a consistent approach  
23 while addressing unique risk characteristics in a practical and efficient manner.

1           Together, scalability and adaptability provide the foundation for a stable,  
2           transparent, and future-ready credit policy. They allow utilities to protect ratepayers from  
3           financial exposure while facilitating the reliable and equitable integration of large loads  
4           into the electric grid. Importantly, credit policies should not be limited to near-term  
5           concerns or tailored narrowly to one customer segment. Rather, they should be designed  
6           with a long-term, system-wide perspective that supports the anticipated growth and  
7           diversification of large load interconnections. A forward-looking framework that is both  
8           scalable and adaptable will enable utilities to manage emerging risks effectively while  
9           supporting innovation, investment, and sustained grid reliability.

10   **Section IV: Recommendation to the Commission**

11   **Q.    What credit and collateral requirements do other utilities in the region have for large**  
12    **load customers?**

13    **A.**    Table 2 summarizes the credit and collateral requirements of selected regional utilities for  
14    large load customers.

1 **Table 2: Credit and Collateral Proposed or Approved Requirements of Regional Utilities**

<b>Attribute</b>	<b>Indiana Michigan Power</b>	<b>Evergy Kansas &amp; Missouri</b>	<b>ComEd</b>	<b>Consumers Energy</b>	<b>Dominion Energy Virginia</b>
<b>Customer Type</b>	Loads $\geq$ 70 MW or 150 MW aggregated	Large Commercial >100 MW	Large Commercial / Industrial	Data centers $\geq$ 100 MW	GS-5 customers $\geq$ 25 MW & $\geq$ 75% load factor
<b>Collateral Requirement</b>	24 $\times$ max monthly bill	24 $\times$ max monthly bill	Negotiated under PJM ESA	Negotiated; up to 100% of projected cost	\$1.5M / MW
<b>Credit Exemption / Reduction</b>	Full waiver if credit & liquidity requirements met, partial waiver if only liquidity requirement met	50% or 40% waived if credit & liquidity requirements met	Waived / reduced under PJM standards	Waived / reduced with guarantees or rating	70% reduction if credit & liquidity requirements met
<b>Forms of Collateral</b>	LOC, guarantee, cash		Negotiated (LOC, guarantee, bond)	Negotiated (LOC, guarantee, bond)	LOC, surety bond, cash, parent guarantee

2 **Q. What does Table 2 demonstrate?**

3 A. Table 2 illustrates the varied approaches utilities use to manage credit and collateral  
 4 requirements for large load customers. These practices differ based on each utility’s size,  
 5 risk tolerance, existing and prospective customer profile, and regulatory environment. This  
 6 diversity confirms that no single standardized model is appropriate across all jurisdictions.  
 7 Instead, it underscores the value of adopting best practices as a guiding framework. Such  
 8 practices promote consistency, fairness, and transparency while allowing for flexibility  
 9 based on local conditions. They provide a practical foundation for developing policies that  
 10 effectively manage risk and support the integration of large loads into the electric grid.

1 **Q. Based on the financial security best practices framework explained earlier, what are**  
2 **your recommendations on financial securities in this case?**

3 A. Based on the established best practices, the recommended approach should balance  
4 ratepayer protection with proportionality, transparency, and administrative efficiency.  
5 While bilateral negotiation between Consumers Energy and large load customers is  
6 acceptable, if the Commission prefers a standardized framework, I recommend the  
7 following structure:

8 i) **Collateral Amount and Duration:** Customers should post collateral equal to two  
9 years of non-fuel revenue, beginning when Consumers makes capital investments to  
10 serve the customer, increasing at the same pace as Consumers makes investments, and  
11 reaching the full amount by the time the project is energized. This collateral should  
12 remain in place through the load ramp-up period.

13 This level of collateral provides sufficient "skin in the game" to demonstrate the  
14 customer's commitment to project development. Maintaining the collateral during the  
15 ramp period also serves as an incentive for the customer to achieve full load ramp,  
16 thereby minimizing the risk of cost shifts to other customers. While instances of  
17 customer default are rare, in such cases, two years of non-fuel revenue would be  
18 sufficient to cover the costs associated with underutilized assets until the capacity can  
19 be reassigned to a new customer and that customer becomes operational.

20 ii) **Ramp-Down Schedule:** After one year of operations at contracted capacity, collateral  
21 should be reduced by 10 percent annually, reaching zero by the end of the contract term.  
22 If the contract is extended, no new collateral should be required unless additional utility

1 investments are necessary. The 10 percent reduction annually mirrors the reduced risk  
2 to Consumers and ratepayers of stranded assets.

3 **iii) Credit Rating-Based Exemptions:** Customers whose guarantor has a credit rating of  
4 at least BBB (S&P) or Baa3 (Moody's), and liquidity of at least five times the collateral  
5 amount, should be eligible for a 50 percent exemption. These entities must certify their  
6 rating and liquidity annually.

7 Customers without formal ratings may qualify for a 30 percent exemption if their  
8 guarantor meets the same rating threshold, is not on a credit watch, and maintains five  
9 times liquidity, subject to the same annual certification.

10 **iv) Acceptable Forms of Collateral:** Customer should have the option of posting  
11 collateral in the form of a guarantee from a parent, affiliate, tenant or other entity with  
12 a financial interest in the customer; a letter of credit; a surety bond, or cash.

13 **v) Collateral in the form of Cash:** Collateral posted in cash should accrue interest while  
14 held by Consumers.

15 **vi) Use of Collateral Proceeds:** If Consumers draws on posted collateral, the proceeds  
16 should be used to offset costs for remaining ratepayers to ensure the financial security  
17 serves its intended purpose to offset costs for all ratepayers.

18 This structure protects ratepayers while avoiding excessive financial obligations for large  
19 customers. It ensures recovery of utility costs through a fair, risk-based mechanism that  
20 supports investment and operational equity.

1 **Q. Provide an example of the difference in what a customer would pay under Consumers’**  
2 **proposal as compared to your recommendation.**

3 A. Consider an illustrative data center customer with a contracted demand of 100 MW and a  
4 typical load factor of 85 percent. Under Consumers Energy’s Large General Service  
5 Primary Demand Rate, an estimate of the customer’s annual cost for electric service would  
6 be approximately \$25.4 million.

7 Under Consumers’ proposal, which requires collateral equal to 15 years of expected  
8 revenues, this customer would be obligated to provide over \$380 million in collateral to  
9 the utility. Assuming Consumer’s pre-tax weighted average costs of capital (“WACC”) of  
10 7.85 percent as the discount rate over the 15-year term, with equal monthly credits applied  
11 to the customer’s account, the net present cost of this collateral commitment would be  
12 approximately \$150 million.

13 By contrast, under a more proportionate and risk-aligned collateral framework,  
14 such as a requirement equal to 2 years of expected revenues, the same customer would  
15 provide \$51 million in collateral. Using the same WACC and assuming the collateral is  
16 returned in equal monthly installments over a 10-year period, the net present cost to the  
17 customer would be approximately \$24 million.

18 This example of collateral posted in cash form, held by the utility without accruing  
19 interest, underscores the significant financial burden imposed by the proposed collateral  
20 structure. This highlights the need for a more balanced and scalable approach to credit  
21 requirements. While cash collateral imposes an immediate and direct strain on a customer’s  
22 liquidity, alternative forms of collateral—such as letters of credit or performance bonds—  
23 can provide equivalent financial security with significantly less impact on cash flow.

1           As shown in Table 3 below, excessive collateral obligations may deter investment  
2 by increasing the cost of capital and creating financial uncertainty. This risk is amplified if  
3 the utility does not meet interconnection timelines, as customers may be forced to carry  
4 collateral for extended periods, incurring substantial carrying costs. In some cases, this  
5 could result in project delays or abandonment.

6           A well-calibrated, risk-based collateral framework helps mitigate these risks by  
7 aligning financial requirements with the actual creditworthiness of the customer and the  
8 project’s development stage. Such an approach protects ratepayers and preserves utility  
9 financial integrity, while also supporting investment in large load projects that can improve  
10 grid efficiency and long-term affordability.

**Table 3: Collateral Cash Flow Illustrative Example**

Period (Year)	Cash Flow (\$M)		
	15-Yr Collateral & 15-Yr Recovery	2-Yr Collateral & 10-Yr Recovery	
0	\$ (381)	\$ (51)	<i>Upfront Collateral</i>
1	\$ 25.4	\$ 0	<i>Credit</i>
2	\$ 25.4	\$ 0	<i>Credit</i>
3	\$ 25.4	\$ 0	<i>Credit</i>
4	\$ 25.4	\$ 0	<i>Credit</i>
5	\$ 25.4	\$ 5.1	<i>Credit</i>
6	\$ 25.4	\$ 5.1	<i>Credit</i>
7	\$ 25.4	\$ 5.1	<i>Credit</i>
8	\$ 25.4	\$ 5.1	<i>Credit</i>
9	\$ 25.4	\$ 5.1	<i>Credit</i>
10	\$ 25.4	\$ 5.1	<i>Credit</i>
11	\$ 25.4	\$ 5.1	<i>Credit</i>
12	\$ 25.4	\$ 5.1	<i>Credit</i>
13	\$ 25.4	\$ 5.1	<i>Credit</i>
14	\$ 25.4	\$ 5.1	<i>Credit</i>
15	\$ 25.4	N/A	<i>Credit</i>
	<b>\$ (150)</b>	<b>\$ (24)</b>	<b><i>Approximate NPV</i></b>

1 **Part II: Clean Energy**

2 **Section I: Clean energy proposals by party**

3 **Q. What are the clean energy obligations relevant to electric utilities in the state of**  
4 **Michigan?**

5 A. Michigan requires electric utilities to meet escalating clean energy targets under the  
6 Renewable Energy Standard (“RES”) and Clean Energy Standard (“CES”), as established  
7 by Public Act 235 of 2023.

8 i) RES: Utilities must source at least 15 percent of electricity from renewable resources  
9 through 2029, increasing to 50 percent by 2030 and 60 percent by 2035. Eligible  
10 sources include wind, solar, hydroelectric, and certain biomass. Compliance is tracked  
11 through Renewable Energy Credits (“RECs”), with one REC equal to one megawatt-  
12 hour of renewable generation.

13 ii) CES: Utilities must achieve 80 percent clean energy by 2035 and 100 percent by 2040.  
14 Clean energy includes both renewable and non-emitting sources, such as nuclear power  
15 and natural gas with carbon capture.

16 These standards support the state’s broader climate goals to reduce greenhouse gas  
17 emissions and advance sustainable energy development.

18 **Q. Is clean or renewable energy important to data center customers?**

19 A. Clean or renewable energy is important to some data center customers, particularly those  
20 with environmental, social, and governance (ESG) commitments or sustainability goals.  
21 However, it is not a universal priority. For many data centers, especially those focused on  
22 commercial deployment, the primary concern is time to market, i.e. securing reliable power  
23 quickly to begin operations.

1           While clean energy may factor into long-term strategy or branding, immediate  
2 power availability and scalability often take precedence. It remains important to support  
3 clean energy development and offer flexible participation options for large load customers.  
4 These may include on-site generation, third-party power purchase agreements, and access  
5 to green tariff programs. Such flexibility enables progress toward renewable goals while  
6 accommodating varying operational needs.

7 **Q. Please summarize the clean energy requirement proposals by parties in this**  
8 **proceeding.**

9 A. Table 4 provides a summary of each party's position on clean energy requirements for data  
10 center customers.

1

**Table 4: Clean Energy Requirements Proposal by Party**

Party	Clean Procurement Requirement	Energy	Minimum Renewable	%	Mechanism Proposed
<b>Attorney General (M. Deupree)<sup>4</sup></b>	Require data centers to contract for renewable energy to meet PA 235 obligations and tax exemption requirements		≥60% renewables	from	Contractual mandate for 60% renewable energy (within MISO Zone 7) + support for 90% clean energy for tax exemptions
<b>Clean Energy Organizations (S. Siddique)<sup>5</sup></b>	Require data centers to participate in clean energy programs via CESP and VGPs		60% by 2035		Voluntary Green Pricing (VGP), customer CESP, prioritization of low-grid-impact projects
<b>MEIU (J. Albers)<sup>6</sup></b>	Offer flexible clean energy sourcing options through utility and third-party solutions		Not specified		Competitive RFPs, behind-the-meter resources, demand flexibility, grid-enhancing tech, and 50/50 utility vs. 3rd-party ownership
<b>MNSC<sup>7</sup> (D. Jester)</b>	Require data centers to meet 90% clean energy for tax exemption requirements and 60% renewables through bespoke portfolios tied to long-term contracts		90% energy; renewable	clean 60%	Voluntary Green Pricing, long-term clean energy contracts, on-site generation; bespoke clean resource portfolios per customer

2

3 **Q. What is the Attorney General’s clean energy proposal?**

4 A. The Attorney General recommends incorporating firm clean energy requirements into  
 5 Consumers Energy’s proposed tariff for large-load data centers under Rate GPD. The  
 6 proposal includes a requirement for data center customers to procure at least 60 percent of

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<sup>4</sup> Deupree Direct at 12-13.  
<sup>5</sup> Siddique Direct at 13-14.  
<sup>6</sup> Albers Direct at 14-17.  
<sup>7</sup> Jester Direct at 10-11, 14-15, 18, 21-22.

1 their incremental energy use from renewable sources located within MISO Zone 7, in  
2 alignment with Michigan’s Renewable Energy Standard target of 60 percent by 2035.

3 Additionally, to qualify for sales and use tax exemptions under MCL 205.54ee, data  
4 center customers would be required to demonstrate compliance with the statute’s 90  
5 percent clean energy threshold. These provisions are intended to ensure compliance with  
6 state law and avoid cost-shifting by requiring customers to procure renewable energy  
7 directly for their load.

8 **Q. What is your position on the Attorney General’s proposal?**

9 A. The requirement that data center customers meet the 90 percent clean energy threshold to  
10 qualify for tax exemptions under MCL 205.54ee is reasonable and appears to be consistent  
11 with state law. Regarding the proposed 60 percent renewable energy target, achieving this  
12 goal may be feasible provided there are no constraints related to time to market. However,  
13 prior to committing large-load customers to this accelerated target, it would be prudent to  
14 obtain further clarity on the implementation framework, associated timelines, and  
15 operational implications. A comprehensive understanding of these factors is essential to  
16 ensure informed decision-making and to avoid unintended impacts on market dynamics  
17 and project viability.

18 **Q. What is the Clean Energy Organizations’ clean energy proposal?**

19 A. The Clean Energy Organizations propose a clean energy framework to ensure that large  
20 data center customers comply with statutory requirements while limiting cost impacts on  
21 other utility customers. They recommend that data centers seeking sales and use tax  
22 exemptions under Public Acts 207 and 181 of 2024 be required to procure at least 90  
23 percent of their electricity from clean energy sources, as defined in Section 51 of the Clean

1 and Renewable Energy and Energy Waste Reduction Act. Additionally, they propose that  
2 all new data center load be served by a portfolio that includes at least 60 percent renewable  
3 energy. To meet these targets, they suggest Consumers Energy offer options such as  
4 voluntary green pricing, long-term power purchase agreements, and on-site renewable  
5 generation, tailored to each data center's load profile.

6 **Q. What is your position on the Clean Energy Organizations' proposal?**

7 A. My position is consistent with my view on the Attorney General's proposal. I support the  
8 requirement that data center customers meet the 90 percent clean energy threshold to  
9 qualify for sales and use tax exemptions, as it is a reasonable standard and appears to be  
10 consistent with state law.

11 With respect to the proposed 60 percent renewable energy procurement  
12 requirement, achieving this target could be feasible if there are no constraints on time to  
13 market. However, it would be premature to impose this standard on data center customers  
14 without first obtaining greater clarity on how the requirement would be implemented,  
15 enforced, and integrated into existing planning and procurement processes.

16 **Q. What is the MEIU's clean energy proposal?**

17 A. MEIU proposes a clean energy framework that emphasizes customer flexibility,  
18 innovation, and market-based procurement. Instead of imposing fixed renewable energy  
19 procurement requirements, MEIU recommends offering data center customers a range of  
20 clean energy options. These include behind-the-meter solutions such as on-site solar and  
21 battery storage, participation in demand-side flexibility programs, and deployment of grid-  
22 enhancing technologies.

1           MEIU also proposes allowing customers to reduce their effective contract capacity,  
2           which determines minimum demand charges, if they commit to serving part of their load  
3           through on-site resources. In addition, customers should be permitted to enter into third-  
4           party power purchase agreements (“PPAs”) without being required to participate in  
5           Consumers Energy’s Voluntary Green Pricing (“VGP”) program.

6           To meet any remaining capacity needs, MEIU recommends that Consumers Energy  
7           conduct competitive all-source requests for proposals (“RFPs”), evaluated by an  
8           independent administrator to ensure fairness and transparency. Customers would also have  
9           the option to pay a premium to prioritize certain resource types, such as solar or storage, in  
10          Consumers’ resource planning.

11 **Q. What is your position on MEIU’s proposal?**

12 A. I support MEIU’s clean energy proposal. Allowing customers to reduce their effective  
13 contract capacity in exchange for deploying on-site resources promotes flexibility and  
14 recognizes distributed energy investments. The recommendation to permit third-party  
15 PPAs outside of the VGP program enhances market access and customer choice.

16           Requiring Consumers Energy to issue competitive, independently evaluated all-  
17 source RFPs for unmet needs improves transparency and cost control. Providing customers  
18 the option to pay a premium for prioritizing specific resource types further supports  
19 alignment between sustainability goals and utility planning. Overall, MEIU’s proposal  
20 offers a balanced and practical framework for advancing clean energy while maintaining  
21 customer choice and protecting ratepayers.

1 **Q. What is the MNSC' clean energy proposal?**

2 A. MNSC's proposal is similar to the Attorney General's proposal which includes a  
3 requirement for data center customers to procure at least 60 percent of their incremental  
4 energy use from renewable sources and a requirement to demonstrate compliance with the  
5 statute's 90 percent clean energy threshold for sales and use tax exemptions.

6 **Q. What is your position on the MNSC's proposal?**

7 A. As stated previously, the requirement that data center customers meet the 90 percent clean  
8 energy threshold to qualify for tax exemptions under MCL 205.54ee is reasonable and  
9 appears to be consistent with state law. Regarding the proposed 60 percent renewable  
10 energy target, achieving this goal may be feasible provided there are no constraints related  
11 to time to market. However, prior to committing large-load customers to this accelerated  
12 target, it would be prudent to obtain further clarity on the implementation framework,  
13 associated timelines, and operational implications. A comprehensive understanding of  
14 these factors is essential to ensure informed decision-making and to avoid unintended  
15 impacts on market dynamics and project viability.

16 **Section II: Recommendation to the Commission**

17 **Q. What is your clean energy recommendation to the Commission?**

18 A. I recommend that the Commission adopt a balanced and pragmatic approach that  
19 incorporates the most reasonable and flexible elements from the proposals submitted by  
20 various stakeholders. Specifically, I support policies that allow data center customers to  
21 reduce their effective contract capacity through investments in on-site renewable  
22 generation. I also support enabling third-party PPAs outside of the VGP program, requiring  
23 competitive all-source RFPs evaluated by an independent administrator, and providing

1 customers the option to pay a premium to prioritize specific renewable resource types.  
2 These mechanisms, as proposed by MEIU, offer essential flexibility and are well aligned  
3 with the operational and procurement needs of large-load customers.

4 With respect to the proposed 60 percent renewable energy procurement  
5 requirement, I am not in a position to fully support its adoption at this time. While the target  
6 may be technically achievable and consistent with the clean energy goals of many large-  
7 load customers, there is currently insufficient clarity regarding how such a requirement  
8 would impact project development timelines. Time to market is a primary concern for data  
9 centers. If not carefully structured, accelerated renewable mandates could introduce delays,  
10 uncertainty, or additional barriers that are incompatible with the rapid deployment  
11 schedules typical of data center development.

12 Accordingly, I recommend that the Commission direct Consumers Energy to  
13 conduct further analysis and engage with stakeholders to evaluate the feasibility,  
14 implementation pathways, and timing of such a target. The results of this process should  
15 be reviewed by the Commission at a later date before any binding commitments are  
16 established.

17 Finally, any clean energy requirements or associated cost allocation mechanisms  
18 adopted by the Commission should be applied equitably across all large-load customers. A  
19 consistent, technology-neutral policy framework is essential to ensure regulatory fairness,  
20 encourage continued investment, and support Michigan's broader transition to a clean  
21 energy economy.

22 **Q. Does this conclude your testimony?**

23 **A.** Yes.

**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

**PROOF OF SERVICE**

On July 9, 2025, an electronic copy of the foregoing was served on the following via email:

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The statements above are true to the best of my knowledge, information and belief.

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