

MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
INTEROFFICE COMMUNICATION
TO THE MICHIGAN PUBLIC SERVICE COMMISSION

AMENDED

TO: Case No. U-21870
FROM: Jonathan F. Thoits, ALJ
DATE: September 5, 2025
SUBJECT: Consumers Energy Company Electricity rates

SCHEDULE FILING

Dates

Staff and Intervenor Testimony	September 30, 2025
Rebuttal Testimony	October 21, 2025
Motions to Strike	October 24, 2025
Responses to Motions to Strike	October 29, 2025
Briefs	December 5, 2025
Reply Briefs	December 23, 2025
PFD Target Date	January 27, 2026

SCHEDULE HEARING

Cross-Exam Scheduled
(all parties, all testimony;
any motions to strike will be heard
at beginning of hearing)

November 4-7, 10-12, 2025 10:00 AM

**Hearing shall be held by video and audio
conference**

Intervenors: Michigan Attorney General, Association of Businesses Advocating Tariff Equity, Michigan Environmental Counsel, Citizens Utility Board of Michigan, Sierra Club, Natural Resources Defense Council, Environmental Law & Policy Center, The Ecology Center, Union of Concerned Scientists, Vote Solar, Great Lakes Renewable Energy Association, Hemlock Semiconductor Operations LLC, Solar Technology LLC, Urban Core Collective, Walmart Inc., Michigan Electric Transmission Company, LLC, Energy Michigan, Michigan Energy Innovation Business Council, The Institute For Energy Innovation, Advanced Energy United, Foundry Association of Michigan, Kroger Co., Michigan Cable Telecommunications Association

Discovery. Discovery shall have an eight business-day, best efforts turnaround before September 30, 2025, and a five business-day, best efforts turnaround thereafter.

Return On Equity (Amended). Any party submitting testimony regarding the authorized return on equity (ROE) requested by the utility in this case shall submit direct or rebuttal testimony and any supporting exhibits which set forth a) the reported forecasted return on equity for the United States stock market, and b) the reported average ROE authorized for regulated utilities in the United States for the last two or more years. The requested returns and authorized ROEs shall be those as reported in public resources or resources otherwise available to the party. The party may but is not requested to undertake its own calculation or compilation of the requested information. If the party is unable to locate the requested information, the party's ROE testimony shall include a statement that the witness has in good faith attempted to locate the requested information in public resources or resources available to the party.

Confidential materials. If any confidential materials (testimony, exhibits, briefs) are filed in this matter, an unredacted copy thereof shall be provided to the ALJ by email or shall be filed with the MPSC Executive Secretary with instructions that the unredacted materials are to be forwarded to the ALJ.

Exhibits. Each party filing any exhibit(s) shall file contemporaneously an exhibit list listing in consecutive order the exhibit number(s) and, for each exhibit, the title of each exhibit, the sponsoring witness (if any) for the exhibit, and whether the exhibit is confidential. Exhibits should be marked using the traditional MPSC method, using the prefixes the parties have already indicated they intend to use followed by a number.

Rebuttal. Rebuttal evidence is the evidence given by one party to contradict, explain, or disprove evidence produced by the other party and tending to directly weaken or impeach that evidence. It should not be used for the purpose of rehabilitating or supplementing a party's direct case. Rebuttal testimony shall explicitly identify the witness(es) providing, and page and line numbers of, the prefiled testimony being rebutted.

Cross Examination Hearing Preparation. SharePoint invitations will be sent to those attorneys who have filed an appearance in this case approximately two weeks before the first hearing date. The parties may send any additional names and email addresses to the ALJ for SharePoint invitations up to one week before the first hearing date. Note that "mailbox" email addresses cannot receive SharePoint invitations.

The parties shall provide a schedule for cross examination at least five (5) days before the first hearing date. Information on the schedule should include the order of the witnesses, the day(s) the witnesses are expected to appear and who will be crossing the witness for approximately how long.

Briefs. Each brief shall contain a table of contents, listing the subject headings of the brief, including the points of argument, in the order of presentation according to the points of argument set forth by the utility, with the numbers of the pages where they appear in the brief. The points of argument shall include the following headings in the following order: Test Year, Rate Base, Capital Structure and Rate of Return, Adjusted Operating Income, Cost of Service, Rate Design and Tariffs, and Other Issues (if applicable), and such related subheadings as appropriate.

At the beginning of each argument section of the brief, in the body of the brief (not in a footnote), the brief shall list the references to the record (name of the witness(es), the

transcript citation(s), and the exhibit number(s)) which relate to the issue being briefed. For example:

References in the Record: Wehner, 2 Tr 1335-1435, Ex. A-14 (Schedule D-5), Ex. A-116 thru A-119; Megginson, 2 Tr 1470-1500, Ex. S-4 (Schedules D1 – D6); Coppola, 2 Tr 1794-1822, Ex. AG-41 thru AG-47, Ex. AG-53.

On or before the date for the filing of rebuttal testimony, the utility shall serve on all parties and the ALJ the points of argument which will be included in the utility's brief(s). All other parties shall include the same points of argument headings and subheadings in the same order as set forth by the utility in its list of points of argument; provided, however, that a party shall set forth only those points of argument which the party addresses in its brief.

A party's initial brief shall address any factual or legal issue that the party is advocating, supporting, or contesting. Any factual or legal issue that is not addressed in a party's initial brief shall not be addressed by that party in a reply brief, except in response to an issue addressed in another party's brief.

Any reply brief shall be confined to rebuttal of the arguments in a party's initial brief, shall not repeat statements or arguments from the filing party's initial brief, shall include a citation to the arguments in the initial brief(s) to which that part of the reply brief is meant to address, and shall be limited to 30 pages, exclusive of the table of contents.

Each brief shall include a statement identifying any factual or legal issue, if any, for which the party's position or recommendation is different from that set forth in the testimony provided by the party's witnesses or from that set forth in the party's prior brief. For any such issue, the statement shall identify the party's prior position or recommendation and the party's different position or recommendation.

Block quoted testimony from the case transcript is not permitted.

Any confidential brief filed by a party together with a copy of any confidential exhibit referenced in the confidential brief shall be served directly on the ALJ.

All briefs shall comply with the requirements set forth herein except as otherwise permitted by motion granted by the ALJ.

If, on the ALJ's own initiative or on a party's motion, any brief is determined by the ALJ to not substantially comply with these requirements, the ALJ may order the party who filed the brief to file a supplemental brief within a specified time correcting the deficiencies, or may disregard or strike the non-conforming brief.