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STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application
of Consumers Energy Company for
authority to increase its rates
for the generation and
distribution of electricity and
for other relief.

Case No.
U-21870

PRE-HEARING

DATE: Wednesday, July 2, 2025
TIME: 10:03 a.m.
BEFORE: Honorable Jonathan F. Thoits
LOCATION: Remote Proceeding
Jackson, MI 49201
REPORTED BY: Alexandra Hobrecht
JOB NO.: 7412230

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A P P E A R A N C E S

ON BEHALF OF CONSUMERS ENERGY COMPANY:

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A P P E A R A N C E S (Cont'd)
ON BEHALF OF MICHIGAN PUBLIC SERVICE COMMISSION STAFF:
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1 A P P E A R A N C E S (Cont'd)

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2 ON BEHALF OF HEMLOCK SEMICONDUCTOR OPERATIONS LLC AND
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A P P E A R A N C E S (Cont'd)
ON BEHALF OF MICHIGAN CABLE TELECOMMUNICATIONS
ASSOCIATION:
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ALSO PRESENT:
Michael J. Orris, Esquire, Michigan Department of
Attorney General - Lansing (by videoconference)
Mark Templeton (by videoconference)
Jacob Schuhardt (by videoconference)
Kat Fischer (by videoconference)

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E X H I B I T S

NO.	DESCRIPTION	ID/EVD
	(None marked.)	

1 P R O C E E D I N G S

2 THE REPORTER: All right. We are now
3 on the record at 10:03 a.m.

4 THE COURT: Good morning. We are on
5 the record in Case Number U-21870 titled "In the
6 matter of the application of Consumers Energy Company
7 for authority to increase its rates for the generation
8 and distribution of electricity and for other relief."

9 My name is John Thoits. I'm the
10 presiding officer for this matter. This is the date
11 and time scheduled for the pre-hearing. This pre-
12 hearing is being held by video and audio conference.
13 And again, I would ask anyone who's going to address
14 this to turn on your video camera and unmute your
15 mics.

16 Do we have appearances, please,
17 starting with Consumers Energy?

18 MR. GENSCH: Yes. Good morning, Your
19 Honor. Gary Gensch on behalf of Consumers Energy.
20 And I'm also entering the appearance of Bret
21 Totoraitis and -- Spencer Sattler, Evan Keimach, and
22 Mark Ruszkiewicz.

23 THE COURT: Thank you.

24 Do we have an appearance on behalf of
25 the Public Service Commission staff?

1 MR. SONNEVELDT: Yes, Your Honor.
2 Daniel Sonneveldt appearing on behalf of commission
3 staff, and I'd like to also enter the appearances of
4 Amit Singh, Nicholas Taylor, Alena Clark, and Adam
5 Cozort.

6 THE COURT: Thank you.
7 Do we have an appearance on behalf of
8 the Michigan Attorney General?

9 MS. GILL: Yes. Good morning, Your
10 Honor. Celeste Gill on behalf of Attorney General
11 Dana Nessel. Also appearing in this case will be
12 Lucas Wollenzien.

13 THE COURT: Thank you.
14 Do we have an appearance on behalf of
15 the Association of Businesses Advocating Tariff
16 Equity, or ABATE?

17 MR. CAMPBELL: Good morning, Your
18 Honor. Steve Campbell, Clark Hill PLC, on behalf of
19 the Association of Businesses Advocating Tariff
20 Equity.

21 THE COURT: Thank you.
22 Do we have an appearance On behalf of
23 Kroger?

24 MR. BOEHM: Good morning, Your Honor.
25 Kurt Boehm appearing on behalf of The Kroger Company.

1 I'd also like to enter the appearance of Mike Kurtz
2 and Jody Kyler Cohn.

3 THE COURT: Thank you.

4 Do we have an appearance on behalf of
5 the Michigan Electric Transmission Company?

6 MS. BUZOLITS: Yes, Your Honor. Hannah
7 Buzolits appearing on behalf of Michigan Electric
8 Transmission Company. I'll also enter the appearance
9 of Richard Aaron, Courtney Kissel, Olivia Flower, and
10 Anthony Hunt.

11 THE COURT: Thank you.

12 Do we have an appearance on behalf of
13 Great Lakes Renewable Energy Association?

14 MR. KESKEY: Good morning, Your Honor.
15 Don Keskey appearing on behalf of the Great Lakes
16 Renewable Energy Association.

17 THE COURT: Thank you.

18 Do we have an appearance on behalf of
19 Walmart?

20 MS. HORNE: Good morning, Your Honor.
21 Melissa Horne appearing on behalf of Walmart Inc.

22 THE COURT: Thank you.

23 Do we have an appearance on behalf of
24 Hemlock Semiconductor Operations and Solar Technology?

25 MS. HESTON: Good morning, Your Honor.

1 Jennifer Heston of the law firm of Fraser Trebilcock
2 Davis Dunlap & Cavanaugh appearing on behalf of
3 Hemlock Semiconductor Operations LLC and Solar
4 Technology LLC.

5 THE COURT: Thank you.

6 Do we have an appearance on behalf of
7 the Ecology Center, the Environmental Law & Policy
8 Center, the Union of Concerned Scientists, and Vote
9 Solar?

10 MR. ABRAMS: Good morning, Your Honor.
11 Daniel Abrams appearing on behalf of the Ecology
12 Center, the Environmental Law & Policy Center, the
13 Union of Concerned Scientists, and Vote Solar,
14 collectively, the Clean Energy Organizations. And I'd
15 also like to enter an appearance for my colleague,
16 Katie Duckworth.

17 THE COURT: Thank you.

18 Do we have an appearance on behalf of
19 Urban Core Collective?

20 MS. URBAN: Good morning, Your Honor.
21 Amanda Urban on behalf of Urban Core Collective, UCC.

22 THE COURT: Thank you.

23 Do we have an appearance on behalf of
24 the Michigan Energy Innovation Business Council, the
25 Institute for Energy Innovation, Advanced Energy

1 United, Energy Michigan, and Foundry Association of
2 Michigan?

3 MR. OOMS: Yes. Good morning, Your
4 Honor. Justin Ooms of the Varnum Law Firm appearing
5 this morning on behalf of the Michigan Energy
6 Innovation Business Council, the Institute for Energy
7 Innovation, and Advanced Energy United, separately on
8 behalf of Energy Michigan, and also separately on
9 behalf of the Foundry Association of Michigan. I'd
10 also like to enter the appearances of my colleagues,
11 Tim Lundgren and Laura Chappelle, on behalf of all of
12 those parties.

13 THE COURT: Thank you.

14 Do we have an appearance on behalf of
15 the Citizens Utility Board of Michigan?

16 MR. BZDOK: Good morning, Your Honor.
17 Christopher Bzdok on behalf of the Citizens Utility
18 Board of Michigan.

19 THE COURT: Thank you.

20 Do we have appearances on behalf of the
21 Michigan Environmental Council, Sierra Club, and
22 Natural Resources Defense Council?

23 MR. BZDOK: Good morning, Your Honor.
24 Christopher Bzdok again on behalf of the Michigan
25 Environmental Council, Natural Resources Defense

1 Council, and Sierra Club.

2 THE COURT: All right, thank you.

3 Are there any other appearances?

4 MR. GALLAGHER: Morning, Judge Thoits.

5 Sean Gallagher of the law firm Fraser Trebilcock Davis
6 Dunlap & Cavanaugh appearing on behalf of the Michigan
7 Cable Telecommunications Association.

8 THE COURT: Yes, thank you. My
9 apologies. I missed that.

10 Mr. Gensch, could you address for the
11 record the notice that was provided for today's pre-
12 hearing?

13 MR. GENSCH: Yes, Your Honor. Thank
14 you.

15 As directed by the commission's
16 executive secretary, Consumers Energy mailed a notice
17 of hearing to all cities, incorporated villages,
18 townships, and counties in its electric service area
19 and to interveners in Case Number U-21585 by June 18,
20 2025.

21 The notice of hearing was also
22 published in newspapers of general circulation in
23 Consumers Energy's electric service area by June 18,
24 2025, and electronic versions of the affidavits of
25 publication and proof of service have been filed with

1 the commission.

2 THE COURT: Thank you.

3 Does staff have any objections to the
4 forementioned notices?

5 MR. SONNEVELDT: No objections, Your
6 Honor.

7 THE COURT: All right. Let's turn to
8 intervention. I note that the Michigan Attorney
9 General has filed her notice of intervention and that
10 numerous petitions to intervene and one petition to
11 intervene out of time have been filed. These
12 petitions are as follows: petition submitted by the
13 Michigan Environmental Council; petition submitted by
14 Citizens Utility Board of Michigan; petition submitted
15 by Great Lakes Renewable Energy Association; petition
16 submitted by Hemlock Semiconductor Operations LLC;
17 petition submitted by Solar Technology LLC; petition
18 submitted by Sierra Club; petition submitted by
19 Natural Resources Defense Council; petition submitted
20 by the Ecology Center, the Environmental Law & Policy
21 Center, the Union of Concerned Scientists, and Vote
22 Solar; a petition submitted by Urban Core Collective;
23 a petition submitted by Walmart; a petition submitted
24 by Michigan Electric Transmission Company; a petition
25 submitted by Energy Michigan; a petition submitted by

1 Michigan Energy Innovation Business Council, the
2 Institute for Energy Innovation, and Advanced Energy
3 United; a petition submitted by Foundry Association of
4 Michigan; a petition submitted by ABATE; a petition
5 submitted by Kroger; and a petition submitted by the
6 Michigan Cable Telecommunications Association.

7 Are there any other petitions that were
8 filed that I have not mentioned?

9 Hearing none.

10 I note, when I looked at the docket
11 this morning, I did not see any objections filed to
12 any of these petitions, so I would ask if there are
13 any objections to any of the aforementioned petitions.

14 Hearing none.

15 For the reasons set forth in those
16 petitions and the commission's pronouncements
17 regarding intervention, all of those petitions are
18 granted.

19 Next, let's consider a proposed
20 schedule of filings and hearing dates. I received an
21 email from Mr. Sonneveldt this morning, indicating
22 their proposed schedule, which was set forth in that
23 email, as being discussed. The email indicated they
24 hadn't reached a consensus yet.

25 Mr. Sonneveldt, any changes since you

1 sent that?

2 MR. SONNEVELDT: I have received no
3 further objections or requests to change it, so it's
4 still where it's at in the form and the times that I
5 sent this morning.

6 THE COURT: Okay. All right.

7 MR. KESKEY: Your Honor, yeah, this is
8 Don Keskey. I am on a break in a court case for a
9 client. I have to get back to that court case. On
10 behalf of GLREA, we can agree to any consensus
11 calendar agreed to or determined by Your Honor,
12 similarly, with provisions of a protective order, and
13 I will have to depart if I can be excused at this
14 point.

15 THE COURT: Thank you, Mr. Keskey.
16 Appreciate it. You need not request to be excused. I
17 appreciate being informed of that, but you're able to
18 walk out the door --

19 MR. KESKEY: Okay. Thank you.

20 THE COURT: -- without my say-so.
21 Thank you.

22 MR. KESKEY: Okay. Thank you, Your
23 Honor.

24 THE COURT: All right. Mr. Sonneveldt,
25 I suggest this. Subject to anyone else having a

1 different approach, why don't you continue to, for
2 lack of a better term, kind of coordinate this with
3 everyone? And then if you can get everyone to agree
4 on a proposed schedule and hearing dates and filing
5 deadlines, just put all that in an email that goes to
6 me and copying in everybody else and sets forth the
7 schedule, even if it's repeating what's in your prior
8 email, but also include discovery turnaround terms
9 that are acceptable. And then I'll go from there. If
10 the parties can't agree, indicate that to me in an
11 email, and we will address that then. Does that work?

12 MR. SONNEVELDT: Yes, I will make that
13 work, and I will send out a confirmation email to all
14 parties momentarily.

15 THE COURT: All right. Thank you.

16 MR. BZDOK: Your Honor?

17 THE COURT: Yes?

18 MR. BZDOK: May I just ask of
19 Mr. Sonneveldt or Mr. Gensch, are there current live
20 disputes about the dates that were sent yesterday? I
21 know there was some email traffic about a change in
22 the cross start date, which I think is reflected here.

23 THE COURT: It is.

24 MR. BZDOK: I'm not sure. Are there
25 other -- I guess I haven't seen anything indicating

1 there were other pending live disputes on the schedule
2 you sent.

3 MR. SONNEVELDT: There are no pending
4 live disputes. At this point I only have
5 confirmation, though, from TJ, the AG, myself, and a
6 couple others, so there's a large group that have just
7 remained silent, Chris.

8 MR. BZDOK: Okay.

9 MR. ABRAMS: The CEO are okay with the
10 schedule.

11 THE COURT: All right. I'm sorry?

12 MS. URBAN: Urban Core Collective is
13 also okay with the schedule. I'll shoot you an email
14 now, Dan. Sorry about the lack of clarity.

15 THE COURT: Thank you.

16 MR. CAMPBELL: Yeah, ABATE has no
17 objection to that.

18 MS. HORNE: Walmart is agreeable too.
19 I'm sorry we didn't respond.

20 THE COURT: You know what? If I could
21 just suggest that, rather than have various of you
22 offer comments, that if you could put all that in an
23 email, I think that'd be more convenient for
24 Mr. Sonneveltdt, and it would lessen an opportunity for
25 there to be a mistake or a misunderstanding. So why

1 don't we do that?

2 All right. Just a heads-up to all of
3 you, although all of you, I think, are well aware of
4 our general approach here. Once an agreement has been
5 reached or a schedule of filings and hearing dates has
6 been established, a scheduling memo will be filed.
7 That scheduling memo also has other contents, if you
8 will, and I just encourage everyone to take a look at
9 that. Included within the scheduling memo will be
10 briefing instructions. The briefing instructions, at
11 least in my cases, have remained pretty much the same
12 over the years, but please take note of that and
13 please follow them.

14 In the prior rate case, not for
15 Consumers but for DTE -- I recognize some of you were
16 not involved, but I believe some of you were -- I
17 think there was one brief that complied with the
18 briefing instructions. The rest did not. And so I'm
19 just asking you again to take a look at those and
20 follow those.

21 The scheduling memo will also indicate
22 that, with respect to confidential filings -- that's
23 confidential testimony or confidential exhibits or
24 confidential briefs -- that unredacted filings be
25 forwarded to me by email. If anyone's not comfortable

1 doing so by email, indicate that in an email to me,
2 and you can file that with the commission's executive
3 secretary's office, and they will get it to me.

4 And in that regard, I believe,
5 Mr. Gensch, I saw that, in the company's initial
6 filings, it looked like there were some confidential
7 exhibits. I also was advised that there was a package
8 of the filing made by the company that is at the
9 commission offices, and that is being forwarded to me,
10 and so it may well be that there are unredacted
11 exhibits in there. If not, Mr. Gensch, if you could
12 just have unredacted copies of any confidential
13 exhibits forwarded to me.

14 MR. GENSCHE: Yes. Will do, Your Honor.

15 THE COURT: Thank you.

16 Also, I would just give you all a
17 heads-up that, in the scheduling memo, with respect to
18 any witnesses who are going to opine on return on
19 equity, or ROE, that those witnesses are going to be
20 directed to include testimony and supporting exhibits
21 regarding the long-term forecast of the average
22 returns for the broader stock market. And that will
23 be set forth in the scheduling memo. The staff and
24 interveners can do that in their direct testimony, and
25 the company can do that in rebuttal testimony.

1 I note, from the company's application,
2 that they requested that the hearing in this matter be
3 held in person with respect to any cross-examination.
4 The rule provides that hearings are held remotely
5 unless there are special circumstances and at the
6 discretion and approval of the ALJ. The company's
7 request in their application is denied. This hearing
8 will be held remotely, including for cross-
9 examination.

10 Regarding the protective order, as some
11 of you may have heard, I had a conversation with
12 Mr. Gensch before we went on the record. I'm asking
13 the company to stipulate to a modification of the
14 protective order. The protective order that's already
15 been entered provides exceptions, if you will, under
16 that protective order for the presiding ALJ. And
17 those protections involve the fact that non-disclosure
18 certificates are not required of the ALJ and that the
19 ALJ shall have access to all protected materials
20 submitted to the commission under seal.

21 I'm asking the company to stipulate
22 that those exceptions also apply to other
23 administrative law judges, administrative law
24 specialists, and administrative assistants within
25 MOAHR's Public Service Commission Division.

1 MR. GENSCH: Yes, the company will
2 agree with that, Your Honor.

3 THE COURT: Thank you.

4 There are motions for admission pro hoc
5 vice. Those are being dealt with in ordinary course.

6 Do we have anything else that the
7 parties wish to discuss while we're all here?

8 MR. SONNEVELDT: Your Honor, staff has
9 one thing, one request, and we've made this in other
10 cases. On the scheduling order, we would ask to
11 identify that Lori Mayabb be required to be on the
12 proof of service, consistent with the standard filing
13 requirements. That is all.

14 THE COURT: All right. And that is, as
15 you indicate, correct, that that's already in the
16 filing requirements.

17 MR. SONNEVELDT: Yes, that was part of
18 the filing requirements, and yes, we've been asking
19 for it.

20 THE COURT: Yep. So that's just a
21 reminder to everyone. Thank you. Let's make sure we
22 do that.

23 MR. SONNEVELDT: Your Honor, thank you.

24 THE COURT: All right. Is there anyone
25 else present who wishes to address us regarding this

1 matter?

2 MR. BZDOK: Yes, Your Honor.

3 THE COURT: Yes?

4 MR. BZDOK: Thank you. So in the DTE
5 electric rate case which is pending now, there was
6 developed a universal service list, and that's been
7 getting updated from time to time. And I would
8 suggest the use of that same vehicle for this case.

9 Heather Durian's really, at staff, has
10 been the one who's been maintaining it in DTE, but it
11 takes the variability out of who gets served with what
12 by all the various parties if everybody has one list
13 to follow. It both is helpful in making sure we serve
14 all the right parties and in making sure that we're
15 getting service from all parties, which has tended,
16 historically, to be a bit, as I mentioned, variable.
17 And so I would suggest that we endeavor to implement
18 something like that in this case as well.

19 THE COURT: Mr. Bzdok, who put that
20 together originally? Was that Ms. Durian?

21 MR. BZDOK: Ms. Durian's been the one
22 who has been communicating it. I can't say exactly
23 who at staff was putting it together,

24 THE COURT: But someone from staff put
25 it together and then indicated, "This is the service

1 list to be used"?

2 MR. BZDOK: Yes.

3 THE COURT: All right. I note that I
4 don't believe Ms. Durian filed an appearance in this
5 case.

6 Mr. Sonneveldt, does staff agree with
7 that approach and wish to have someone there undertake
8 that?

9 MR. SONNEVELDT: I am not aware of what
10 Ms. Durian has agreed to or done, but if you give me a
11 little time, I'm happy to talk with Mr. Gensch, and
12 maybe between the two of us, we could do something. I
13 know, in the past, I've had ALJs keep a mandatory
14 service list, so this is kind of new to me, but if the
15 desire is to keep it and circulate it among the
16 parties, I think we can work something out and create
17 a master list.

18 THE COURT: Okay. Well,
19 Mr. Sonneveldt, it's also new to me. I've never been
20 involved with something like this. Not opposed to it
21 at all, but quite frankly, I don't think it's
22 appropriate for me to necessarily be the one heading
23 that up. So, you know, I guess I'll just leave it up
24 to you all as to who puts that together and who then
25 communicates that to the others to suggest that that

1 list be used.

2 MR. BZDOK: Dan, I appreciate it, and
3 I'm happy to help if I can be useful.

4 MR. SONNEVELDT: I appreciate the
5 offer. And maybe, Chris, you and Gary and I can talk.
6 I'm all for a consensus proof-of-service list. I just
7 know that, under the new terms of the standardized
8 protective order, we don't necessarily even get
9 confirmation or information identifying who would get
10 confidential, so it's the confidential proof-of-
11 service list that I think I need to rely on,
12 potentially, Gary or maybe other interveners.

13 MR. BZDOK: I agree with that as well.
14 Having a public list and then also having a
15 confidential list because we don't necessarily know
16 who's submitted non-disclosures and who hasn't. Only
17 the company does.

18 MR. SONNEVELDT: Yeah.

19 THE COURT: All right. Does anyone
20 have anything else they wish to bring up or discuss?

21 All right. Hearing none.

22 Thank you all. We are adjourned and
23 off the record.

24 Thank you, Alexandra.

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(Whereupon, at 10:30 a.m., the
proceeding was concluded.)

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CERTIFICATE

I, ALEXANDRA HOBRECHT, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



ALEXANDRA HOBRECHT

Notary Public in and for the
State of Michigan

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CERTIFICATE OF TRANSCRIBER

I, LISA PARK, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



LISA PARK