S T A T E  O F  M I C H I G A N

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

| | | |
|---|---|---|
| In the matter, on the Commission's own motion, to investigate opportunities for improving the process by which it reviews applications filed under MCL 460.6a. | ) | Case No. U-21637 |

At the July 10, 2025 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Katherine L. Peretick, Commissioner
Hon. Alessandra R. Carreon, Commissioner

**ORDER**

On November 28, 2023, Governor Gretchen Whitmer signed Public Act 231 of 2023 (Act 231), which became effective on February 13, 2024. Section 6aa(3) of Act 231, MCL 460.6aa(3), provides that "[n]ot later than June 1, 2024, the commission shall open a proceeding to investigate opportunities for improving the process by which it reviews applications filed under section 6a." "Section 6a" refers to MCL 460.6a, which governs the utility rate case process. On May 23, 2024, the Commission opened the instant docket for the purpose of conducting this investigation into improving the rate case process (May 23 order).

As described in the May 23 order, the Commission's process for reviewing rate case applications was significantly altered when Public Act 341 of 2016 (Act 341) was signed into law. Section 6a(5) of Act 341, MCL 460.6a(5), reduced the amount of time available to the

Commission and the Commission Staff (Staff) to process electric, natural gas, and steam general rate cases from 12 months to 10 months. Notably, MCL 460.6a(5) states that, subject to limited exceptions, "if the commission fails to reach a final decision with respect to a completed petition or application to increase or decrease utility rates within the 10-month period following the filing of the completed petition or application, the petition or application is considered approved." This timeline can be extended, but only at the request of the filing utility.

Though described in the May 23 order, it is worth repeating that over the last eight years (while processing these cases within this compressed timeframe) the cases themselves have undergone an extraordinary expansion in size, particularly with respect to Michigan's two largest investor-owned utilities (IOUs), Consumers Energy Company (Consumers) and DTE Electric Company (DTE Electric). To provide a single example, DTE Electric's 2016 electric rate case, Case No. U-18014, involved 31 parties, 45 witnesses, and 2,031 pages of testimony, and resulted in a 332-page Proposal for Decision (PFD) and a 205-page final decision. By comparison, DTE Electric's 2023 electric rate case, Case No. U-21297, involved 69 parties, 85 witnesses, and 4,227 pages of testimony, and resulted in an 876-page PFD and a 481-page final decision. This trend of expanding case record volume is reflected in virtually every rate case filed since 2016 and has put a strain on the resources of all of the entities involved in these cases, including the Commission and its Staff.

In the May 23 order, the Commission invited comment on a variety of topics and also welcomed open-ended comment. The Commission also indicated that it continues to seek ways to enhance the opportunity for interested persons to participate in these matters and to improve the ability of the ratepaying public to understand the implications of these cases, while also enhancing the Commission's ability to hear and decide each rate case issue in a just and reasonable manner based on a sufficient evidentiary record. The Commission notes that it has attempted to use the Rate Case Filing Requirements (RCFR) to bring as much predictability, structure, and organization as possible to these cases while ensuring the creation of an adequate record. Not all aspects of the rate case process are within the Commission's control, most notably the statutory 10-month decision window and the date that a utility chooses for filing its application.[1] However, the Commission also invited comments on topics that are not within the Commission's jurisdiction to inform the broader discussion around utility rate cases. *See*, May 23 order, pp. 3-4. The topics are repeated below.

On July 2, 2024, the Commission issued an order in this docket extending the time for filing initial comments and reply comments.

On September 27, 2024, initial comments were filed by the Staff; Consumers; DTE Electric and DTE Gas Company (DTE Gas) (together, DTE); the Association of Businesses Advocating Tariff Equity (ABATE); the Michigan Department of Attorney General (Attorney General); the Michigan Office of Administrative Hearings and Rules (MOAHR);[2] the Ecology Center, Environmental Law & Policy Center, Union of Concerned Scientists, and Vote Solar (collectively, the Clean Energy Organizations or CEOs); Michigan Electric and Gas Association (MEGA); University of Michigan School for Environment and Sustainability (UM-SEAS); and the Natural Resources Defense Council, Ecology Center, EcoWorks, Legacy and Love LLC,

[1] MCL 460.6a(6) provides that a utility may file an application for an increase in rates every 12 months, and MCL 460.6a(1) allows the Commission to require the two largest electric IOUs to space their rate case filings at least 21 days apart.

[2] MOAHR includes a centralized administrative hearing system with several divisions of administrative law judges (ALJs) and the office that oversees administrative rulemaking for all state departments, including the Commission. Certain MOAHR ALJs are assigned exclusively to the Commission and oversee rate cases. These ALJs provided comment in the instant docket.

Michigan Environmental Council, Michigan Environmental Justice Coalition, Michigan League of Conservation Voters, Sierra Club, Sistas in Development, LLC, Soulardarity, Urban Core Collective, and We Want Green, Too (collectively, NRDC). On September 30, 2024, initial comments were filed by Michigan Energy Innovation Business Council and Advanced Energy United (collectively, MEIU). On October 25, 2024, reply comments were filed by DTE, Consumers, MEGA, ABATE, the CEOs, NRDC, MOAHR, and the Attorney General. The CEOs state that for their reply comments they are joined by Soulardarity, Urban Core Collective, and We Want Green, Too. CEOs' reply comments, p. 1.[3]

This order provides a brief description of the initial and reply comments followed by the Commission's thoughts regarding rate case process improvements and an invitation for further comment.

The Comments

**1. Does the current 10-month statutory timeframe serve the best interests of utility customers? If not, what is the appropriate timeframe?**

In summary, Consumers, DTE, and MEGA support the current statutory timeframe; and the Attorney General, ABATE, MOAHR, NRDC, and MEIU argue that customers would be better served by a longer timeframe. The Attorney General, MOAHR, and MEIU propose a 12-month timeframe, and NRDC proposes 14 months.

Consumers, DTE, and MEGA comment that the current timeframe allows for the timely recovery of costs, that any change must be legislative, and that any lengthening could lead to

[3] The Commission notes that it also held a town hall meeting on May 29, 2025, in Detroit to listen to comments on improving public engagement. Issues surrounding public engagement are addressed in the July 10, 2025 order in Case No. U-21638, issued simultaneously with the instant order.

regulatory lag (that is, a gap between the time when costs are incurred and when they are recovered from customers). Consumers' initial comments, pp. 2-3; DTE's initial comments, pp. 2-4; MEGA's initial comments, pp. 4-5. DTE states that disallowances and any lack of timely recovery will slow the pace of its progress on reducing the number of outages and notes that substantial discovery takes place within the current timeframe, however tight it may be. DTE's initial comments, p. 3. DTE contends that any change to the current timeframe will require the allowance of utility self-implementation of new rates. MEGA complains that rate cases have become crowded with issues that are not directly related to rates through the intervention of a variety of parties. MEGA's initial comments, p. 5. MEGA states that public policy issues should be deliberated in other forums and that "[m]atters not raised by the utility, therefore should be beyond the scope of the proceeding." *Id*.

MOAHR comments that the 10-month timeframe is suitable for small utilities but that a 12-month timeframe is more suitable for large utilities because the current timeframe "is insufficient for staff and intervening parties to thoroughly audit both historical and projected spending." MOAHR's initial comments, p. 1. MEIU agrees that the current timeframe does not adequately protect long-term customer needs and limits "customers' ability to voice their concerns and preferences effectively." MEIU's initial comments, p. 2. MEIU recommends another two months, commenting that it may help incentivize settlement. NRDC comments that 14 months should be the minimum, noting that there is currently too little time between rebuttal filings and the hearing. NRDC's initial comments, p. 9. NRDC notes that in Case No. U-21389, the ALJ issued a 596-page PFD just 35 days after the briefing was completed and observes that, compared to court proceedings, rate cases have shorter timelines and much broader scopes.

The Attorney General comments that the current timeframe does not serve customers. She states that the 10-month timeframe restricts discovery, does not provide enough time to review testimony and exhibits, and does not provide sufficient time for briefing. The Attorney General comments that a minimum of two months should be added, for a total of 12 months. Attorney General's initial comments, p. 3. She also states that the utilities have a procedural advantage in that they are able to file testimony twice, whereas the other parties must rely on cross-examination to address the company's rebuttal case. The Attorney General recommends that, with the extension to 12 months, the Staff and intervenors should be allowed to file surrebuttal testimony before cross-examination takes place, in order to level the playing field. *Id*., p. 4. Finally, the Attorney General notes that the current schedule leaves little time for intervenors to file motions to strike improper rebuttal filed by the utility. ABATE also comments that the projected test year does not serve the interests of customers, and that it is questionable whether utility applications are actually receiving adequate review. ABATE's initial comments, p. 2.

The Staff begins by emphasizing that "Staff is not making any recommendations in these comments, and Staff is not advocating for any particular idea or outcome except where explicitly noted." Staff's initial comments, pp. 2-3. The Staff opines that it is "well equipped to handle annual rate case applications (as well as serve as the Commission['s] technical wing to effectuate its order) within the existing statutory construct." *Id*., p. 3. Citing data from Regulatory Research Associates, the Staff notes that the "10-month statutory timeframe in Michigan is not the longest or the shortest when compared to other states. Some states do not have statutory timing limits (13% of states), while others have limits of less than 7 months (13%), a few states have limits greater than 12 months (6%), while the majority of states must process rate cases within 7-12 month limits (68%)." *Id*.

In reply comments, MEGA notes that utility rate case applications are as much work for the utility to compile as they are for the intervenors to review. MEGA's reply comments, p. 3. DTE comments that it has been receiving nearly 4,000 discovery requests in electric cases, which suggests that "there is [an] appropriate level of time to review a utility's rate case filing." DTE's reply comments, p. 3. DTE states that allowing surrebuttal would add to the time and burden for all parties, and that Mich Admin Code, R 792.10427(3) leaves surrebuttal to the discretion of the presiding officer. Consumers comments that any longer timeframe must allow for self-implementation of new rates. Consumers' reply comments, p. 4.

In reply comments, the Attorney General supports an extension of the time for utilities of all sizes. Attorney General's reply comments, p. 2. ABATE comments that the Staff's apparent belief that the current timeline is acceptable is belied by the Staff's later comments as well as the order initiating this proceeding. ABATE's reply comments, p. 3.

2. **Should there be a minimum amount of time between rate case filings (longer than the current 12-month requirement) in order to allow evaluation of the actions directed in the utility's previous rate case order? If so, what should the minimum time be and how would it be implemented? Should there be additional measures requiring rate cases to be spaced further apart?**

In summary, Consumers, DTE, and MEGA support the current statutory timeframe; and the Attorney General, ABATE, NRDC, MOAHR, UM-SEAS, and MEIU argue in favor of a minimum amount of time between rate cases longer than the current 12 months.

Consumers and DTE comment that any change would result in regulatory lag and must be legislative. Consumers' initial comments, pp. 3-4; DTE's initial comments, pp. 4-5. MEGA states that the timing of a rate case filing is "a business decision best left to the utilities." MEGA's initial comments, p. 6.

MOAHR comments that utilities are often unable to comply with all of the directives contained in a rate case order within the two-month period between rate cases. MOAHR suggests a minimum of 16-18 months between rate case filings. MOAHR's initial comments, p. 2. MEIU recommends an additional 180 days between rate cases, with a potential new filing every 16 months. MEIU's initial comments, p. 3. NRDC comments that it is more important to have a longer timeframe for evaluation of the case, but that more time between cases would also provide more time to implement the directives that arise from each case. NRDC's initial comments, p. 10. UM-SEAS comments that there should be a minimum of three years between the date of a rate case order and the next filing of a rate case by that utility. UM-SEAS's comments, p. 2 (applying natural pagination).

The Attorney General comments that there is currently too much forecasted data covering too many years—sometimes as much as three years—and new cases are filed before the effects of the prior case have been felt. Attorney General's initial comments, pp. 4-5. The Attorney General highlights the fact that, in most cases, the historical year reveals a revenue sufficiency that was unknown to the parties that participated in the rate case that immediately followed that historical year. The Attorney General suggests two solutions: (1) exclusive use of a historical test year with known and measurable changes; or (2) use of a historical test year that is either equal to or exceeds the projected test year in the last rate case, that is, the historical year must match the projected test year from the most recent case (and so must be ended), or come later than that year. *Id*., p. 5. She comments that the bridge period should never exceed 12 months. The Attorney General suggests that new rates must have been in effect for at least a full year prior to the filing of any new case.

ABATE comments that the period between cases should be lengthened, proposing the following:

> Specifically, the Commission should develop an optional alternative rate structure under which utilities would be permitted to defer cost recovery in a regulatory asset between rate cases for their capital additions as they enter service, net of the increase in the utility's retired plant and the increase in the utility's accumulated depreciation. This would offer utilities the ability to recover actual costs while reducing regulatory burdens on the Commission and interested parties.

ABATE's initial comments, p. 2. ABATE comments that annual rate cases driven by high capital expenditures have eliminated regulatory lag but have also eliminated any incentive for the utilities to control spending. *Id*., p. 3. ABATE proposes this new rate structure using a regulatory asset to defer "the rate of return on the new investments less the growth in accumulated depreciation from legacy plant included in base rates." *Id*., p. 4. ABATE suggests that utilities could be allowed to use its proposed alternative if they:

> (i) voluntarily forgo the use of a projected test year and instead limit themselves to a historical test year and a subsequent verifiable historical bridge period that ends three months before new rates go into effect; and (ii) voluntarily agree to not file their next general rate case any earlier than 24 months, or any later than 36 months, from the date of the filing of its general rate case. Recovery of the regulatory asset would be determined as part of the utility's next rate case proceeding. It would be recoverable to the extent that the capital expenditures were prudently incurred and used and useful, and the utility's earned return in excess of its authorized return during the period of the regulatory asset, if any, was not sufficient to cover the cost of the regulatory asset. Under this approach utility revenues and customer rates would be more closely aligned with actual reasonable and prudent costs, as opposed to hypothetical and potential costs which may or may not be incurred over a two-year timespan.

*Id*. (footnote omitted). ABATE states that this plan would ensure that a utility does not over-recover, would provide an incentive to make expenditures used and useful, and would reduce the frequency of rate cases.

The Staff comments that the "current structure strikes a reasonable balance of interests" and that annual rate cases are reasonable. Staff's initial comments, p. 3. The Staff states that, if the

Commission wishes to consider alternatives, such alternatives could include: (1) seeking legislation that requires all utilities to file at least 21-days apart or more; (2) assigning a filing window of one or two months to each utility, that would ensure that filings were spaced in a way that makes sense for Commission resources and workload; or (3) adopt automatic adjustment clauses for specific cost items, similar to the mechanisms that apply to fuel costs. *Id*., pp. 4-6.

In reply comments, Consumers states that any lengthening of time would lead to regulatory lag. Consumers adds that deferred accounting such as is suggested by ABATE is not a substitute for ratemaking and that this suggestion might not reduce the frequency of rate case filings. Consumers' reply comments, pp. 4-5. DTE also comments that ABATE's proposal could increase the utilities' risk because review of investments would occur only after the investments have been made. DTE's reply comments, p. 4. DTE offers that a robust investment recovery mechanism (IRM) would accomplish the same goal with less risk and could cover multiple years. MEGA comments that any regulated utility will supply whatever additional information the Commission needs. MEGA's reply comments, p. 4.

The Attorney General replies that the Staff is mistaken in asserting that the current timeframe is acceptable, and states that:

> Staff seems to miss the point that non-regulated business[es] are subject to competitive forces in the marketplace that require quicker decisions while utilities are monopolies with cost recovery mechanisms for both historical and projected cost increases. Therefore, the idea of real time cost adjustments is not germane to utility companies. Unlike non-regulated businesses, utilities can manage and withstand longer delays in cost recovery between rate cases. In fact, regulatory lag is an effective and desirable tool to force utilities to make efficient use of capital and sound business decisions. The incentive to minimize costs is removed when costs are directly passed through to customers.

Attorney General's reply comments, p. 2. The Attorney General agrees that the 21-day spacing requirement should be applied to all utilities and a legislative change should be pursued. She comments that the Staff's ideas regarding a rate case filing window and adjustment clauses should be rejected. The Attorney General finds the filing window impractical, and she adds that "single-issue cost recovery mechanisms upend the holistic approach to ratemaking" and would not result in just and reasonable rates, noting, also, that IRMs have not reduced the frequency of rate case filings. *Id*., p. 3. The Attorney General also opposes ABATE's deferred cost accounting proposal and reiterates her suggestion regarding imposing requirements on the timing of the test year—an idea which she opines may not require a legislative change. *Id*.

ABATE reiterates its optional rate structure proposal. ABATE's reply comments, pp. 6-8.

**3. Should utilities file multi-year rate plans instead of making annual rate case filings? If so, how would this be implemented?**

In summary, MEIU and the CEOs appear to favor multi-year rate plans (MRPs).

MEGA comments that MRPs may increase the workload for small and multi-jurisdictional utilities without any benefit. MEGA's initial comments, p. 7. MEGA suggests that the Commission consider allowing small utilities to include a form of multiple year rate recovery in their rate cases, such as surcharges, though this may require a legislative change. *Id*. Consumers comments that any MRP must still allow for annual rate case filings and must include the preapproval of costs similar to the integrated resource plan (IRP) statutory scheme. Consumers' initial comments, p. 4. DTE recommends that the issue be studied and lists several complexities that would need to be addressed, including the fact that costs will be variable or even unknown. DTE's initial comments, pp. 5-6. DTE also posits that "many of the benefits of MRPs could potentially be realized through a more robust application of IRMs and trackers." *Id*., p. 6.

MOAHR opposes MRPs, noting that forecasting is already problematic under the current structure. MOAHR's initial comments, p. 2. The Attorney General also opposes MRPs. Attorney General's initial comments, pp. 6-9. She comments that the utilities are already receiving multi-year rate increases through the use of the projected test year and a bridge period of up to 24 months. The Attorney General states that this situation has resulted in excess earnings of $114 million for the four largest IOUs in Michigan over the past five years (as of the date of the comments). *Id*., pp. 6-7. The Attorney General notes that this is true, even though the four utilities sought a total of $5.7 billion in rate increases and the Commission approved only $2.6 billion. She blames the projected test year structure for the growth in capital spending. Id., p. 7. NRDC opposes MRPs and comments that, if they are used, they should be based on a historical test year and not a projected one. NRDC's initial comments, p. 11. ABATE also comments that MRPs would simply add to the current problems associated with the projected test year. ABATE's initial comments, p. 5.

The Staff comments that MRPs are similar to projected test years and may "introduce an avoidable and undesirable amount of forecast error and uncertainty in the process." Staff's initial comments, p. 6. Recognizing that the Commission experiences "deliberation related bottlenecks," the Staff offers several ideas, including that the Commission: (1) routinely make new rates effective two weeks after issuance of the rate case order, thus encouraging utilities to file rate cases by February 14 rather than March 1 (for rates to be effective with the new year); (2) permanently change the number of days allotted for Commission deliberations; (3) set a schedule for the rate case on an ad hoc basis; (4) advise the ALJ to set a schedule that allots a certain number of days to the Commission for deliberations; or (5) use the full amount of time allowed under the statute for deliberation of the case rather than following the current practice of issuing the order in conformance with whatever dates have already been selected for Commission meetings. *Id*., pp. 6-8. Regarding the first idea, the Staff notes that tariff sheets could either be attached to the order, or the utility could be directed to file the tariff sheets after consultation with the Staff.

MEIU recommends the use of MRPs, commenting that MRPs that cover at least three years (with annual reporting) would reduce the administrative burden on current case participants and would allow for a predictable revenue stream, thus helping gas utilities to avoid stranded costs. MEIU's initial comments, pp. 4-5. The CEOs also recommend the use of MRPs that synchronize with the IRP and distribution system plan (DSP) processes. CEOs' initial comments, p. 1. The CEOs note that, currently, rate cases do not align with these other proceedings, making planning documents outdated before they can even be implemented. The CEOs comment that rate cases are so frequent that they leave little time for policy development outside of the rate case process. *Id*. The CEOs opine that MRPs can allow for more time between rate cases for implementation of the utility's DSP, and can also be aligned with performance metrics, giving Illinois and Minnesota as examples. The CEOs comment that:

> Michigan's existing ratemaking process of near-continuous rate case litigation is exhausting for intervenors and likely does not lead to optimal decisions by the Commission. The CEO[s] recommend that the Commission work with the utilities and other [interested persons] to examine the pros and cons of multi-year, performance-based ratemaking to replace the current ratemaking process in Michigan.

*Id*., p. 3.

In reply comments, Consumers states that annual filings must be allowed. Consumers' reply comments, p. 5. The Attorney General notes that most commenters opposed MRPs, and she states that "there is no systematic evidence that clearly shows that alternative regulation, such as MYRP [multi-year rate plans], has resulted in any (a) reduced/improved retail rates; (b) improved cost efficiencies; or (c) improved quality of service or reliability." Attorney General's reply comments, p. 4. The Attorney General also opposes the Staff's suggestions for mitigating current bottlenecks, as they "come at the expense of reducing time in other areas of the schedule that are already constrained." *Id*. ABATE comments that none of the parties representing actual customers offered support for the MRP idea. ABATE's reply comments, p. 8.

4. **Are there issues that would benefit from being heard and decided in separate proceedings? If so, what are the issues? Would legislation be required in order to move these issues out of rate cases or to address and resolve the issues identified for separate proceedings? How would this affect the holistic review of rates?**

Consumers comments that separate proceedings create more work, and such proceedings would have to include a mechanism for cost recovery. Consumers' initial comments, pp. 4-5. Consumers comments that the "IRP process is a useful tool for structuring these separate proceedings" and that the success of the IRP process is tied to the approval of cost recovery. *Id*., p. 5. Consumers posits that the five-year distribution plan case "would fit well into an IRP case structure" and that such a model could be combined with an IRM. *Id*. MEGA again comments that policy-based issues do not belong in rate cases and should be separated out. MEGA's initial comments, p. 9. MEGA also notes that a proliferation of separate proceedings could put stress on smaller utilities. *Id*., p. 10. DTE comments that any issues contested in separate proceedings should be ones for which the Commission can authorize cost recovery. DTE's initial comments, p. 7.

MOAHR comments that pilots could be vetted through a workgroup or contested case process before coming into rate cases, and that the calculation of the state reliability mechanism (SRM) could be addressed in capacity demonstration proceedings. MOAHR notes that these two issues have minimal or no revenue requirement impact, and thus new legislation would not be required. MOAHR's initial comments, p. 2.

MEIU comments that transportation electrification plan (TEP) cases would benefit from being heard in separate proceedings, which would likely require legislation. MEIU's initial comments, p. 5. MEIU recommends that cost recovery be authorized in such proceedings. MEIU comments that rate design could be evaluated in a separate case. *Id*., pp. 6-7. ABATE also comments that separate proceedings could be considered, similar to the way that depreciation accrual rates are currently treated, but adds that this should not be used for cost items that change significantly each year. ABATE's initial comments, pp. 5-6. NRDC comments that it is unclear whether anything would be gained from separate proceedings. NRDC's initial comments, p. 11. The Attorney General comments that separate proceedings "weaken the accountability and holistic approach to ratemaking" and should be "severely restricted." Attorney General's initial comments, p. 9. UM-SEAS comments that cost allocation and the return on equity (ROE) do not need to be considered in every rate case. UM-SEAS's comments, p. 3.

The Staff comments that separate proceedings make it difficult to review rates holistically, while recognizing that the current structure—which includes separate proceedings for depreciation rates and for fuel costs—works well because it is clear how those decisions flow into successive rate cases. Staff's initial comments, p. 9. The Staff notes that it may be possible to separate the revenue deficiency decisions from the cost of service/rate design (COS/RD) decisions. The Staff posits that the revenue deficiency which has been arrived at in a rate case proceeding could be run through a separate COS/RD proceeding; or, alternatively, there may be no required corresponding COS/RD proceeding but rather the currently-approved method is used; or, COS/RD cases could have their own cadence unconnected to the revenue deficiency part of the rate case. *Id*., p. 10. The Staff notes that the process of completing an RD and tariffs takes 2-3 weeks, and thus, under such a separation the "Staff would have to do a couple weeks of work that it currently does not have to do in the current construct of a single case." *Id*., n. 4. Alternatively, the Staff offers the idea that electric DSP proceedings could be contested and costs could be pre-approved; or, a separate proceeding could address an IRM or the ROE.[4] The Staff emphasizes that issues in rate cases will not be reduced unless clear decisions result from these separate proceedings.

In reply comments, Consumers and MEGA reiterate that separate cases simply add to the case burden and, in some cases, may be unlawful. Consumers' reply comments, p. 6; MEGA's reply comments, p. 5. The Attorney General comments that COS allocation and the SRM could be separated, similar to the way that depreciation is currently separated, but that the TEP, pilots, and IRMs should be reviewed in rate cases. Attorney General's reply comments, p. 5. She also opposes Consumers' suggestion to allow cost pre-approval in DSP cases because they are five-year plans and thus would constitute an MRP. ABATE comments that separate proceedings should be avoided. ABATE's reply comments, p. 10.

**5. Does the fully projected test year serve the best interests of utility customers? If not, how should it be modified or replaced, and how would any changes be implemented?**

In summary, DTE, Consumers, and MEGA support the continued use of a projected test year; and the Attorney General, ABATE, NRDC, and MOAHR oppose the use of a projected test year. MEGA, Consumers, and DTE comment that the projected test year reduces rate case frequency and regulatory lag, and that any change must be legislative. MEGA's initial comments, p. 10; Consumers' initial comments, pp. 6-7; DTE's initial comments, pp. 7-8.

[4] The Commission notes that the Staff does not support the concept of contested DSP cases. *See*, September 26, 2024 order in Case No. U-20147, p. 134 and Exhibit A.

MOAHR comments that "[w]here utility projections are often unchallenged and result in substantial rate increases, a fully projected test year may not serve the best interests of utility customers" and adds that "the Commission, staff, or intervenors could present a test year revenue requirement based wholly on audited historical revenues and expenditures, or based on a hybrid of historical revenues and expenditures plus projected costs and revenues." MOAHR's initial comments, p. 3.

NRDC opposes the use of the projected test year, commenting that it serves only utilities and has allowed rates to skyrocket in cases based on evidence that could not have been filed using a historical test year. NRDC's initial comments, p. 12. NRDC comments that ABATE has shown this to be true in recent rate cases. NRDC notes that regulatory lag can incentivize utilities to contain costs and argues that projected test years allow for an increased rate of return simply by underspending on the projections, which leads to gamesmanship. *Id*., p. 13. The Attorney General refers to her comments in response to questions 2 and 3, above, and concludes that the "Commission should recommend to the legislature that the language permitting projected test years be removed from MCL 460.6a." Attorney General's initial comments, p. 9.

ABATE notes that it has been active in demonstrating that projected test years do not serve the interests of customers and has repeatedly asked the Commission to initiate a generic proceeding to examine and define the attributes of projected test years, including the benefits and detriments for customers, the categories of expense that should not be included because they are too difficult to predict, the minimum criteria for making a reasonable demonstration that a projected amount will be spent, and whether the use of the projected test year should be factored into the decision on ROE. ABATE's initial comments, p. 7. ABATE notes that the projected test year incentivizes the projection of costs that may not be incurred and undermines selfdiscipline. ABATE comments that rate cases are characterized by "information asymmetry" as follows:

> The Commission Staff and intervenors are at a distinct disadvantage relative to the utility in interpreting and evaluating cost projections. In theory, the utility has the burden to demonstrate the reasonableness of its projections, but in reality this only applies when a projection gets called into question. Major rate cases involve hundreds, if not thousands, of projections and assumptions. Many of these inevitably escape scrutiny as a result of time and resource constraints. Whenever this occurs, the projection is deemed reasonable and the associated request is approved (barring unilateral action by the Commission).

*Id*., pp. 8-9 (footnote omitted). ABATE calls it an "unfortunate practical reality" that the burden of proof (though remaining on the utility as a matter of law) falls on the intervenor to demonstrate problems with utility projections, and ABATE argues that this system is badly in need of reform. *Id*., p. 9.

Noting that it first began presenting this data in 2021, ABATE provides a chart showing a comparison of a utility's projected revenue need to its actual revenue need based on the chosen historical test year for the four largest IOUs in Michigan. *Id*., pp. 10-11. The chart shows a discrepancy of hundreds of millions of dollars in almost every case, going back 6-8 rate cases. ABATE comments that the projected test year allows shareholders to benefit at the expense of customers by allowing utilities to fill rate cases with proposed expenditures that the utility later avoids making, thus raising the realized rate of return. ABATE states that, if rates were properly set, then "over time the reported historical test year revenue deficiencies and sufficiencies would balance out such that about half the time utility's historical test years would have a revenue deficiency and about half the time utility's historical test years would have a revenue sufficiency." *Id*., p. 12. ABATE notes that this has not been the case, at least since 2021. ABATE states that DTE Electric has shown a revenue sufficiency of $80 to $112 million in its three most recent rate cases, and DTE Gas and Consumers' gas division have also shown revenue sufficiencies. ABATE opines that this situation will not change until the Commission "either: (i) disallows problematic utilities from using a projected test year for their base rates, (ii) becomes much more aggressive in terms of rejecting the unsupported projections of utilities, or (iii) institutes other measures that prevent or greatly limit utility overearnings that result from the utility's over projections." *Id*., p. 13. ABATE comments that the reliance on the projected test year by the Commission is discretionary under the statute, and ABATE urges the Commission to rely on a historical test year adjusted for known and measurable changes, which includes the use of normalization and annualization for certain costs. ABATE renews its plea for a generic proceeding to investigate the use of the projected test year, either in this docket or another, citing Pennsylvania as an example.

The Staff comments that just and reasonable rates may be set using either a projected test year or a historical period. Staff's initial comments, p. 11. The Staff notes that:

> the risk of projection error in setting rates is reduced with an increased reliance on historical information. In theory, a rate setting process (backed by law) that relies fully on historical data would eliminate forecast error and also, very likely, reduce the voluminous nature of the record (as this would eliminate all of the support/evidence related to projections). The disadvantage of increased reliance on historical data is regulatory lag, which by and large impacts the utility and not the customer.

*Id*. The Staff further notes that the Commission is not required to rely on projections to set rates, but that exclusive reliance on historical data would not meaningfully reduce the size of the record in rate cases.

In reply comments, DTE, MEGA, and Consumers support the fully projected test year, commenting that there is no misalignment in the timing of rates and costs. DTE's reply comments, p. 5; MEGA's reply comments, p. 6; Consumers' reply comments, p. 7. Consumers comments that the Staff's analysis of the law is incorrect because the statute actually does require the use of a projected test year. Consumers' reply comments, p. 7.

The Attorney General notes that only the utilities favor the projected test year, and comments that the Commission's occasional application of a historical-based cost is "not a substitute for a full historical test year with known and measurable changes for the upcoming year." Attorney General's reply comments, p. 6. She comments that ABATE's deferred cost proposal is confusing and concerning because it will accelerate capital spending, asserting that "there is no rigorous review of capital expenditures after the fact." *Id*., p. 7. She again suggests that the Commission ask the Legislature to remove the projected test year language from MCL 460.6a. ABATE comments that no legislative change is necessary because its alternative rate structure proposal is a more appropriate way to address the projected test year and regulatory lag. ABATE's reply comments, p. 11. ABATE again recommends the use of a generic proceeding.

**6. How can equity and environmental justice issues be better integrated into rate cases?**

MEGA notes that equity and environmental justice (EJ) issues have been legislatively mandated for inclusion in the IRP process, and states that the Energy Affordability and Accessibility Collaborative (EAAC) and the Low-Income Energy Policy Board are also looking at these issues. MEGA's initial comments, pp. 10-11. MEGA notes that through recent legislation, additional funds are available from the Utility Consumer Participation Board (UCPB). However, MEGA comments, these policy issues are better addressed outside of the rate case process. *Id*., p. 11.

Consumers describes actions it has taken to flag EJ issues related to reliability in rate cases and states that a rate case "is an appropriate venue to discuss EJ concerns" as well as the related costs. Consumers' initial comments, p. 7. DTE also highlights its use of the MiEJScreen Tool and the reliability data it has recently developed and calls this an "evolving topic." DTE's initial comments, p. 9.

MOAHR comments that EJ issues are better addressed in IRP cases or as part of grid planning. MOAHR's initial comments, p. 3.

NRDC comments that the burden of a rate increase falls disproportionately on low-income customers and the Commission should recognize and give appropriate weight to this fact. NRDC's initial comments, p. 14. NRDC suggests that the Commission consider:

> (1) Evaluating utility implementation of recent changes to the Service Quality and Reliability Standards requiring the automatic payment of bill credits for unacceptable levels of performance in environmental justice (EJ) communities using the MiEJScreen Environmental Justice Screening Tool or a similar tool.
>
> (2) Requiring utilities to report on their infrastructure and programmatic spending (e.g., energy efficiency) in EJ communities. While spending does not necessarily equate to benefits, such reporting would allow the Commission and interested parties to evaluate whether utilities are investing in communities equitably. In the interest of transparency and accountability, such reporting should also include program-specific historic capital and maintenance spending in EJ communities as well as projected future capital and maintenance spending, with program-level specificity and realistic timeframes to increase utility accountability for their projections.
>
> (3) Requiring utilities to evaluate and report on reliability across numerous metrics in EJ communities. This should include actual historic outage event history in fair weather and storms, outage frequency, repeat outages, outage duration over a long-enough period to assess historic performance, together with projected reliability going forward tied to credible assumptions about spending and program benefits.
>
> (4) Implementing targeted Performance-Based Ratemaking projects in EJ communities to hold utilities accountable for their spending and benefits projections by putting investment returns at risk when outcomes are not realized.

*Id.*, pp. 14-15 (footnote omitted).

The Attorney General notes that EJ issues are mandated for inclusion in IRP cases and states that similar requirements "could be applied to rate cases." Attorney General's initial comments, p. 10. The Staff comments that, unlike IRP cases, there is no clear legal requirement to address equity and EJ in rate cases, and these concepts "have yet to be defined in relation to the setting of rates and applicable legal requirements." Staff's initial comments, p. 12. The Staff notes that legislation in 2023 broadened the ability of the UCPB, under MCL 460.6m(12), to make grants to groups representing EJ communities. The Staff adds that, per the Commission's direction, the EAAC is developing definitions for these terms. The Staff opines that, in this context, it is "premature to provide definitive recommendations on integrating equity and [EJ] into [Commission] proceedings." *Id*. UM-SEAS comments that the Commission should require "public hearings in impacted communities shortly after the company files testimony, but before the testimony of intervenors is due." UM-SEAS's comments, p. 3.

In reply, Consumers again states that a rate case is an appropriate venue for addressing EJ concerns. Consumers' reply comments, p. 8. Conversely, MEGA replies that such issues are better addressed as part of resource planning, and that setting rates based on equitable principals may violate the cost of service mandate by introducing subsidization. MEGA's reply comments, p. 6.

The CEOs reply that the Staff is mistaken in its description of the law, "because equity and justice are at the core of the 'just and reasonable' standard" and the Commission's power to set rates "inherently includes the power to consider public health, affordability, and equity." CEOs' reply comments, pp. 1-2 (footnote omitted). The CEOs comment that the Commission has already begun this work in recent rate cases, and they cite Minnesota as an example of another state that is also undertaking this consideration. The CEOs comment that case law supports the concept that the Commission may take these issues under consideration without judicial interference. *Id.*, p. 3.

The Attorney General replies that the utilities have been supportive in providing data to determine whether disadvantaged communities receive poorer service, and she comments that this subject could be addressed outside of a rate case. Attorney General's reply comments, p. 8.

7. **Does the current rate case process provide sufficient opportunities for participation by interested persons? If not, how could the process be improved to lower barriers and promote greater participation and transparency? Are there potential guidelines that could be shared with intervenors that would help to manage the case record?**

In summary, Consumers, MEGA, DTE, the Staff, MOAHR, the Attorney General, and ABATE comment that opportunities for participation are generally sufficient; and MEIU and NRDC have suggestions for increasing participation. MEGA and ABATE suggest that participation may need to be limited.

Consumers comments that there are many opportunities for participation and notes the use of the UCPB funds which are provided through annual assessments on utilities. Consumers' initial comments, p. 8. MEGA comments that the Commission and the Staff have gone to great lengths to provide accessibility and transparency in the rate case process, including information on how to participate. MEGA's initial comments, p. 12. MEGA comments that a significant amount of information sought in discovery is already available in the utility's initial filing, and states that intervenors do not actually read their discovery requests to determine whether they have already been answered. *Id*. DTE notes that participation has grown significantly in recent years, with the number of intervenors "more than doubling over the past decade." DTE's initial comments, p. 11. DTE also cites to the doubling of funding for intervenors, and the Commission's improvements to the comment process. DTE comments that "[a]dditional ways to improve this could be to provide more links and visibility throughout the Commission's web site similar to FERC's [Federal Energy Regulatory Commission's] office of public participation, as an example." *Id*. Like MEGA, DTE complains about duplicative discovery requests seeking information that is already available in the docket. *Id*., p. 12. DTE suggests that parties review the initial case filing, workpapers, and the discovery requests of other parties.

MOAHR comments that opportunities for participation appear to be sufficient and documents are easily accessible. MOAHR's initial comments, p. 3.

MEIU comments that rate cases are complex, technical, and jargon-filled, and require legal representation and expert witnesses capable of doing modeling. MEIU's initial comments, p. 7. MEIU argues that there should be adequate funding, training, and education that allow communities to fully participate, but that evidentiary standards should not be undermined. UM-SEAS comments that the Staff should be trained to summarize and analyze the public comments that are filed in the rate case docket, and should include this analysis in their own testimony, in order to affirm public commenters and bring the public comments into evidence. UM-SEAS's comments, p. 3.

NRDC comments that meaningful participation comes through intervention and suggests that the Commission take action to make both intervention and the public comment process easier and more meaningful. NRDC's initial comments, p. 16. NRDC suggests the following:

(1) Developing standards and templates for discovery, testimony, and briefing, and enforcing its standards, as discussed above. The Commission has increased consistency, continuity, and transparency in rate case applications through its Rate Case Filing Requirements (RCFR) and could similarly improve other rate case components.

(2) Supporting Staff in maintaining an organized history of regulatory cases and key directives pertaining to each utility and ensure public access to it. This would improve consistency and continuity across rate cases and improve transparency.

(3) Direct Staff to automatically provide audit responses to all intervenors, who must currently use discovery requests to obtain them.

(4) Establish standards for how application and discovery materials are provided to parties. For example, each utility should provide all parties with access to a shared file containing testimony, revised testimony, exhibits, workpapers, discovery responses, and Staff audit responses. The file should be indexed and searchable. Also, discovery responses should be served as complete sets except in rare circumstances and should be uploaded to the file promptly when served. Among other benefits, this may help streamline cases by allowing parties to rely on other parties' discovery and avoid duplication.

(5) Standardize the disputed issues chart that some ALJs currently ask utilities to provide to facilitate briefing. The Commission should require utilities to create it and include all issues and related witnesses and exhibits, and the Commission should require utilities to file it in the public docket to support participation by non-intervenors and improve transparency.

(6) Develop ways for non-intervenors to participate in cases so that their input is considered in the Commission's decision-making. One option could be the establishment of an amicus curiae status, where a non-party could obtain leave to file a brief to provide the Commission with additional information and perspectives. The filing of a standard disputed issues chart in the public docket would facilitate this kind of participation. Another option could be to require Staff to review and summarize in its testimony all comments received before a certain date so that their contents may be addressed in cross examination, briefing, and decision-making.

(7) Support the creation and maintenance of a public database of rate case information, including rates, issues, and case outcomes.

*Id.*, pp. 16-17.

The Attorney General comments that the Commission "has been very permissive in allowing an array of intervenors in rate cases" and that "reducing some of the extra briefing requirements that have more recently been imposed on intervenors would also lower barriers for participation." Attorney General's initial comments, p. 10. ABATE comments that the current process provides more than sufficient opportunities for participation, which is demonstrated by the significant growth in the number of intervenors. ABATE's initial comments, p. 16. ABATE states that intervention, in fact, may be too liberal at this point and that unrelated issues are being found in rate cases. ABATE calls for greater consideration of whether petitioners actually meet the requirements for intervention, including permissive intervention.

The Staff acknowledges that the rate case process is complex and that legal representation "by attorneys versed in regulatory and utility law is incredibly important for successful participation." Staff's initial comments, p. 13. The Staff notes that participation by a diverse array of interests has increased dramatically and that the UCPB has received additional funding. The Staff recognizes that participation by individual customers is still limited but notes that non-parties may comment at every Commission meeting and through the e-dockets webpage for each case. *Id*., p. 14. The Staff also notes that all of the evidence filed in the case is available for review at any time and adds that the Commission is exceedingly transparent when it comes to access to information, but that making all of the information readily understandable is challenging. The Staff suggests that the Commission consider issuing rate case fact sheets following an order, with results explained in laymen's terms (including line-items and corresponding amounts), but the Staff also notes that this could be challenging "given the constrained timeline under which cases must be reviewed and Staff capacity constraints." *Id*., p. 15.

MEGA replies that it agrees with ABATE that there may be too many intervenors at this point, and that discovery requests are often duplicative. MEGA's reply comments, p. 7. DTE comments that NRDC's suggestions are more pertinent to the RCFR. DTE's reply comments, p. 6. DTE notes that the Staff "could only testify to what the comments say, rather than to the veracity of the statements in the comments" and there would be no opportunity for cross-examination, which is authorized by law. *Id*. (citing MCL 24.272).

The Attorney General replies that utilities have increased their claims for confidential treatment, and such treatment should be minimized. Attorney General's reply comments, p. 8. ABATE questions the use of Staff testimony to summarize comments, noting that the Commission's decisions must be based on competent, material, and substantial evidence, and that hearsay is not admissible. ABATE's reply comments, pp. 15-16. ABATE also notes that the Commission may not consider "factual information or evidence" presented in amicus briefs. *Id.*, p. 16.

**8. Are there administrative changes to the contested case process that could result in additional improvements such as shorter notice requirements or page limits? Other additions to the RCFR?**

MEGA suggests that limiting the number of policy issues addressed in rate case proceedings, and limiting the number, scope, and timeline for discovery, would benefit the rate case process. MEGA recommends that the Commission consider adopting rules that govern the conduct of discovery. MEGA's initial comments, p. 13. MEGA states that:

> the Commission should review all avenues of aligning the discovery process with any other civil matter before our courts. Additionally, the Commission could encourage intervenors to conduct discovery of a utility's case well enough in advance of their direct case filings to prevent an unreasonably burdensome amount of discovery requests being served on the utility shortly before Staff and intervenor direct case filings are due to be filed.

*Id.*, pp. 13-14. MEGA also suggests discovery limits and cost thresholds, including a 10-day discovery window. Consumers states that it does not support page limits. Consumers' initial comments, p. 9. DTE also rejects page limits, but comments that if such limits are adopted, they should not be uniform for all parties, noting that the utility must present its entire case, while an intervening party may be interested in only a limited number of issues. DTE's initial comments, p. 12.

MOAHR comments that:

> [h]aving the rate case prehearing three weeks after the notice of hearing is issued, instead of the current four weeks, might be of some help in the audit and discovery process, because many parties do not begin the discovery process until after a protective order is issued (usually immediately after the prehearing). . . . Establishing page limits for the parties' post-hearing briefs and reply briefs, as well as establishing a requirement that reply briefs be limited to issues raised in initial briefs without duplication of the same arguments and testimony could increase efficiencies in the proposal for decision writing process.

MOAHR's initial comments, p. 4.

The CEOs recommend that the Commission require the utilities to notify customers of a pending rate increase case through their bills and provide a link where customers can file comments prominently in the body of an email to customers. CEOs' initial comments, pp. 3-4. They also comment that utilities should be required to provide an initial data set with each rate case application, which would reduce the need for discovery, citing Arizona as an example. *Id*., pp. 4-5. The CEOs offer a list of items that could be provided as part of a standardized set of data. They also suggest that the Commission require that:

> all documents filed or provided in response to discovery must be filed or served to parties in their native format (e.g., Excel or Word) in full working condition. Often, a utility will provide intervenors an Excel file that is filled with hardcoded numbers where all formulas have been removed, requiring the intervenors to re-request the document with the formulas intact.

*Id*.

NRDC comments that the RCFR should be amended to require that "every rate case application includes bill and rate benchmarking information." NRDC's initial comments, p. 17. NRDC states that shorter notice requirements and page limits should not be imposed. UM-SEAS comments that every discovery response should be made a public record. UM-SEAS's comments, p. 3.

The Attorney General advocates for a "shorter notice and a prehearing scheduled within 15 days of the rate case filing date" and comments that the volume of evidence could be scaled back if utility witnesses focused on explaining the requested spending as compared to historical levels and used units of work to support the spending. Attorney General's initial comments, p. 10. She further comments that the Commission should call out evidentiary abuses by the utilities consisting of repetitive testimony and a failure to consolidate topics, on a case-by-case basis. *Id.*, p. 11.

ABATE comments that the RCFR should require additional supporting documentation, and in particular that:

> utilities should be required to submit with their rate case filing (instead of submitting in response to discovery) documentation comparable to Consumers' Concept Approval Documents ("CAD"), or DTE Electric's Project Approval Team ("PAT") forms in support of their actual historic year, projected bridge period, and test year generation and distribution capital expenditures.

ABATE's initial comments, p. 18. ABATE states that this would reduce discovery. ABATE also suggests that utilities provide functional workpapers in spreadsheet format with all formulas and links intact. ABATE adds that the ALJ (for the PFD) and the Commission (for the final order) should provide the workpapers supporting the approved revenue requirement, class apportionment, rate design, and rates. *Id.*, pp. 19-20.

The Staff again expresses concern about the "deliberation bottleneck" that faces the Commissioners and offers some new ideas for streamlining cases. Staff's initial comments, p. 16. The Staff notes that, since 2007, only 37% of rate cases have resulted in a contested order and the remainder have settled, and that the settlement percentage is even higher for the smaller IOUs. The Staff designates the largest four utilities in Michigan as DTECE4 (DTE Electric, DTE Gas, Consumers electric, and Consumers gas). The Staff states that for the DTECE4, 63% have resulted in contested orders (and 37% have settled) since 2007; and for all other IOUs, 12% have resulted in contested orders (and 88% have settled) since 2007. *Id.*, p. 15. Separating electric and gas cases, the Staff states that, among the DTECE4, 87% of electric cases and 35% of gas cases have resulted in contested orders since 2007. *Id*., p. 16. The Staff adds that for all other IOUs, 18% of electric cases and 0% of gas cases have resulted in a contested order during that time period. Based on this data, the Staff comments that the deliberation bottleneck could be eased by changing the manner in which the Commission addresses the rate cases filed by the smaller IOUs.

The Staff notes that "there is a longstanding and continuing shortage of ALJs" and that it is "truly amazing that a single ALJ can produce a full PFD in the timeframe allotted to them with the resources available to them." *Id*. The Staff suggests that the Commission could direct that all rate cases outside of the DTECE4 cases be read-the-record (RTR) cases, thus removing the need to issue a PFD or deal with exceptions and replies to exceptions. *Id*., p. 17. The Staff notes that this would expand the current 33-day deliberation and order-preparation window (for a case with a PFD) to a 100-day window (for an RTR case). Knowing that the majority of these cases settle, the Staff suggests that this could help to mitigate the "deliberation bottleneck if and when utilities file in the same period." *Id*. The Staff also offers that the ALJ could, in these RTR cases, prepare a summary of the record for the Commission. The Staff adds that, alternatively or in conjunction with other administrative changes, the Commission could dispense with the replies to exceptions, which would add about 13 days to the deliberation stage. The Staff notes that the opportunity to file exceptions to a PFD is mandated by statute. *See*, MCL 24.281.

The Staff asks whether a mandated status or settlement conference with the ALJ would benefit the rate case process but does not actually offer an opinion. *Id*., p. 18. The Staff also queries whether it would be beneficial to establish a case schedule that includes the possibility of a contested settlement agreement.

Consumers replies that it supports ABATE's suggestion that the Commission provide the supporting documentation for the PFD and order. Consumers' reply comments, p. 9. However, Consumers opposes the Staff's suggestion to possibly remove the exceptions and replies to exceptions, arguing that this would be unlawful. DTE also replies that the elimination of exceptions would be unlawful, and notes that the Commission could choose to read the record in all rate cases. DTE's reply comments, p. 7. MEGA replies that providing bill and rate benchmarking information "has no practical application to a utility's request for cost recovery and should be rejected." MEGA's reply comments, p. 8. MEGA wonders whether making cases into RTR cases will reduce the frequency of settlements in those cases, and comments that the smaller utilities are often able to achieve a settlement before the PFD has been issued. *Id*.

In response to the Staff's suggestion for record summaries, MOAHR replies that:

> it could result in even more effort on the part of the ALJ assigned to the matter, with a shorter period of time to complete the task. Currently, the ALJs provide a cursory discussion of issues that are not in dispute, and instead focus in depth on analyzing the issues in the rate case that are in controversy. If the expectation is that the ALJ provide a detailed summary of the entire record, including all filed testimony and those issues that are not in dispute, this could effectively increase the workload for the MOAHR-PSC [Public Service Commission] division with little value added to the overall process.

MOAHR's reply comments, p. 1.

NRDC opposes the Staff's suggestion of applying a different procedure to the smaller utility rate cases, commenting that "it suggests drawing a line that would leave almost 250,000 electric customers and over 475,000 gas customers across the state with diminished procedural safeguards against unreasonable rate increases and other utility requests that harm their interests." NRDC's reply comments, pp. 2-3 (internal citations omitted). NRDC comments that the size distinction is arbitrary, and that the PFD/exceptions/replies process is important for small utility customers who benefit from the ALJ's full analysis of the case. NRDC notes that smaller utilities tend to have fewer intervenors in their cases, but that these issues are just as important to small utility customers as they are to large utility customers. *Id*., p. 4. NRDC states that an abridged rate case process for small utilities could penalize these customers, especially low-income customers who live in less densely populated regions of the state. NRDC adds that it opposes the RTR rate case concept across the board, because rate cases particularly require a detailed, multi-stage review process, and the PFD is essential for framing the issues and providing impartial recommendations. *Id*., p. 6. NRDC also objects to MOAHR's suggestion of page limits, arguing that page limits would prejudice intervenors' ability to thoroughly brief the issues. *Id*., p. 8.

In response to MEGA, NRDC also comments that public policy issues like affordability and EJ are not tangential to ratemaking but rather bear directly on whether rates are just and reasonable. *Id*. NRDC also opposes the suggestion to impose a discovery deadline of 10 business days before a hearing as unworkable because, often, there are already fewer than 10 business days between the filing of rebuttal and the start of cross-examination. NRDC's reply comments, p. 8. NRDC supports MEGA's suggestion that the Commission reduce the use of paper (mentioned below). *Id*., p. 9.

The Attorney General notes that some of the additional information requested by commenters is already provided by the utilities in the Part II and Part III RCFR information. Attorney General's reply comments, p. 8. The Attorney General suggests that a pre-hearing be held 15 days after the hearing notice date. The Attorney General opposes the Staff's RTR suggestion, commenting that the PFD should not be bypassed, nor should the replies to exceptions. *Id*., p. 9. The Attorney General states that a mandatory settlement conference would not add much value and would make the schedule more constrained. She adds that partial settlement should also be avoided. The Attorney General supports NRDC's proposal to add bill and rate information as part of the Part III information, and states that it should span five years. Finally, the Attorney General opposes MEGA's proposal to limit discovery and comments that any comparison to civil cases is inapt due to the size of a rate case, the number of issues, and the number of parties. The Attorney General states that it would simply worsen the current information asymmetry. *Id*., p. 10.

ABATE opposes the Staff's suggestions to dispense with the PFD or the replies to exceptions, as well as MEGA's suggestion to limit discovery, commenting that these changes would limit due process. ABATE's reply comments, pp. 17-20. ABATE notes the importance of the PFD and points out that no commenter has argued that the rate case process is "overly deliberative." *Id*., p. 19. ABATE adds that a PFD-type summary does not appear to be consistent with the administrative process and is not in customers' best interests.

**9. What other improvements to the rate case process should be considered by the Commission or other entities?**

MEGA suggests that the Commission reduce required paper usage by no longer requiring the filing of paper copies of applications and evidence. MEGA's initial comments, p. 15. MEGA supports the use of digital copies in a central location in the cloud, and adds that, if hard copies are required, they should be for testimony only. MEIU suggests better coordination between gas and electric utilities, and comments that:

> a combination gas and electric utility should be required to include in its initial rate case filing for either commodity information reflecting consideration of the other fuel. In areas where different utilities provide gas and electric services, they should be required, either through law or rules, to share information necessary to determine projected demand of each commodity.

MEIU's initial comments, p. 8.

NRDC urges the Commission to "give greater deference to ALJ findings and recommendations[,]" stating that:

> appellate courts do not substitute their judgment for that of the trial judge. The Commission, however, frequently reaches its own conclusions about factual matters where ALJs have heard directly from witnesses, studied relevant exhibits, and carefully considered a recommendation. What is more, the Commission's departures from PFD recommendations evince a strong trend in favor of utilities. For example, in Consumers' electric rate cases since 2012 and DTE Electric's rate cases since 2010, the Commission nearly always authorized a higher ROE than the PFD recommended. Only twice did the Commission adopt the PFD's recommended ROE, and only once did the Commission authorize an ROE lower than the PFD recommended. Similarly, while the Commission occasionally found a lower revenue deficiency, its revenue deficiency findings were on average about $6M higher than PFD findings for Consumers and $45M higher than PFD findings for DTE Electric. . . . The Commission should also support legislative action that would require commissioners to deliberate rate decisions in open public meetings instead of behind closed doors. Doing so would significantly increase transparency. It may also facilitate better understanding of and public trust in the ratemaking process.

NRDC's initial comments, p. 18.

The Staff's comments relate to the Commission's current three-phase process for addressing demand response (DR) reconciliations. The Staff states that multiple timing issues have arisen from the use of this approach and that the circumstances which led to the adoption of this approach no longer exist. Staff's initial comments, p. 19. The Staff recommends that the Commission "move away from the three-phase approach after the conclusion of the pending DR reconciliations[.]" *Id*. The Staff adds that:

> [a]ll DR information, including determinations about programs, historic spending, future investment, and considerations of DR incentives could be fully discussed within the context of the rate case, rather than split between rate cases and DR reconciliation cases, thus eliminating any further need for separate DR reconciliations. Since DR is considered a resource, higher level DR targets would still be discussed in the context of an integrated resource plan as they are today.

*Id*.

In conclusion, the Staff states that it is not "making any recommendations in these comments" and opines that any change might simply result in a different problem in another area; thus, the Staff states that "the current construct and current process has the added certainty of having been tested over a number of years through the various cycles of administrative court, Commission orders, appeals, etc." *Id*., p. 20. MEGA also comments that unintended consequences could result from any change. MEGA's reply comments, p. 2.

In response to NRDC's request for greater deference to the ALJ's findings, DTE comments that the Commission is vested with the authority to regulate rates and tariffs. DTE's reply comments, p. 8. Consumers also notes that the division of authority is established by law and the Commission is required to reach its own decision. Consumers' reply comments, pp. 10-11. Consumers comments that MEIU's suggestion regarding consideration of both fuels is unclear. DTE and Consumers also reply that they agree with the Staff's views on the three-phase DR approach. DTE's reply comments, p. 8; Consumers' reply comments, pp. 11-12. With respect to DR, Consumers adds that:

> instead of supporting Staff's conclusion to eliminate the DR reconciliation, the Company advocates for pulling major components of DR from the rate case and having one combined annual DR plan and reconciliation filing. The annual plan would be forward looking, while the reconciliation would be retrospective and plan costs, Company incentive, and any over/under-recovery, could be collected through a surcharge, similar to Energy Waste Reduction filings, except without separate plans and reconciliations. DR rate related items would still be included in the rate design for the rate case, like the customer incentives for residential (e.g. Dynamic Peak Pricing) and business programs (e.g. Interruptible Service Provision GI). Policy for rate items should be set in the DR filings and the Company would then use in [sic] its next rate case filing.

*Id*., pp. 11-12.

Discussion

The Commission wishes to thank the interested persons for providing thoughtful and creative comments. The Commission also notes that issues relating to public participation are addressed in an order being issued concurrently with the instant order. *See*, July 10, 2025 order in Case No. U-21638.

The Commission recognizes that the timing issues addressed in questions (1) and (2), which present the most challenging issues associated with rate cases, cannot be altered as a result of this docket or Commission action, though this may not be widely understood. For example, UM-SEAS states that "[w]hat happened on January 10th, 2023 was a disaster. Just weeks after rejecting $357.4 million of DTE [Electric]'s $388 million requested rate increase in [Case No.] U-20836 in its November 18, 2022 order, the Commission allowed DTE [Electric] to dump a 5,170 page plea for $619 million more from ratepayers [sic] pockets." UM-SEAS's comments, p. 1. In reality, the length of time between rate cases and the length of time given to the Commission to issue a rate case order are in the hands of the Michigan Legislature, as is the statutorily-mandated penalty for missing the latter deadline—namely, the award of whatever revenue increase the utility has asked for, regardless of its size. Moreover, the filing utility is the only entity involved in a rate case (which includes the parties, the presiding officer, and the Commissioners) that is authorized to seek an extension of the 10-month rate case deadline per MCL 460.6a(5). As parties who practice before the Commission on a regular basis are aware, these statutory mandates are challenging to meet, inflexible, and serve to discourage settlement. As explained in the May 23 order, pp. 3-4, the Commission invited comments on issues that are not within the Commission's jurisdiction. The Commission sees benefit in hearing and understanding the differing viewpoints of interested persons while acknowledging the challenging nature of the rate case process, particularly with respect to its timing.

With respect to directing that every discovery response be made part of the evidentiary record, the Commission observes that no commenter indicated that the Commission has the authority to make such a determination; the parties to the discovery have the ability to introduce such evidence into the record. The Commission also notes that long-standing precedent ensures that filing utilities have the ability to recover operating costs and the costs of doing business. *See*, *e.g.*, *Detroit Edison Co v Pub Serv Comm*, 127 Mich App 499; 342 NW2d 273 (1983).

The Commission is interested in further exploring the possibility of using other proceedings, such as multi-year distribution system plan proceedings, to take some of the decisional burden out of rate cases. The Commission notes that it is already taking action to move certain issues out of rate cases via, for example, distribution planning, TEPs, and small-scale pilots. The Commission also sees potential value in moving the issues of COS/RD to a proceeding that is separate from the determination of the revenue requirement (and possibly on a separate cadence from the revenue requirement proceeding). The Commission envisions a process by which issues relating to COS/RD would be revisited on a regular basis (18-month to five-year cadence) but would not need to be litigated as part of every individual rate case. In order to explore this issue further, the Commission directs the Staff to file a draft proposal exploring the concept of adopting a separate, standalone proceeding covering the issues of COS/RD. The draft proposal should provide options and articulate the Staff's thoughts on the options, in order to act as the starting point for a collaborative process. The proposal should be filed in this docket no later than 5:00 p.m. (Eastern time (ET)), on October 30, 2025. Thereafter, the Staff shall convene one or two collaborative meetings to discuss the draft proposal with interested persons in November-

December 2025, and shall file a report summarizing the collaborative discussions in the instant docket no later than 5:00 p.m. (ET) on January 15, 2026. Thereafter, interested persons are invited to comment on the collaborative report, with comments to be filed in the instant docket no later than 5:00 p.m. (ET) on February 16, 2026.

With respect to the issue of the projected test year, the Commission has opined on this issue in numerous rate cases, observing that it is clear that the statutory mandate makes the projected test year an option for the filing utility. MCL 460.6a(1). The Commission has considered the comments and finds that, in light of the statutory latitude afforded to the Commission for selecting an appropriate temporal basis for requested cost recovery, it is reasonable for the Commission to continue to consider the evidence on an issue-by-issue basis and determine whether the most competent, material, and substantial evidence supports a result based on historical rather than projected amounts. MCL 460.6; MCL 460.6a; Mich Const 1963, art. 6, section 28. Thus, the Commission rejects Consumers' assertion that the projected amount is the only reasonable proposal. But the Commission is also not convinced that it should, as the Attorney General suggests, request that the Legislature amend the statute, or adopt the generic proceeding recommended by ABATE, or require the Staff to present a fully historical-based estimate for all cost categories at issue in a rate case. As stated, the Commission will continue to consider the strength of the evidence for each contested issue.

Like some of the commenters, the Commission is open to the idea of adopting a case schedule that would accommodate a contested settlement agreement. The Commission observes that the filing utility would need to support the contested settlement agreement and would need to file a request for an extension of the 10-month timeframe, in case the contested settlement agreement was rejected by the Commission. Thus, the request for an extension would be a prerequisite to consideration of a contested settlement. The Commission intends to explore this idea further and thus seeks comment (as described below) from interested persons on what such a schedule would look like and how sufficient timing could be ensured given the fact that the contested settlement agreement may not be approved and a final rate case order may still need to be issued.

The Commission does not favor removing the replies to exceptions or the idea of imposing page limits on certain briefs. Page limits are currently left to the discretion of the ALJ and the Commission sees no compelling reason presented to change this practice. The Commission is also not convinced that additional workpapers need to be provided with the PFD or the order.

The Commission agrees with the Staff and other commenters that the three-part DR process is no longer necessary. The Staff proposes addressing DR in rate cases; and Consumers proposes retaining a combined annual DR plan and reconciliation proceeding that is separate from the rate case. The Commission seeks comment on both proposals, as described below.

The Commission is not convinced that customer bills are the optimal place to communicate information on possible bill impacts associated with requested rate increases due to the potential for confusion. However, the Commission recognizes that data on bill impacts are vital to the rate setting process and should be provided by the filing utility. The Commission seeks comment on how bill impact assessments should be provided to customers as part of the rate case process, as described below.

Turning to the issues of affordability and EJ, the Commission agrees with commenters who noted that these issues are not tangential to ratemaking. As the Commission notes in the July 10, 2025 order in Case No. U-20147 (the distribution system plan (DSP) docket), the Staff's proposed customer affordability analysis requirements were found to be appropriate and in alignment with IRP requirements.  July 10, 2025 order in Case No. U-20147, p. 30 (citing Case No. U-21570).[5]  The Commission highlights its efforts to provide continuity between the DSP, IRP, and rate case improvement processes on these issues.  The Commission acknowledges that EJ and equity issues are not statutorily *required* to be heard in rate cases but finds that they are closely tied to an analysis of reasonableness and prudence.  Therefore, the Commission does not find, at this time, that these issues should be moved to a separate proceeding.  The Commission favors the trend that has been displayed by some utilities of tying capital investments (which thus far have been primarily for distribution) to impacts on EJ scores.  This is also an area that has evolved since the time that the comments in this docket were filed, and the Commission notes that certain reliability metrics adopted in Case No. U-21400, as well as the regression analysis discussed in rate case dockets, are both new avenues for examining progress in this area.  The Commission is not revising the RCFR at this time and will continue to consider whether the RCFR should be revised, from time to time, to include additional provisions to address EJ and equity issues and bill impact benchmarks.

Finally, regarding the amount of information and detail provided in rate case filings, the Commission has seen improvement in recent years and encourages utilities that file less regularly to adopt the same types of documentation (for proposing investments in the test year) as are used by the utilities that file on a more regular basis.  As the Commission has repeatedly noted, "even for otherwise worthwhile investments, whether a proposed investment is likely to be made during the time period in question goes to the heart of whether that investment is truly 'reasonable, prudent, and worthy of recovery.'"  November 7, 2024 order in Case No. U-21291

[5] The February 8, 2024 order in Case No. U-21570 implemented legislative changes to MCL 460.6t, which governs IRPs.  Those amendments include changes to MCL 460.6t(1)(k), (5)(p), and (7)(a)(iii)(F), which address EJ communities.

(November 7 order), p. 24 (citations omitted); *see also*, January 23, 2025 order in Case No. U-21534, p. 52. In another instance, the Commission disallowed certain costs "because the project is in the very early conceptual stages, has not received corporate approval, and has no definite timeline." November 7 order, p. 55. As such, the Commission stresses that in order to fulfill its obligations to ensure that all costs proposed by a utility are reasonable and prudent, particularly for those costs to be included in rates in a forward test year, the company needs to provide sufficient evidentiary support that the cost projections are more than simply estimates; that the project is sufficiently advanced to be included in customer rates; that the project has received the appropriate corporate approvals to move forward; and that the project has a definite timeline. Such evidence helps ensure that the costs which the utility is seeking to include in rates on a forward-looking basis are, in fact, real and likely to be incurred.

As discussed above, the Commission seeks additional comment on the issues of: (1) an appropriate schedule for a contested settlement in a rate case; (2) a new DR process; and (3) how potential bill impacts should be communicated to customers during the course of a rate case. Any person may submit written comments on the enumerated issues. All comments should be paginated and must reference Case No. U-21637. Comments must be received no later than 5:00 p.m. (ET) on September 10, 2025. Additionally, as noted above, the Commission invites comments on the Staff's report addressing the concept of moving the issues of COS/RD to a separate, standalone proceeding. Comments must be received no later than 5:00 p.m. (ET) on February 16, 2026. Written comments should be mailed to: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Comments submitted in electronic format may be filed via the Commission's E-Dockets website or, for those persons without an E-Dockets account, via e-mail to LARA-MPSC-Edockets@michigan.gov, or via the

Submit Comments option located within the E-docket file for the case. Any person requiring assistance prior to filing comments may contact the Staff at (517) 284-8090. All filed comments will become public information available on the Commission's E-dockets website (either under the Filings or Case Comments section) and will be subject to disclosure.

THEREFORE, IT IS ORDERED:

A. Any person may file written comments on the three enumerated issues no later than 5:00 p.m. (Eastern time) on September 10, 2025. All comments should be paginated and must reference Case No. U-21637.

B. The Commission Staff is directed to file a draft proposal exploring the concept of adopting a separate, standalone proceeding covering the issues of cost of service and rate design in this docket no later than 5:00 p.m. (Eastern time), on October 30, 2025. After the process described in this order, the Commission Staff shall file a report summarizing the collaborative discussions in the instant docket no later than 5:00 p.m. (Eastern time) on January 15, 2026. Any person may file written comments on the collaborative report in the instant docket no later than 5:00 p.m. (Eastern time) on February 16, 2026. All comments should be paginated and must reference Case No. U-21637.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel. Electronic notifications should be sent to the Executive Secretary at LARA-MPSC-Edockets@michigan.gov and to the Michigan Department of Attorney General - Public Service Division at sheac1@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Daniel C. Scripps, Chair

Katherine L. Peretick, Commissioner

Alessandra R. Carreon, Commissioner

By its action of July 10, 2025.

Lisa Felice

Lisa Felice, Executive Secretary

# PROOF OF SERVICE

STATE OF MICHIGAN )

Case No. U-21637

County of Ingham )

Brianna Brown being duly sworn, deposes and says that on July 10, 2025 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).

Brianna J. Brown

Brianna Brown

Subscribed and sworn to before me
this 10th day of July 2025.

Angela P. Sanderson

Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2030

# GEMOTION DISTRIBUTION SERVICE LIST

| | |
|---|---|
| kabraham@mpower.org | Abraham,Katie - MMEA |
| mkuchera@AEPENERGY.COM | AEP Energy |
| mfurmanski@algerdelta.com | Alger Delta Cooperative |
| akellen@wppienergy.org | Alger Delta Cooperative |
| kd@alpenapower.com | Alpena Power |
| dgreen@alpenapower.com | Alpena Power |
| VSTRetailReg@VistraCorp.com | Ambit Midwest, LLC |
| kerdmann@atcllc.com | American Transmission Company |
| acotter@atcllc.com | American Transmission Company |
| john.calhoun@ardentnaturalgas.com | Ardent Natural Gas, LLC |
| awebster@baycitymi.gov | Bay City Electric Light & Power |
| sara.anderson@bayfieldelectric.com | Bayfield Electric |
| rbishop@BISHOPENERGY.COM | Bishop Energy |
| braukerL@MICHIGAN.GOV | Brauker, Linda |
| cherie.fuller@bp.com | BP Energy Retail Company, LLC |
| christine.hughey@bp.com | BP Energy Retail Company LLC |
| greg.bass@calpinesolutions.com | Calpine Energy Solutions |
| lchappelle@potomaclaw.com | Chappelle, Laura |
| manderson@wpsci.com | Cherryland Electric |
| mengels@wpsci.com | Cherryland Electric |
| cdrys@wpsci.com | Cherryland Electric |
| ljohnson@wpsci.com | Cherryland Electric |
| rjohnson@cherrylandelectric.coop | Cherryland Electric Cooperative |
| frucheyb@DTEENERGY.COM | Citizens Gas Fuel Company |
| crystalfallsmgr@HOTMAIL.COM | City of Crystal Falls |
| gpirkola@escanaba.org | City of Escanaba |
| jolson@gladstonemi.gov | City of Gladstone |
| kmaynard@cityofmarshall.com | City of Marshall |
| tdavlin@portland-michigan.org | City of Portland |
| cwilson@cloverland.com | Cloverland Electric |
| mheise@cloverland.com | Cloverland Electric |
| todd.mortimer@CMSENERGY.COM | CMS Energy |
| Kenneth.Johnston@cmsenergy.com | Consumers Energy |
| Yong.Keyes@cmsenergy.com | Consumers Energy |
| chibuzo.obikwelu@cmsenergy.com | Consumers Energy |
| sarah.jorgensen@cmsenergy.com | Consumers Energy Company |
| Michael.torrey@cmsenergy.com | Consumers Energy Company |
| CANDACE.GONZALES@cmsenergy.com | Consumers Energy Company |
| mpsc.filings@CMSENERGY.COM | Consumers Energy Company |
| mpsc.filings@CMSENERGY.COM | Consumers Energy Company |
| david.fein@CONSTELLATION.COM | Constellation Energy |
| kate.stanley@CONSTELLATION.COM | Constellation Energy |
| kate.fleche@CONSTELLATION.COM | Constellation New Energy |

# GEMOTION DISTRIBUTION SERVICE LIST

| | |
|---|---|
| choicecompliance@constellation.com | Constellation New Energy Inc |
| lpage@dickinsonwright.com | Dickinson Wright |
| shaundillon@dillonenergy.com | Dillon Energy Services |
| info@dillonpower.com | Dillon Power, LLC |
| Neal.fitch@nrg.com | Direct Energy |
| Kara.briggs@nrg.com | Direct Energy |
| Ryan.harwell@nrg.com | Direct Energy |
| bryce.mckenney@nrg.com | Direct Energy |
| stephen.lindeman@dteenergy.com | DTE Energy |
| karl.lievense@dteenergy.com | DTE Energy |
| konstantin.korolyov@dteenergy.com | DTE Energy |
| mpscfilings@DTEENERGY.COM | DTE Energy |
| joyce.leslie@dteenergy.com | DTE Energy |
| karen.vucinaj@dteenergy.com | DTE Energy |
| customerservice@eligoenergy.com | Eligo Energy MI, LLC |
| regulatory@eligoenergy.com | Eligo Energy MI, LLC |
| frank.travaglione@vistracorp.com | Energy Harbor |
| rfawaz@energyintl.com | Energy International Power Marketing d/b/a PowerOne |
| sejackinchuk@varnumlaw.com | Energy Michigan |
| michael.reiss@engie.com | Engie Gas & Power LLC |
| customercare@plymouthenergy.com | ENGIE Gas & Power f/k/a Plymouth Energy |
| VSTRetailReg@VistraCorp.com | Everyday Energy, LLC d/b/a Energy Rewards |
| felicel@MICHIGAN.GOV | Felice, Lisa |
| bgorman@FIRSTENERGYCORP.COM | First Energy |
| phil@allendaleheating.com | Forner, Phil |
| dburks@glenergy.com | Great Lakes Energy |
| manderson@wpsci.com | Great Lakes Energy |
| mengels@wpsci.com | Great Lakes Energy |
| cdrys@wpsci.com | Great Lakes Energy |
| ljohnson@wpsci.com | Great Lakes Energy |
| slamp@glenergy.com | Great Lakes Energy Cooperative |
| sculver@glenergy.com | Great Lakes Energy Cooperative |
| johnm@gogreenlightenergy.com | Greenlight Energy Inc. |
| lrgustafson@CMSENERGY.COM | Gustafson, Lisa |
| jhammel@hillsdalebpu.com | Hillsdale Board of Public Utilities |
| coneill@homeworks.org | HomeWorks Tri-County Electric Cooperative |
| psimmer@HOMEWORKS.ORG | HomeWorks Tri-County Electric Cooperative |
| bmcbride@aep.com | Indiana Michigan Power |
| mgobrien@aep.com | Indiana Michigan Power Company |
| dan@megautilities.org | Integrys Group |
| daustin@IGSENERGY.COM | Interstate Gas Supply Inc |
| michael.nugent@igs.com | Interstate Gas Supply d/b/a IGS Energy |
| general@itctransco.com | ITC Holdings |
| cmarshall@itctransco.com | ITC Holdings |
| apascaris@itctransco.com | ITC Holdings |

# GEMOTION DISTRIBUTION SERVICE LIST

| | |
|---|---|
| vanesetti@justenergy.com | Just Energy of Michigan Corporation |
| igoodman@commerceenergy.com | Just Energy Solutions |
| krichel@DLIB.INFO | Krichel, Thomas |
| dbodine@LIBERTYPOWERCORP.COM | Liberty Power |
| ham557@GMAIL.COM | Lowell S. |
| tlundgren@potomaclaw.com | Lundgren, Timothy |
| tcarpenter@mblp.org | Marquette Board of Light & Power |
| regulatory@medianenergy.com | Median Energy Corporation |
| suzy@megautilities.org | MEGA |
| dan@megautilities.org | MEGA |
| mmann@USGANDE.COM | Michigan Gas & Electric |
| VSTRetailReg@VistraCorp.com | Michigan Gas & Electric (US Gas & Electric) |
| shannon.burzycki@wecenergygroup.com | Michigan Gas Utilities Corporation |
| mrzwiers@INTEGRYSGROUP.COM | Michigan Gas Utilities/Upper Penn Power/Wisconsin |
| kabraham@mpower.org | Michigan Public Power Agency |
| info@michigannaturalgasllc.com | Michigan Natural Gas, LLC |
| JHDillavou@midamericanenergyservices.com | MidAmerican Energy Services, LLC |
| JCAltmayer@midamericanenergyservices.com | MidAmerican Energy Services, LLC |
| LMLann@midamericanenergyservices.com | MidAmerican Energy Services, LLC |
| manderson@wpsci.com | Midwest Energy |
| mengels@wpsci.com | Midwest Energy |
| cdrys@wpsci.com | Midwest Energy |
| ljohnson@wpsci.com | Midwest Energy |
| dave.allen@TEAMMIDWEST.COM | Midwest Energy Cooperative |
| terry.rubenthaler@teammidwest.com | Midwest Energy Cooperative |
| kerri.wade@teammidwest.com | Midwest Energy Cooperative |
| Marie-Rose.Gatete@teammidwest.com | Midwest Energy Cooperative |
| meghan.tarver@teammidwest.com | Midwest Energy Cooperative |
| d.motley@COMCAST.NET | Motley, Doug |
| rarchiba@FOSTEROIL.COM | My Choice Energy |
| customerservice@nordicenergy-us.com | Nordic Energy Services, LLC |
| regulatory@nordicenergy-us.com | Nordic Energy Services, LLC |
| karl.j.hoesly@xcelenergy.com | Northern States Power |
| sarah.m.frazee@xcelenergy.com | Northern States Xcel |
| kbeattie@ntherm.com | nTherm, LLC |
| daho@ontorea.com | Ontonagon County Rural |
| esoumis@ontorea.com | Ontonagon County Rural Electric |
| regulatory@indraenergy.com | PALMco Energy MI, LLC d/b/a Indra Energy |
| mpauley@GRANGERNET.COM | Pauley, Marc |
| mmpeck@fischerfranklin.com | Peck, Matthew |
| bschlansker@PREMIERENERGYLLC.COM | Premier Energy Marketing LLC |
| manderson@wpsci.com | Presque Isle |

# GEMOTION DISTRIBUTION SERVICE LIST

| | |
|---|---|
| mengels@wpsci.com | Presque Isle |
| cdrys@wpsci.com | Presque Isle |
| ljohnson@wpsci.com | Presque Isle |
| MVanschoten@pieg.com | Presque Isle Electric & Gas Cooperative, INC |
| aberg@pieg.com | Presque Isle Electric & Gas Cooperative, INC |
| yesterdae@getprovision.com | Provision Power & Gas, LLC |
| johnbistranin@realgy.com | Realgy Corp. |
| BusinessOffice@REALGY.COM | Realgy Energy Services |
| akeilson@genieretail.com | Residents Energy LLC |
| btrombino@rpaenergy.com | RPA Energy d/b/a Green Choice Energy |
| mvorabouth@ses4energy.com | Santana Energy |
| rabaey@SES4ENERGY.COM | Santana Energy |
| ttynes@ses4energy.com | Santanna Natural Gas Corporation |
| trish.mcfadin@southstarenergy.com | SouthStar d/b/a Grand Rapids Energy |
| kejoseph@sparkenergy.com | Spark Energy Gas, LP |
| cborr@WPSCI.COM | Spartan Renewable Energy, Inc. (Wolverine Power Marketing Corp) |
| jbelec@stephenson-mi.org | Stephenson Utilities Department |
| kay8643990@YAHOO.COM | Superior Energy Company |
| legal@symmetryenergy.com | Symmetry Energy Solutions, LLC |
| regulatory@texasretailenergy.com | Texas Retail Energy, LLC |
| agilbert@cleanskyenergy.com | Tital Gas, LLC d/b/a CleanSkyEnergy |
| bessenmacher@tecmi.coop | Thumb Electric Cooperative |
| president@tomorrowenergy.com | Tomorrow Energy Corporation |
| manderson@wpsci.com | Tri-County Electric |
| mengels@wpsci.com | Tri-County Electric |
| cdrys@wpsci.com | Tri-County Electric |
| ljohnson@wpsci.com | Tri-County Electric |
| mlindsay@uetllc.com | United Energy Trading d/b/a Kratos Gas & Power |
| colleen.sipiorski@wecenergygroup.com | Upper Michigan Energy Resources Corporation |
| djmier@integrysgroup.com | Upper Michigan Energy Resources Corporation |
| James.Beyer@wecenergygroup.com | Upper Michigan Energy Resources Corporation |
| Richard.Stasik@wecenergygroup.com | Upper Michigan Energy Resources Corporation |
| nbell@uppco.com | Upper Peninsula Power Company |
| jformol@uppco.com | Upper Peninsula Power Company |
| ghaehnel@uppco.com | Upper Peninsula Power Company |
| estocking@uppco.com | Upper Peninsula Power Company |
| manager@villageofbaraga.org | Village of Baraga |
| Villagemanager@villageofclinton.org | Village of Clinton |
| VSTRetailReg@VistraCorp.com | Viridian Energy PA, LLC |
| jeinstein@volunteerenergy.com | Volunteer Energy Services |
| leew@WVPA.COM | Wabash Valley Power |
| melissa.schauer@wecenergygroup.com | We Energies |
| andrew.miller1@wecenergygroup.com | We Energies |
| melissa.schauer@wecenergygroup.com | Wisconsin Public Service |

# GEMOTION DISTRIBUTION SERVICE LIST

| | |
|---|---|
| andrew.miller1@wecenergygroup.com | Wisconsin Public Service |
| tking@WPSCI.COM | Wolverine Power |
| jbaumann@wpsci.com | Wolverine Power |
| cborr@wpsci.com | Wolverine Power |
| ddecouer@wpsci.com | Wolverine Power |
| bvalice@wpsci.com | Wolverine Power |
| Amanda@misostates.org | Wood, Amanda |
| Deborah.e.erwin@xcelenergy.com | Xcel Energy |
| Michelle.Schlosser@xcelenergy.com | Xcel Energy |
| bryce.mckenney@nrg.com | Xoom Energy Michigan, LLC d/b/a Xoom Energy |