



Stephen A. Campbell
T (313) 309-4274
F (313) 309-6882
Email:SCampbell@ClarkHill.com

Clark Hill
500 Woodward Avenue, Suite 3500
Detroit, MI 48226
T 313.965.8300
F 313.965.8252

December 4, 2025

VIA ELECTRONIC CASE FILING

Executive Secretary
Michigan Public Service Commission
7109 W. Saginaw Highway
Lansing, Michigan 48917

Re: Case No. U-21973 – In the matter of the application of DTE Gas Company for authority to increase its rates, amend its rate schedules and rules governing the distribution and supply of natural gas and for miscellaneous accounting authority.

Dear Executive Secretary:

Enclosed for filing please find the **Association of Businesses Advocating Tariff Equity's Petition to Intervene** and **Proof of Service** in the above-referenced matter.

Sincerely,

CLARK HILL PLC

Stephen A.
Campbell

Digitally signed by: Stephen A. Campbell
DN: CN = Stephen A. Campbell email =
SCampbell@clarkhill.com C = US O =
Clark Hill PLC
Date: 2025.12.04 13:02:47 -05'00'

Stephen A. Campbell

SAC/lkd
cc: Parties of Record

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of)	
DTE GAS COMPANY for authority)	Case No. U-21973
to increase its rates, amend its rate)	
schedules and rules governing the)	ALJ Christopher S. Saunders
distribution and supply of natural gas,)	
<u>and for miscellaneous accounting authority.)</u>)	

PETITION TO INTERVENE OF THE ASSOCIATION OF BUSINESSES ADVOCATING TARIFF EQUITY

The Association of Businesses Advocating Tariff Equity (“ABATE”), by and through its attorneys, Clark Hill PLC, hereby petitions the Michigan Public Service Commission (“Commission”) for leave to intervene in the captioned proceeding pursuant to Mich Admin Code, R 792.10410 (“Rule 410”) of the Commission’s Rules of Practice and Procedure. In support of this petition, ABATE states as follows:

1. ABATE is a voluntary association of large industrial companies that conduct business throughout the state of Michigan. The primary purpose of ABATE is to participate in state and federal regulatory proceedings to protect the interests of businesses in connection with energy and utility matters. To that end, ABATE consistently advocates for cost-of-service based energy rates, equitable terms of service, and increased access to a competitive energy market. ABATE is also interested in assuring that rates, surcharges, and conditions of service are adopted in conformance with the law and in a fair and reasonable manner.

2. Collectively, ABATE’s members employ nearly 100,000 Michiganders and spend approximately \$1.5 billion on energy and related services in Michigan each year. As the representative of such large users of electricity, natural gas, and transportation services, ABATE

is vitally interested in achieving increased economic efficiencies for the utilities that serve its members.

3. Present members of ABATE include: Cleveland Cliffs, Cargill, Inc., Charles River Laboratories, Corning, Inc., Edward C. Levy Co., Enbridge Energy, Limited Partnership, Ervin Industries Inc., Stellantis, Gerdau MacSteel INC., General Motors LLC, Graphic Packaging International, Inc., Hemlock Semiconductor Operations LLC, J. Rettenmaier USA LP, Marathon Petroleum Company LP, Martin Marietta Magnesia Specialties LLC, Metal Technologies, Inc., Occidental Chemical Corporation, Pfizer Inc., The Dow Chemical Company, Linde, Inc., United States Gypsum Company, WestRock California, Inc., and Zoetis LLC.

4. ABATE members are directly impacted by the issues raised in this proceeding and have a substantial interest therein because ABATE members are concerned about the proposals made in DTE Gas Company (“DTE” or “Company”)’s Application, including its requests for a total base rate increase of \$237.5 million along with a Return on Equity of 10.25% and capital structure of 49.25% debt and 50.75% equity, among others.

5. Although Rule 410 speaks in terms of *leave to intervene*, the Commission has indicated that it considers the ability to intervene to be one of right when a petitioner can meet the two-prong test for standing.¹ This test requires a showing that the prospective intervenor will: (1) suffer an injury in fact as a result of the outcome of the case; and (2) the interests allegedly

¹ The United States Supreme Court established the two-prong test for standing in *Association of Data Processing Service Organizations, Inc v Camp*, 397 US 150; 90 S Ct 827; 25 L Ed 2d 184 (1970), applied to utility matters in *Drake v The Detroit Edison Co*, 453 F Supp 1123, 1127 (WD Mich, 1978), and adopted by the Commission in its November 10, 1988 Order in Case No. U-9138.

endangered fall within the zone of interests intended to be protected or regulated by the statute or constitutional guarantee in question.²

6. ABATE meets the two-prong test for standing because, as customers of the Company, ABATE members have a direct financial interest in the amount, rates, terms, programs, and conditions of service for the Company's customers. If authorized by the Commission, the proposals set forth in the Company's Application will have a direct adverse impact on the rates that ABATE members pay and the terms, programs, and conditions of service to which they are or may be subject. ABATE's interest in the adoption of reasonable and prudent utility rates, programs, and terms of service falls within the zone of interests to be protected by the Commission's consideration of the issues in this proceeding.

7. In addition to meeting the conditions for intervention by right, ABATE meets the Commission's criteria for permissive intervention. As recognized in prior Commission orders, "the Commission's discretion to grant leave to intervene is broader than the two-prong test . . . Unlike a court of law, an administrative agency can allow intervention whenever the resulting delay will likely be outweighed by the benefit of the intervenor's participation."³ Permissive intervention has also been granted where a proceeding "raises novel questions and important issues of policy" and the intervenor will "bring a unique perspective" to the case.⁴

8. ABATE has regularly participated in electric and natural gas proceedings before the Commission and federal regulatory bodies for over three decades. As in prior cases, ABATE

² *In re Consumers Energy for authority to implement a power supply cost recovery plan*, MPSC Case No. U-17317, March 6, 2014, Order, p 4 (emphasis added).

³ *In re Michigan Consolidated for authority to increase its rates*, MPSC Case No. U-10150, December 8, 1992, Order, p 5.

⁴ *In re Consumers Energy to fully comply with Public Act 295 of 2008*, MPSC Case No. U-17771, October 27, 2015, Order, p 6, citing *In re Mascotech Forming Technologies*, MPSC Case No. U-11057, June 5, 1996, Order, pp 2-3.

will provide the Commission with useful and unique information through the testimony of its experts. ABATE will also scrutinize the reasonableness and prudence of the Company's proposals through necessary and appropriate means. These efforts will assist the Commission in making significant policy determinations in this case and will "bring helpful information to the Commission's attention that might not otherwise be available."⁵ As such, ABATE meets the test for permissive intervention.

9. ABATE will carefully examine the reasonableness and prudence of the Company's requests and proposals, including those indicated above.

10. ABATE will take the position that the Company's Application, including but not limited to the proposals described above, should be carefully scrutinized and any unjustified, unsubstantiated, imprudent, unreasonable, or unlawful costs, proposals, or mechanisms should be disallowed.

11. ABATE will seek an order in this proceeding approving rates, terms, programs, and conditions of service which are just, fair, reasonable, and lawful.

12. The interests of ABATE and its members are not adequately represented by the present parties and, therefore, it would be detrimental to the public interest to deny this Petition to Intervene.

13. ABATE reserves the right to take other positions and/or seek other relief based on a review of the various filings, the responses to discovery, or positions taken in briefs.

WHEREFORE, ABATE requests that the Commission grant ABATE's Petition to Intervene in and be treated as a full party hereto. ABATE further requests that the parties serve

⁵ *In the Matter, on the Commission's own motion*, MPSC Case No. U-18091, February 21, 2019, Order, p 9.

copies of all pleadings and correspondence in these proceedings to the offices of its counsel listed below and to its consultant(s):

Brubaker & Associates
James Dauphinais
jdauphinais@consultbai.com

Respectfully submitted,

CLARK HILL PLC

Stephen A.

By: **Campbell**

Digitally signed by: Stephen A. Campbell
DN: CN = Stephen A. Campbell email =
SCampbell@clarkhill.com C = US O =
Clark Hill PLC
Date: 2025.12.04 13:03:08 -05'00'

Michael J. Pattwell (P72419)
Stephen A. Campbell (P76684)
Attorneys for the Association of
Businesses Advocating Tariff Equity
Clark Hill PLC
500 Woodward, Suite 3500
Detroit, Michigan 48226
(313) 309-4274
mpattwell@clarkhill.com
scampbell@clarkhill.com

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Case No. U-21973

ALJ Christopher S. Saunders

PROOF OF SERVICE

STATE OF MICHIGAN)
) ss
COUNTY OF WAYNE)

Stephen A. Campbell, being first duly sworn, deposes and says that on December 4, 2025, he did cause to be served the *Association of Businesses Advocating Tariff Equity's Petition to Intervene*, as well as this *Proof of Service*, in the above docket, via electronic mail, to the persons identified on the attached service list.

Stephen A.
Campbell

Digitally signed by: Stephen A. Campbell
DN: CN = Stephen A. Campbell email =
SCampbell@clarkhill.com C = US O =
Clark Hill PLC
Date: 2025.12.04 13:03:21 -05'00'

Stephen A. Campbell

SERVICE LIST
MPSC Case No. U-21973

<p>Administrative Law Judge Hon. Christopher S. Saunders Administrative Law Judge Michigan Public Service Commission 7109 W. Saginaw Hwy., 3rd Floor Lansing, Michigan 48917 Email: saundersc4@michigan.gov</p>	<p>Counsel for MPSC Staff Michael Orris Heather Durian Anna Stirling Adam Cozort Email: orrism@michigan.gov durianh@michigan.gov stirlinga1@michigan.gov CozortA1@michigan.gov</p> <p>Lori Mayabb Email: mayabbl@michigan.gov</p>
<p>Counsel for DTE Gas Company Carlton D. Watson Email: carlton.watson@dteenergy.com mpscfilings_account@dteenergy.com</p>	<p>Counsel for Department of Attorney General Joel King Lucas Wollenzien Email: kingj36@michigan.gov wollenzienL@michigan.gov</p>
<p>Counsel for Michigan Environmental Council Christopher Bzdok Holly L. Hillyer Email: chris@tropospherelegal.com holly@tropospherelegal.com</p>	<p>Counsel for Detroit Thermal Arthur J. Levasseur Email: levasseur@fischerfranklin.com</p>
<p>Counsel for We Want Green, Too; Soulardairy; and Urban Core Collective; Amanda Urban Email: aurbanlaw@gmail.com</p>	<p>Counsel for City of Ann Arbor Valerie R. Jackson Email: vjackson@a2gov.org</p>
<p>Counsel for Energy Michigan, Inc.; and Billerud Americas Corporation Timothy Lundgren Laura Chappelle Justin Ooms Email: tjlundgren@varnumlaw.com lachappelle@varnumlaw.com jkooms@varnumlaw.com</p>	<p>Counsel for Retail Energy Supply Association Jennifer Heston Email: jheston@potomaclaw.com</p>

<p>Counsel for ABATE Michael J. Pattwell Stephen A. Campbell Benjamin Holwerda Email: mpattwell@clarkhill.com scampbell@clarkhill.com bholwerda@clarkhill.com</p> <p>Lauren Degnan Email: ldegnan@clarkhill.com</p>	<p>Consultants for ABATE James Dauphinais Email: jdauphinais@consultbai.com</p>
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