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December 5, 2025

Ms. Lisa Felice  
Executive Secretary  
Michigan Public Service Commission  
7109 W. Saginaw Highway  
P.O. Box 30221  
Lansing, MI 48909

Re: MPSC Case No. U-21870

Dear Ms. Felice:

Attached for electronic filing in the above-captioned matter, please find the Initial Brief of the Michigan Energy Innovation Business Council, the Institute for Energy Innovation, and Advanced Energy United, as well as a Proof of Service regarding same.

Thank you for your assistance in this matter.

Sincerely yours,

VARNUM



Justin K. Ooms

JKO/lml  
Enclosures  
28334288

c: All parties of record.

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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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

INITIAL BRIEF  
OF  
THE MICHIGAN ENERGY INNOVATION BUSINESS COUNCIL,  
INSTITUTE FOR ENERGY INNOVATION  
AND  
ADVANCED ENERGY UNITED

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THE MICHIGAN ENERGY INNOVATION BUSINESS COUNCIL,  
INSTITUTE FOR ENERGY INNOVATION  
AND  
ADVANCED ENERGY UNITED**

**I. INTRODUCTION**

On June 2, 2025, Consumers Energy Company (the “Company” or “Consumers”) filed an application initiating Case No. U-21870, requesting, among other things, that the Michigan Public Service Commission (“MPSC” or the “Commission”) approve additional annual base electric revenues in the amount of approximately \$436 million. Consumers Application, Case No. U-21870, Filing No. U-21870-0008 (the “Application”), at 2. Consumers also presented, among others, proposals related to transportation electrification and demand response (“DR”) programs.

A schedule was set for this case at the prehearing held on July 2, 2025, by Administrative Law Judge (“ALJ”) Jonathan F. Thoits. In compliance with this schedule, the Michigan Energy Innovation Business Council (“Michigan EIBC”), the Institute for Energy Innovation (“IEI”) and Advanced Energy United (“United;” collectively with Michigan EIBC and IEI, “MEIU”) filed the direct testimony of Sophia Schuster, Brett Sproul, and John D. Albers on September 30, 2025 and the rebuttal testimony of Sophia Schuster and John D. Albers on October 21, 2025.

This Initial Brief is filed in accordance with the schedule set by ALJ Thoits and on behalf of MEIU<sup>1</sup> by their attorneys, VARNUM LLP. Failure to address any issues or positions raised by other parties should not be taken as agreement with those issues or positions.

## II. ARGUMENT

### [STANDARD OUTLINE: III. Rate Base. A. Net Utility Plant. 10. Transportation Electrification Plan Capital Expenditures and Enhancements.]

#### A. The Commission Should Accept Consumers' Forecast of Electric Vehicle ("EV") Adoption as Reasonable.

[*References in the Record*: Company witness Myrom, 2 Tr 1390–1391, 2 Tr 1399; Ex. A-165 (JAM-3); MEIU witness Schuster, 6 Tr 4130–4146; Ex. MEIU-1.2; Staff witness Freeman, 6 Tr 4251]

Consumers witness Myrom presents the Company's forecast for EV adoption. As related by MEIU witness Schuster, the trajectory of EV adoption in the Company's service territory has largely tracked the forecast originally plotted in the Company's 2021 integrated resource plan ("IRP") and used in subsequent TEP filings and rate cases. 6 Tr 4130 (citing 2 Tr 1390). This forecast anticipated 500,000 EVs in the Company's service territory by the year 2030, and Company witness Myrom's direct testimony indicates that "The latest data from the Michigan Secretary of State also indicates that a range [of] 470,000 to 600,000 EVs by 2030 [is] likely in the Company's territory." 2 Tr 1390. He thus concludes, "[T]otal EV load growth, which is what truly matters for margin analysis and TEP program funding, remains solidly on track as shown in Exhibit A-165 (JAM-3) (see "Cost Benefit 8 Analysis" tab, line 22)." *Id.*

In response to a discovery request, witness Myrom explains what differentiates the high-end (600,000) and low-end, base-case) (470,000) estimates from one another. The low-end

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<sup>1</sup> The positions expressed in this Initial Brief represent those of the Michigan Energy Innovation Business Council, the Institute for Energy Innovation and Advanced Energy United as organizations and not necessarily the views of individual members of these organizations with respect to any particular issue.

estimate, he explains, “tracks historic adoption of EVs in Consumers Energy’s electric territory utilizing actual Michigan Secretary of State (SOS) quarterly data. The model utilizes historic sales trends to predict EV adoption in the near term, and once adoption levels achieve 7% or greater, . . . then approximates the percentage of sales experienced by Norway.” 6 Tr 4130–31; Exhibit MEIU-1.2. The high-end estimate, by contrast, “incrementally magnifies the base case projection over time to +25%, representing the continuation of cost and range improvements via technology advances, public charging infrastructure improvements, and economies of scale via factory and battery chemistry developments, all contributing to higher levels of EV adoption than the historic Norway pathway.” 6 Tr 4131; Exhibit MEIU-1.2.

MEIU witness Schuster specifically highlights the fact that the above estimates do not “capture the load growth attributable to EVs driving through its electric territory to reach and stay in popular Michigan tourist destinations,” meaning that, as Company witness Myrom also states, EV load growth, and not necessarily EV adoption, is a “more appropriate metric than EV adoption for assessing the impact of the Company’s TEP programs.” 6 Tr 4131.

After providing EV sales data from 2019 to 2024, which “show a steady and accelerating EV adoption growth rate,” witness Schuster pivoted to discussing the political headwinds EV sales are currently facing, noting the introduction of tariffs (which, arguably, will also impact traditional, internal combustion engine (ICE) vehicles), the repeal of certain EV-related tax credits, Congress’s nullification of preemption waivers for California’s Advanced Clean Cars II, and the elimination of civil penalties for automakers failing to meet Corporate Average Fuel Economy (CAFE) standards. 6 Tr 4133–34. She notes however, that there is reason to expect that these political and economic impacts will not be felt much beyond the near term. 6 Tr 4134.

Although she acknowledges, as does Consumers, that there will likely be a short-term slowdown in EV manufacturing and adoption, she notes a broad consensus that “EVs represent the future of the industry—both in the United States and globally.” 6 Tr 4134–35. She points to stable global trends of EV adoption growth in Europe, Southeast Asia, and South America, and explains that global competitive pressures (particularly from the Chinese market) are pushing American automakers to continue producing EVs. 6 Tr 4134–40. Furthermore, technological advances in EVs themselves (specifically in terms of increased range), price improvements relative to ICE vehicles of comparable range, the growth of a used EV market and supportive state policies are expected to “enable continued EV adoption growth through this period of political and economic uncertainty at the federal level.” 6 Tr 4136–37; 6 Tr 4140–45. The State of Michigan in particular has put in place fleet conversion goals, aiming to replace all light-duty (“LD”) fleet vehicles with zero emission vehicles (“ZEVs”) by 2033 and all medium- and heavy-duty (“MHD”) fleet vehicles with ZEVs by 2040. 6 Tr 3943–44. Finally, the continued investment in public charging infrastructure, both through the Department of Environment, Great Lakes and Energy’s (“EGLE”) Clean Fuel and Charging Infrastructure grant program for multi-family housing, public, and fleet applications and the continued disbursement of National Electric Vehicle Infrastructure (“NEVI”) funding—which will not be rescinded—can be expected to “improve consumer visibility of new and existing charging opportunities throughout the state, instilling greater confidence that they would be adequately supported if they purchase an EV.” 6 Tr 4145–46.

MEIU therefore recommend that the Commission find DTE’s EV adoption forecast reasonable in this case.

**B. The Commission Should Approve the Company’s Proposed TEP “Enhancements,” Subject to the Modifications Proposed by MEIU.**

[*References in the Record*: Company witness Myrom, 2 Tr 1383–1394, 2 Tr 1400–1406; Ex. A-223 (JAM-4), A-224 (JAM-5); MEIU witness Schuster, 6 Tr 4162–4173, Ex. MEIU-1.3, MEIU-

1.4; Staff witness Freeman, 6 Tr 4252–4253, 6 Tr 4255–4256; MNSC witness Jester, 6 Tr 3999–4006]

MEIU witness Schuster describes the “enhancements” the Company proposes to make to its TEP rebate programs in this proceeding. First, the Company proposes to permit rebates to support NEMA 14-50 and NEMA 5-20 outlets for Level 1 (“L1”) and Level 2 (“L2”) applications. 6 Tr 4165. Second, the Company proposes a list of modifications to its DCFC rebate program, including (1) a geographical limitation on DCFC rebates to “communities that do not have at least four 150 kW DCFC ports across two or more different sites; (2) a time limitation on the rebates, with the deadline to apply for rebates set at two years after the Commission’s order in this case; (3) the introduction of selection criteria by which the Company will prioritize certain rebate applications over others. 6 Tr 4165–66 (citing 2 Tr 1391–1394).

Subject to the recommended modifications set forth below, MEIU support the Company’s proposed “enhancements.”

- 1. The Commission Should Require Applicants for L1 and L2 Rebates Supporting NEMA 14-50 and NEMA 5-20 Outlets for *Private* Charging to Prove That They Have Purchased an EV Charger or Charging Cord and That They Have Purchased or Leased an EV and Should Require Applicants for Rebates Supporting Such Outlets for *Public* Charging to Provide Proof that Such Outlets Will be Installed in an Area Conducive to EV Charging.**

Company witness Myrom proposes to expand the use cases that a L1/L2 rebate can be applied towards, including NEMA 14-50 and NEMA 5-20 outlets. He explains that “many new EVs come with, and existing EV drivers utilize, a portable charger” and that “focusing a project on the outlet can simplify installations and reduce costs for host sites.” 2 Tr 1391. He goes on to refer to “multifamily locations” in particular, arguing that they “have expressed interest in bring-your-own-cord (“BYOC”) solutions given desires to reduce costs and maintenance.” 2 Tr 1392.

MEIU witness Schuster expresses concerns about this proposal, noting that “it is unclear how the Company plans to ensure that a customer with a NEMA 14-50 or 5-20 outlet will actually purchase the charger and participate in the TOU rate or any future managed charging program.” 6 Tr 4167. She continues, “Without verification, a customer could be participating in the program and receive a NEMA 14-50 outlet installation but not utilize the outlet for EV charging.” 6 Tr 4168. In order to address this concern, witness Schuster proposes that “the Company to ensure that if a customer chooses to install a NEMA 14-50 outlet, that they also purchase or obtain an EV charger or charging cord and provide proof of EV purchase or lease.” *Id.*

Company witness Myrom responds to this in his rebuttal testimony, suggesting, “A clarification regarding the scope of the BYOC proposal compared to current rebate options may lead us to alignment.” 2 Tr 1401. He proceeds to explain that the Company’s intention in proposing this particular modification is that it be limited to “applicants for multifamily charging, workplace charging, and fleet charging.” *Id.* He then states, “In the community charging scenario, for which BYOC is already approved, no proof of EV purchase or lease is required because the charging infrastructure is open to the public,” and he further notes, “[T]he current Level 2 rebates for multifamily and workplace charging do not require proof of EV ownership or lease because that infrastructure is open to a wide variety of people who will live or work there, be it now or in the future.” 2 Tr 1402. He uses this as an analogy to the proposed modification to expand the existing L1/L2 rebates to include a bring-your-own-charger (“BYOC”) option, in order “to allow a lower cost solution for the multifamily and workplace host sites to serve their residents and employees, who like the public will change over time and include a wide variety of people.” *Id.* The Company does not require a proof of purchase or lease for these applications, given these public characteristics. *Id.* (“It would be impractical to verify or mandate EV adoption in these

circumstances.”). For fleet charging customers, the Company presently requires and would continue to require proof of purchase or lease. *Id.*

MEIU appreciate witness Myrom’s clarifications and generally agree that it is impracticable to require proof of EV purchase or lease for rebates supporting public charging infrastructure. Nonetheless, the Company’s proposal as set forth in witness Myrom’s Direct Testimony clearly intends to encompass “across all L2 rebate categories” and “across all long-duration L1 rebate categories,” by which MEIU understand include all private charging categories, including single-family residential categories. See 2 Tr 1391 (“To be clear, the Company . . . is maintaining the PowerMIDrive Residential program as approved in Case No. U-21224.”). The potential for misuse of rebates resulting from including NEMA outlets as options (as expressed by witness Schuster) is, furthermore, not entirely eliminated by their application to public charging (multi-family and business) contexts. It remains the case that the NEMA outlets, by virtue of their more universal design, can be installed and used for many more applications than EV charging. See 6 Tr 4168.

MEIU therefore recommend that the Commission require proof of purchase of an EV charger and proof of purchase or lease of an EV from all L1 and L2 rebate applicants who propose to use the rebate to install a NEMA outlet rather than a hard-wired EV charger for *private* charging (as the Company proposes to continue to do for fleet customers). In the case of applicants who propose to use the rebate to install a NEMA outlet for *public* charging (i.e., in multi-family residential or business contexts), MEIU recommend that the Commission require the Company to use a comparable verification method appropriate for public charging, which may include, for example, proof that the outlets will be installed in an area conducive to EV charging.

- 2. For DCFC, the Commission Should Direct Consumers to Increase the Rebate per Port to \$70,000, Reject the Proposed Two-Year Limitation**

**and Extend the Program Until Budget Depletion or for Six Years, Require the Company to Explicitly Define “Community” for Rebate Eligibility, and Require the Company to Propose a Clear Rubric and Methodology to Govern Its Application Evaluation.**

**a. The Commission Should Direct Consumers to Increase the Rebate per Port to \$70,000.**

MEIU witness Schuster begins her testimony on the Company’s proposed “enhancements” to its direct current fast charger (“DCFC”) rebate program by explaining the status quo leading up to this case. As she explains, the Commission approved the Company’s request to reduce its DCFC rebate to \$50,000 per port in Consumers’ most recent rate case, U-21585, which represented a decrease from the previously approved rebate of \$70,000. 6 Tr 4162–63.

Against this rebate backdrop, Company witness Myrom explains that “the median and average costs of a 150 kW DCFC construction project range between approximately \$200,000 and \$237,000.” 2 Tr 1392; see 6 Tr 4163. This includes both make-ready costs and direct construction costs, including DCFC procurement. See 6 Tr 4163. This can be offset somewhat (i.e., by roughly 30%) by Section 30C Vehicle Refueling Property Tax Credits (“30C Tax Credits”), but these are sunsetting on June 30, 2026, requiring potential site hosts to plan to host a charger and apply for the credit in less than one year. 6 Tr 4163–64. Given the remaining costs, the loss of the 30C Tax Credits “could make it more difficult to establish a workable business case for DCFC investments, especially in rural and seasonal travel communities where charging is most needed.” 6 Tr 4164. The Company acknowledges this, noting that “[T]he goal of the temporary DCFC rebate program is to spur the growth of quality fast charging infrastructure and to do so as quickly as possible,” 6 Tr 4164 (quoting Exhibit MEIU-1.3), and that “rural and seasonal travel communities still need incentive support to ensure the skeleton network of fast chargers is sufficient to support rapidly growing EV adoption.” Consumers Energy Transportation Electrification Plan Annual Progress Report 2025, Case No. U-21538, Filing No. U-21538-0007, at 24. Witness Schuster goes further,

arguing that the soon-to-be-sunset 30C Tax Credits “should not be factored into consideration when evaluating the impact of the DCFC rebate on DCFC installation costs for public site hosts.” 6 Tr 4168.

With the 30C Tax Credits, witness Schuster explains, “the Company’s \$50,000 DCFC rebate would cover about one-third of the total project costs, or the entirety of the make-ready costs, for a two-port DCFC installation.” 6 Tr 4170. Without them, however, “the make-ready cost per DCFC port will increase to between \$75,000 and \$93,500,” making “it more difficult to establish a workable business case for DCFC investments, especially in rural and seasonal travel communities where charging is most needed.” *Id.*; see also 6 Tr 4146–4148 (noting that “a significant portion of the EV load in [the Company’s service] territory is tied to EVs coming from outside its service territory to reach popular tourist destinations”). Witness Schuster ties this concern directly to the purpose of the Company’s DCFC rebate program—“to deploy funds efficiently and prioritize communities currently lacking DCFC”—and recommends that the Company “prepare for the loss of the 30C tax credit at the end of 2026 and to ensure that the DCFC program is as effective and impactful as possible” by “increas[ing] the DCFC rebate amount to up to \$70,000 per port.” 6 Tr 4170–71. The implication is that, without this increase, the rebate program may simply sit idle and fail to serve its purpose, since the rebate on offer may simply not be enough to get site hosts (particularly in rural areas where utilization may be lower/seasonal and the payback period may therefore be longer) to proceed with a project.

Company witness Myrom supports witness Schuster’s proposal in principle in his rebuttal testimony but proposes that this increase be delayed to a future rate case. 2 Tr 1402–03. Since it is likely that the Company’s next rate case will not be filed until on or around the sunset date of the 30C Tax Credits (based on the date of the Company’s application here (June 2, 2025) and the

requirements of MCL 460.6a(6)), an increase in the rebate amount, even if proposed in the Company's next rate case, would not be effective until approximately one year after the sunset of the 30C Tax Credits, which would potentially present a one-year gap in adequate funding. This problem, especially when it is considered alongside witness Schuster's proposal (discussed further below) to permit the Company to grant rebates in differing amounts depending on the degree to which an application conforms to the Company's proposed application evaluation criteria, provide adequate cause to raise the rebate "ceiling" here and now. See 6 Tr 4172. Doing so can help to ensure that the most desirable chargers in particular are ultimately constructed and operating rather than being under-supported and failing ever to get off the ground as a result.

MNSC witness Jester makes a similar but distinct proposal to permit applicants to request differing amounts of funding, which would then be made an evaluation criterion (i.e., applications seeking less funding would become prioritized, all else equal). 6 Tr 4002. Staff indicated openness to this proposal. See 6 Tr 4255–56. MEIU do not necessarily agree that applications seeking the least in terms of rebate support should be prioritized over those seeking more, particularly given the necessity of addressing rural and seasonal charging needs that may be on routes less traveled (where utilization is lower and thus charging revenue is less). Simply stated, and at the risk of speaking tautologically, chargers seeking the least in rebate funding likely need rebate funding the least. Such chargers are not, however, necessarily the chargers that are most important in establishing the "skeleton network" discussed by the Company. See, *e.g.*, 2 Tr 1403; see also 6 Tr 4170 (noting that cost increases resulting from the loss of the 30C Tax Credits "could make it more difficult to establish a workable business case for DCFC investments, especially in rural and seasonal travel communities where charging is most needed").

MEIU therefore recommend that rebate amounts be permitted to vary (with a ceiling of \$70,000 rather than \$50,000 for the most desirable projects, as determined under an appropriate evaluation rubric), but that the amount requested by an applicant *not* be included among the evaluation criteria.

**b. The Commission Should Direct Consumers to Keep the Application Window Open for Six Years or Until Approved Funds are Exhausted.**

With respect to the Company's proposed time limitation—requiring applications to be submitted within two years of the Commission's order in this proceeding—witness Schuster expresses concerns that this might “artificially truncat[e]” the program “when previously allocated funding remains unspent.” 6 Tr 4171. She proposes that the Company extend the application period until approved funds are exhausted or for six years, whichever comes first. 6 Tr 4171. MNSC witness Jester raises a similar concern, recommending that the rebate window be extended to seven years, which he identifies with the “original expiration timeline of the 30C tax credit.” 6 Tr 4002–03.

Although Staff witness Freeman does not support witness Jester's proposal on this item in this case, he nonetheless describes it as “an interesting one and a suggestion worthy of consideration,” suggesting it be introduced in the next rate case. 6 Tr 4256. He fails to address witness Schuster's similar recommendation, however.

Witness Myrom's response to these proposals is simply to emphasize the Company's short-term focus on “fill[ing] in the final fast-charging infrastructure needs, creating what has been called a skeleton network, upon which the market can expand independent of Company rebates.” 2 Tr 1403. In making this argument, however, witness Myrom provides no evidence supporting the conclusion that “fill[ing] in the final fast-charging infrastructure needs” can be done within the two-year application window the Company's proposes here rather than the longer windows

proposed by witnesses Schuster and Jester. Particularly since neither witness proposes an overall budget increase for the program, it is hard to avoid the conclusion that the two-year window is arbitrary, or as witness Schuster describes, it, as “artificially truncating” the program.

The Commission should therefore extend the window within which applicants may apply for DCFC rebates so long as approved funds remain available.

**c. The Commission Should Require Consumers to Define “Community” in its Rebate Criteria More Specifically.**

Among the “enhancements” that the Company proposes is a proposal to grant rebates only to chargers in “communities that do not have at least four 150 kW DCFC ports across two or more different host sites.” 2 Tr 1392. In her Direct Testimony, witness Schuster expresses concern about the clarity of this limitation. In principle, she agrees with the Company’s proposal, explaining, “The rationale to prioritize DCFC rebates to communities that do not yet have adequate DCFC infrastructure (i.e., no more than four 150 kW DCFC ports per community) is sound.” 6 Tr 4171. However, she notes that the response the Company gave in discovery in answer to a question for clarification as to the definition of “community” was insufficiently clear. As shown in Exhibit MEIU-1.4, the Company answered the question, “Please define a ‘community’” with, “A community is a governmental boundary.” It answered the further question, “Is ‘community’ limited in physical space or defined by other traditional governmental boundaries?” with, “Per ‘a’ above, it is a traditional governmental boundary.” Exhibit MEIU-1.4. Company witness Myrom doubles-down on this answer (and only this answer as sufficient) in his Rebuttal Testimony. See 2 Tr 1403; Exhibits A-223 (JAM-4) & A-224 (JAM-5).

As witness Schuster explains, however, this is far from providing sufficient clarity. As she notes, “This could mean any number of official boundaries (e.g. village, municipal, school district, county, political district, zip code etc.) and is too vague.” 6 Tr 4171. To expand on this, one

remains within one or more counties even when within a township or an incorporated city or village. The Company provides no clarity as to the level of specificity it will apply in determining which “traditional governmental boundaries” it intends to use. Will each county in the Company’s service territory be limited to rebates for four DCFC ports, or will that limitation be applied to each township within that county? Witness Schuster presents no preference among these options, necessarily; rather, her concern is simply to ensure clarity for applicants so that they are able to know up front whether they would be considered eligible for a rebate or not (and thus whether it is worth applying for one or not).

The Commission should therefore require the Company to provide greater clarity on this threshold eligibility criterion.

**d. The Commission Should Require the Company to Propose a Clear Rubric and Methodology to Govern Its Application Evaluation.**

The final aspect of the “enhancements” proposed by Consumers witness Myrom to the Company’s DCFC rebate programs that MEIU witness Schuster recommends be modified is the Company’s proposal regarding the ranking and prioritizing of applications. Although witness Schuster generally supports the Company’s desire “to ensure that its rebates are used to support DCFC installations that meet – or exceed – the customer’s needs,” she is concerned about the clarity of the criteria that are used to rank otherwise compliant applications and distinguish one from another in terms of priority for rebates. 6 Tr 4172. These “optional criteria,” as witness Schuster describes them (distinguishing them from threshold criteria that determine eligibility or non-eligibility for rebates), 6 Tr 4172, include six broad categories described by Company witness Myrom. See 2 Tr 1393–94. Witness Myrom’s description of these criteria leaves many open questions, including which criteria are most important and which criteria might support greater or lesser rebate amounts.

Particularly because of how important it is “that site hosts have a clear understanding of the rebate amount they are eligible to receive to effectively plan for the associated project costs,” witness Schuster suggests that the Company “could establish designated amounts or weighted<sup>2</sup> amounts associated with each project criterion and develop a publicly available rubric by which it would score DCFC project applications.” 6 Tr 4172. “If this were done,” she explains, “an applicant proposing a project that meets all the optional criteria would be eligible to receive the maximum rebate amount.” *Id.* In turn, projects fulfilling many, but not all, of the criteria could then get a clear understanding of what—lesser—rebate amount their proposed DCFC project would be eligible for under the public rubric. *Id.*

This rubric can also be helpful, witness Schuster explains, for standardizing the Company’s application review process, which the Company states will take place monthly. 6 Tr 4173 (citing Exhibit MEIU-1.3). A less rigorous process leaves open the possibility of subjectivity and resulting contention based on the appearance of unfairness. A public rubric, by contrast, provides predictability, consistency and rationality and is therefore to be preferred. See *id.*

For these reasons, MEIU encourage the Commission to require Consumers to modify its DCFC evaluation criteria by assigning consistent weighting to each criterion (equal or differential), to provide the resulting rubric to applicants publicly, and to tie the fulfillment of the criteria to specific rebate amounts.

**[STANDARD OUTLINE: V. ADJUSTED NET OPERATING INCOME. C. Other O&M Expense. 10. Demand Response O&M Expense.]**

**C. The Commission Should Not Permit the Company to Reduce its Demand Response (“DR”) Incentive Rates Until the Company has Provided Evidence**

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<sup>2</sup> Criteria could be equally or differentially weighted. Witness Schuster—and MEIU—express no firm position on this issue. See 6 Tr 4172 (“This could be based on evenly distributed weights or dollar amounts, or the Company could designate certain criteria as more important and therefore worthy of greater weight or a higher dollar amount.”).

**that its Current Incentives Exceed the Value Being Provided by Program Participants.<sup>3</sup>**

[*References in the Record*: MEIU witness Sproul, 6 Tr 4197–4219, Ex. MEIU-2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, 2.12 & 2.13; Company witness Gast, 2 Tr 645–658, 2 Tr 662–664; Staff witness Towslee, 6 Tr 4496–4499]

MEIU witness Sproul lays out the five DR programs the Company operates, including three residential programs and two commercial and industrial (“C&I”) programs. The three residential programs include “1) the Device Cycling program, 2) the [Dynamic Peak Pricing] DPP program, and 3) the Smart Thermostat program.” The DPP program consists of two options, Critical Peak Pricing (“CPP”) and Peak Time Rewards (“PTR”), which are each “designed to encourage reduced energy use during periods of high demand.” 6 Tr 4199. Consumers’ C&I programs include both the Business DR Contractual Payment program, through which “the Company provides a payment, based on a contractual agreement, to a business to reduce electricity load by a specific amount during Midcontinent Independent System Operator (“MISO”) emergencies,” and the Business DR Rate Options program, which provides four rate options “that provide discounts with the intended purpose of incentivizing a business’ reduction of electricity load during MISO emergencies.” 6 Tr 4199–200. Broadly speaking, these five programs break down into two main categories: one, programs that the Company has direct control over (including the Device Cycling and Smart Thermostat programs), and two, programs that depend on customer behavioral choices (including the DPP program for residential customers).

MEIU witness Sproul provides further discussion of the two rate options within the Company’s DPP program, CPP and PTR. CPP “disincentivizes customer electricity use during DR Events by charging a significantly higher rate (currently \$1.00 per kWh) for electricity use

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<sup>3</sup> Regarding the related issue of the establishment of a DR surcharge, MEIU express no position except to urge the Commission to make no decision in this case unless it first resolves the questions raised in Case No. U-21637. See 6 Tr 4203.

during the DR Event time period (typically between 2 and 6 P.M.).” 6 Tr 4204. In exchange for this, CPP also offers a “discounted rate (typically a 10 to 20% reduced rate) during weekends, holidays, and all weekday hours except for 2 p.m. to 7 p.m.” *Id.* Witness Sproul recounts that “as of August 18, 2025, there are 24,860 residential customers enrolled in the CPP program.” *Id.* Where CPP incentivizes peak reduction by using the “stick” of a high energy price during a DR event, the PTR program uses a “carrot,” in that customers are offered a bill credit for reduced electricity use during the DR Event. As witness Sproul explains, “Specifically, the PTR program currently provides a bill credit of \$1 per kWh of electricity that is reduced (compared to a customer’s baseline usage on similar weather day conditions) during the DR Event.” *Id.* As of August 18, 2025, 173,559 residential customers were enrolled in the PTR program. *Id.*

DR Events may be initiated by the Company “when forecasted 4-hour load capacity requirements exceed 27,000 Megawatt-hours (“MWh”) in order to reduce the Planning Reserve Margin Requirement (Exhibit MEIU-2.3).” 6 Tr 4205. Consumers may call up to 14 such DR Events per year. *Id.* (citing Exhibit MEIU-2.3). No DR Events have been called since 2022, Exhibit MEIU-2.5, but in 2022, five DR Events were called, on the following dates: June 15, June 21, 14 June 22, July 19, and July 21, Exhibit MEIU-2.3.

Company witness Gast provides testimony explaining the purpose and value of the Company’s DR program resources, noting that “DR programs help manage capacity need for peak demand, in lieu of additional supply-side electric generation or capacity contracts.” 2 Tr 646. He further explains that “customers will receive \$62 million worth of capacity value in Planning Year 2025/2026 from the MWs, or the Zonal Resource Credits, that the DR programs provide,” and that “[a]ll customers benefit from DR reducing grid strain during peak demand periods because reducing grid strain offsets the Company’s need to invest in more generation or capacity

resources.” 2 Tr 647. In part by quoting from witness Gast, MEIU witness Sproul notes additional values provided by Company DR programs in his Direct Testimony, including climate value, grid flexibility, and opportunities for customers to take more control over their usage and power supply costs. See 6 Tr 4197–98 (citing 2 Tr 646–647); see also 6 Tr 4206 (noting that “[c]ustomers that participate in the DPP Program realize two main benefits: 1) reduced energy costs, and 2) greater control over their energy usage”).

Witness Sproul explains that the Company’s DPP program “has the highest rate of low-income customer enrollments relative to all other DR programs that the Company offers,” noting, “In 2022, 13% of customers enrolled in the CPP and PTR programs were identified as ‘low-income.’” 6 Tr 4206–07. It also “exhibits the lowest levelized cost of all of the DR programs listed in the analysis with a levelized cost of \$24,491 per MW.” 6 Tr 4213.

This notwithstanding, witness Gast presents a plan to reduce the incentives paid to customers participating in the Company’s DPP program. See 2 Tr 653. The per kWh credit paid to PTR customers is proposed to be cut in half, from \$1/kWh to \$0.50/kWh. Billed as “efforts to reduce costs and increase MWs,” 6 Tr 647, this proposal nonetheless fails to value the contribution of DR program participants adequately, or at least fails to demonstrate that current incentive levels are excessive.

Witness Gast explains in his Direct Testimony that “[t]he Company, working with its third-party evaluator Cadmus, predicted a lower capability than the 2022 planning value previously used.” 2 Tr 654. He continues, “With this lower value being nearly half the previous value for PTR, the Company determined that the credit offered to these customers should also be halved.” *Id.* This is the entirety of witness Gast’s explanation for the reduction in the PTR credit.

Through discovery, MEIU witness Sproul was able to determine that the Company developed this proposal by compositing a 2022 Cadmus study (the “2022 Study”) and a 2025 Cadmus “Presentation on PTR Alternative Settlement Investigation” (the “2025 Presentation”). 6 Tr 4207–12. The 2022 Study produced the reduced estimated demand savings from the PTR program, and the 2025 Presentation “primarily focused on analyzing the PTR program and exploring different potential opportunities to improve program cost-effectiveness.” 6 Tr 4209–10. The 2025 Presentation did this by “appl[ying] the distribution of impacts and bill credits from summer 2022 DR Events to current program levels and test[ing] four different alternative settlement approaches to improve the cost effectiveness of the PTR program.” 6 Tr 4210. Among three others described in witness Sproul’s Direct Testimony, the 2025 Presentation suggested a “Reduced Incentive Rate – Lowering the \$/kWh bill credit payment rate,” which included a 50% reduction as an example. 6 Tr 4210–11. As witness Sproul notes regarding the 2025 Presentation’s evaluation of the alternative approaches, “[E]ach alternative settlement approach comes with pros and cons,” and, “[I]t is specifically stated in the Presentation that ‘Reducing incentives could improve the cost-effectiveness of events, *but potentially at expense of diminished response by participants*’” (emphasis added).

Although it is clear, as MEIU witness Sproul summarizes, that per the 2022 Cadmus Study referenced by witness Gast “the estimated per customer demand savings that Cadmus predicts will be achieved through the PTR and CPP programs is lower than what the Company utilizes for program design,” 6 Tr 4209, it is unclear why that should result in a reduction in the *value* of those demand savings. MEIU witness Sproul notes, “Consumers states that it is proposing these changes to align with the research conducted by Cadmus, which predicted a lower customer demand savings capability value for the CPP and PTR programs,” but he also points out that “the

Presentation specifically asks a crucial question regarding reduced incentives stating, ‘Will customers take the same amount of action for half the money?’” Witness Sproul shows that Consumers does *not* ask itself this question, pointing out that Consumers stated in discovery that the Company “identified the potential risk but did not have any data to support how changing the incentive amount would affect customer behavior.” 6 Tr 6217. This is despite the common-sense conclusion he identifies: “I contend that it is reasonable to assume that if the PTR bill credit (i.e. the customer incentive) is reduced by 50%, then consumer behavior will likely change because the consumer is less incentivized to adjust their behavior compared to the previous incentivization.” *Id.*

Summarizing all of the above, it appears that Consumers is proposing to take an already cost-effective program with a low per-MW cost and drastically cut the incentives behind it, risking its continued viability. The problem with this, aside from the obvious, is that Consumers is using 2022 data to project into the “indefinite future,” which “could lead to decisions that undermine the success of the DPP program.” 6 Tr 4214. As an illustration of the staleness of data used in the 2022 Study, witness Sproul explains that “DPP program levels have nearly doubled since 2022, as there are now 24,860 participants enrolled in the CPP program and 173,559 participants enrolled in the PTR program (Exhibit MEIU-2.2),” compared with “an average enrollment level of 14,117 participants for the CPP program and 77,019 participants for the PTR program” in 2022. *Id.* Witness Sproul closes the loop by pointing out, “Due to these vastly different enrollment levels between 2022 and 2025, it is reasonable to assume that the per customer demand savings values will likely differ between 2022 and 2025.” *Id.* The Company has also not conducted the annual reviews recommended by Cadmus since 2022.

In rebuttal, Company witness Gast pushes back on witness Sproul’s recommendation not to permit the Company to use demand savings values from the 2022 Study by emphasizing the necessity of “accurate savings values” and the need to “align expected demand reduction with actual demand savings.” 2 Tr 663–64. MEIU do not disagree with this in principle, but neither of these points do anything to demonstrate that the 2022 numbers from Cadmus are likely to be “accurate savings values,” or any more accurate than current values. In response to witness Sproul’s opposition to the Company’s proposal to reduce the PTR incentive rate by 50%, witness Gast explains the Company’s need to “reduce the total cost of calling an event.” 2 Tr 664. This appears to be the same concern animating reducing enrollment incentives, in that witness Gast expresses a desire to “limit enrollment,” purportedly “making future events more cost-effective.” *Id.* At the same time, witness Gast explains that “higher enrollment means the Company would expect larger total actual demand savings during an event.” *Id.* If the Company is obtaining “larger total actual demand savings,” this would, by necessary consequence, mean that the “cost of calling an event” would be offset by “larger total demand savings.” And once again, the Company has not provided an explanation as to why, even if actual demand savings fall short of expected demand reduction, the *rate* at which those demand savings are compensated under PTR should be reduced, since PTR customers are only paid the \$/kWh incentive for each “kWh of electricity that is *reduced* (compared to a customer’s baseline usage on similar weather day conditions) during [a] DR Event.” 6 Tr 4204 (emphasis added). If fewer kWh than expected are reduced compared to baseline usage, less money is due and owing to the customer.

In sum, Consumers has failed to prove that the DPP program under the current construct is not already cost-effective. The results of the conducted benefit-cost analysis show that the DPP program is already a cost-effective program that exhibits net benefits and has the lowest leveled

cost per MW when compared to all other DR programs that Consumers oversees. The PTR program should not be changed based on the unsubstantiated argument that the program needs to improve its cost-effectiveness, especially since doing so may have the effect of undermining or even sabotaging an already cost-effective program by making the perfect the enemy of the good. This same argument undermines Consumers' case for discontinuing PTR enrollment incentives, see 2 Tr 655, especially since, as witness Sproul suggests, "the existing customer enrollment incentives and marketing efforts are likely the exact actions that allowed the PTR program to evolve into a 'gateway DR program' over time," 6 Tr 4219.

For these reasons, MEIU, following witness Sproul, recommend that "the Commission reject Consumers' proposal to reduce the per customer demand savings values for the PTR and CPP programs until the Company conducts an updated analysis and review of the PTR and CPP programs' expected performance under current planning conditions." 6 Tr 4215.

**[STANDARD OUTLINE: VII. COST OF SERVICE, RATE DESIGN, AND TARIFF ISSUES. B. Rate Design. 4. Electric Vehicle Rate]**

**D. The Commission Should Not Close Rate GP to EV Charging Customers and Should Not Require Consumers to File an EV Fast Charging Rate Proposal in its Next Rate Case.**

*[References in the Record: Staff witness Krause, 6 Tr 4505–4506; MEIU witness Schuster, 6 Tr 4178–4191; Company witness Connolly, 3 Tr 172–173; Company witness Myrom, 2 Tr 1401, Ex. A-165 (JAM-3); Walmart witness Lyon, 2 Tr 2620–2623]*

In his direct testimony, Staff witness Krause makes two recommendations with respect to EV charging rates, specifically for EV fast charging: First, he recommends that the Commission close Rate GP to EV charging customers effective June 1, 2028 (it is already closed to new customers other than EV charging customers, 6 Tr 4178). Second, he proposes that Consumers be

required to “propose a new tariff for fast charging *in its next rate case* based on available fast charging data.” 6 Tr 4505.

MEIU witness Schuster provides background regarding the existing use of Rate GP. She explains that in Case No. U-21389 (*i.e.*, two rate cases ago), witness Krause took the position that continued access to Rate GP “is the Company’s version of a demand charge holiday” for EV charging, but that “due to current market conditions, . . . the demand charge holiday be extended for currently operating [DCFC] stations to June 1, 2026 [and that] for chargers energized after June 1, 2024, the chargers should be allowed to remain on rate GP for two years.” 6 Tr 4179. In practice, this means that a charger energized on June 1, 2026 (the last day Rate GP would be open to new EV charging customers) could remain on Rate GP until June 1, 2028. According to witness Krause again in Case No. U-21389 (paraphrased by witness Schuster here), doing this would “allow adequate time to build out a ‘skeleton network of chargers,’ at which point, DCFC stations on rate GP should be moved to either rate GPD or GPTU, which are general service primary rates with demand charges.” *Id.* Consumers resisted this recommendation, pointing to the immaturity of the market. *Id.* The Commission followed witness Krause’s recommendation in Case No. U-21389, setting the sunset of new EV customer access to Rate GP at June 1, 2026 (with stations energized after June 1, 2024 being permitted to remain on the rate for two years) and requiring Consumers to file an EV-fast-charging-specific tariff in its next rate case, U-21585. *Id.* As witness Schuster further recounts, in Case No. U-21585, Company witness Myrom explained that “the limited number of DCFC and low utilization rates in the Company’s service territory was making it difficult to establish a reliable DCFC load shape on which to base a DCFC-specific tariff,” and the issue was not discussed further in the Commission’s order. 6 Tr 4179–80.

Staff witness Krause argues for the closing of Rate GP in this case on grounds that EV charging is receiving a subsidy under the rate: “Under rate GP, charging stations are treated as if increasing charging speed has no incremental impact on cost causation, such as increased infrastructure. As charging stations increase in speed and demand, the GP rate becomes less and less appropriate. Stations on rate GP are clearly receiving a subsidy.” 6 Tr 4505.

Witness Krause’s arguments here fail to take account of the broader picture of EV charging when determining whether or not a subsidy exists for fast charging. As witness Schuster points out, DCFC deployment is directly connected to EV adoption and, therefore, to at-home, overnight EV charging. 6 Tr 4180 (describing DCFC as an “enabling technology” for EV adoption); 5 Tr 4182. Increasing DCFC costs in the short term by removing access to Rate GP could slow DCFC deployment as the market continues to develop and mature, which could have a significant negative impact on EV adoption in the Company’s service territory. 5 Tr 4004. This “will in turn depress incremental revenue from EV charging.” 6 Tr 4182. Witness Schuster points to testimony from Walmart witness Lyon to further illustrate this point, arguing that the developing EV charging market means that certain chargers are likely to be underutilized early on and that if underutilized chargers are billed via a demand rate, “this negatively impacts the economics for that unit and may lead to little or no third-party investment in public EV chargers sited in areas of initial low usage.” 6 Tr 4181–82. “Given this,” witness Schuster explains, “billing DCFC with low utilization rates under a tariff with a demand charge is, in fact, likely to be overcharging on a cost-of-service basis.” 6 Tr 4182. She further points out that “there is mounting evidence that load from EV charging customers *as a whole* contributes much less to system peaks when compared to other commercial and industrial customers, and that the revenue attributable to EV charging exceeds the cost of service over time.” Stated otherwise, it is likely that EV charging customers—the end users of all

EV charging infrastructure, whether L1, L2 or DCFC—are, in the aggregate, “subsidizing rates of utility customers who do not own EVs or use EV charging.” *Id.* Narrowly focusing on DCFC without considering the overall contributions of EV load to Consumers’ system and system revenues—on this see also 6 Tr 4153–4156—is short-sighted and risks undermining broader EV adoption (and revenue contribution) goals. In other words, it is not so easy to divide DCFC from other charging as witness Krause wishes to. The same EV that sometimes plugs in at a DCFC more often plugs in at home, but absent the DCFC, that EV may not exist in the first place. It does not make sense practically to champion at-home charging while deprecating fast charging. The two go together.

Witness Krause’s urgency to dispense with EV access to Rate GP—based on an alleged subsidy that is not clearly present when viewed in the appropriate context—is therefore unwarranted. Witness Schuster ultimately recommends that “At minimum, the Commission should not establish a “demand charge holiday” sunset date until the Company has filed the findings of an accurate DCFC COSS and interested stakeholders have had the opportunity to review and comment on the study’s findings.” 6 Tr 4187; see also 3 Tr 173 (Connelly Rebuttal). This is MEIU’s recommendation regarding the continued availability of Rate GP. In other words, EV charging customers’ access to Rate GP should not sunset—whether on June 1, 2026 or on June 1, 2028—unless a suitable alternative (*i.e.*, a rate other than Rate GPD or GPTU) is in place first.

The Commission itself expressed a willingness to move back the Rate GP sunset in its order originally setting the sunset date in Case No. U-21389, depending on the timeline on which an appropriate successor rate could realistically be developed. There, the Commission stated:

[T]he Commission is supportive of the recommendation for Consumers to evaluate the merits of a separate tariff for DCFCs, as well as for Level 2 chargers. Consumers shall file the results of its study on this matter in its next general electric rate case. *The Commission expects that consideration of the merits of a separate tariff for*

*DCFCs will likely involve consideration of the ongoing need for a demand charge holiday beyond June 1, 2026. If the study of a DCFC tariff supports extending this deadline, Consumers may file for approval of such an extension in a future rate case.*

March 1, 2024 Order in Case No. U-21389 at 114 (emphasis added). Company witness Connolly notes in her rebuttal testimony that “The Company has limited data with which to develop a cost of service to support a fast charging rate. To try to do so at this time would be premature.” 3 Tr 172. She elaborates, explaining that “the Company is only able to identify fast charging customers which were rebated under the PowerMIDrive program,” which includes a total of 84 customers as of the 2025 TEP report. *Id.* The Company has not analyzed which of these 84 customers have a full year’s worth of usage data, she further explains, much less the three years of historical data that the Company typically uses to develop a cost-of-service study. *Id.* Noting a further complication, she explains that some of these customers’ charging data could be mingled in with a customer’s total load. *Id.* She then proceeds to lay out the Commission’s decisions in Case Nos. U-21297 and U-21534, prior rate cases of DTE Electric Company (“DTE”), in which the Commission ordered DTE to conduct an EV-specific cost-of-service study only to turn around and acknowledge that doing so was premature. Witness Connolly concludes her Rebuttal Testimony by recommending that witness Krause’s two recommendations (regarding Rate GP and a future EV-specific rate) be rejected at this time.

Since, per witness Connolly, the facts on the ground have not changed since Case No. U-21389, in that the Company is not much closer to developing a DCFC-specific rate than it was in Case No. U-21389, the Commission should push back the Rate GP sunset date in accordance with what was foreshadowed in the order in U-21389. It is important to note that, under the terms of the Commission’s order in Case No. U-21389, DCFCs energized before June 1, 2024 will lose access to Rate GP on June 1, 2026, which is only a few months after the Commission’s order is

due in this case under MCL 460.6a. This fact makes it crucial that any extension of the sunset be made in *this case*. The Commission, furthermore, should not require Consumers to make a specific DCFC rate proposal in its next rate case, as recommended by Staff witness Krause, both for the reasons stated by witness Connolly and because, as MEIU witness Schuster observes, the immaturity of the EV charging market provides continued reason to avoid moving too quickly. See 6 Tr 4187 (“EV adoption and public charging utilization have not yet reached a steady state.”) Witness Schuster concludes, “Only once more DCFC are energized and their utilization rates increase and stabilize will it be appropriate to sunset the “demand charge holiday” and determine the suitability of a DCFC-specific tariff.” 6 Tr 4183.

Notwithstanding MEIU’s opposition to witness Krause’s recommendation to require Consumers to file a DCFC-specific rate in its next rate case, witness Schuster believes it to be beneficial for Consumers to “conduct a comprehensive evaluation of best practices as it relates to DCFC tariffs being implemented in other states and countries,” to “conduct a stakeholder convening to gather key stakeholder and industry feedback on issues related to DCFC tariffs and demand charges, and to “present its findings and propose a long-term plan for the eventual implementation of an appropriate DCFC tariff” by a reasonable date (*e.g.*, December 2026). 6 Tr 4189. Together, these discussions, investigations and resources should “enable the Company to conduct a more comprehensive COSS to inform whether a future DCFC-specific rate proposal is suitable and, if so, determine an appropriate tariff structure.” *Id.* The Commission need not require Consumers to present its report as early as December of next year; however, to the extent that the Commission expects to order Consumers to present a rate proposal, it should ensure that enough time remains ahead-of-time for Consumers to conduct the evaluations and outreach and to present its report.

On account of all of the above, Witness Krause’s recommendations that the Commission close Rate GP to EV charging customers on June 1, 2028 and require Consumers to file a DCFC-specific rate in its next rate case should be rejected. Instead, the Commission should consider extending the availability of Rate GP until an appropriate alternative rate for DCFC is developed and delay requiring Consumers to file a concrete rate proposal until it has the opportunity to conduct evaluations and outreach recommended above and to present its resulting report.

**[STANDARD OUTLINE: VII. COST OF SERVICE, RATE DESIGN, AND TARIFF ISSUES. B. Rate Design. 5. Heat Pump Rate]**

**E. MEIU Support MNSC Witness Reeves’ Proposal for the Company to Develop a Heat Pump Rate for Customers with Electric Heating.**

*[References in the Record: MNSC witness Reeves, 6 Tr 3844–3876; Company witness Connolly, 3 Tr 174]*

MNSC witness Reeves presents extensive testimony setting forth compelling reasons why the Company’s existing rate structure treats customers with electric heating unfairly and discourages electrification. The problem is, to risk oversimplification of over thirty pages of testimony, that because Consumers’ volumetric residential rates assume costs that are driven in large part by summer peaks, increases in volumetric usage during the winter, if paid for under current rates, pays more than its cost to serve, meaning that, in the winter, “electrified customers pay a higher portion of fixed system costs compared to non-electrified customers, effectively overpaying.” 6 Tr 3845–46. In order to resolve this problem, which introduces headwinds to electrification contrary to the state’s goals, see 6 Tr 3857–59, MNSC witness Reeves recommends that the Commission direct Consumers to develop a proposal for an electric heat and/or heat pump rate in collaboration with stakeholders and present its proposal within 12 months of an order in this case, whether as part of its next rate case or in a standalone filing. 6 Tr 3848. Witness Reeves

also presents a list of rate design elements he recommends Consumers consider in developing this rate.

MEIU support witness Reeves' proposal for a heat pump rate.

Consumers witness Connolly expresses openness to exploring a heat pump rate, registering the Company's non-opposition to the idea in principle. 3 Tr 174. She nonetheless pushes back on witness Reeves' 12-month proposal and his suggestion to address the issue outside of a rate case, arguing that the Company "can explore developing an electric heat pump rate in its next general electric rate case," that "[t]he general rate case process would allow all interested intervenors to comment and critique the Company's proposal," and that "[t]he Company would endeavor to hold a stakeholder session in advance of that filing to solicit ideas of interested parties." *Id.*

MEIU appreciate the Company's openness to developing a heat pump rate and do not object to the Company's proposal to introduce such a proposed rate in its next rate case, preceded by stakeholder engagement.

**[STANDARD OUTLINE: VIII. OTHER ISSUES. B. Distribution System Planning and Analysis.]**

**F. The Commission Should Require Consumers to Make its Inventory of Equipment with Long Acquisition Lead Times Available to DER and EV Projects Initiated by Third Parties on the Same Basis that such Equipment is Available to the Utility for Projects that it Initiates.**

[*References in the Record*: MEIU witness Albers, 6 Tr 4227–32, Exhibit MEIU-3.2; Company witness Kelly, 2 Tr 1106–09; 2 Tr 1172–1173]

In his Direct Testimony, MEIU witness Albers explains his concerns that long-lead-times associated with "obtaining critical equipment necessary for accomplishing interconnections, deployment of new DER, EV charging stations, and generation resources can be delayed." 6 Tr 4227. The consequences of these delays include both frustration of "the goals of utilities and

developers” and a broader “hamper[ing of] Michigan’s ability to meet its statutory clean energy standard of 80% between 2035 and 2039 and 100% by 2040.” *Id.* In view of these concerns, witness Albers proposed in Case No. U-21585 that Consumers be required to identify critical equipment generally required for DER and EV charger interconnections that have long lead times and develop a system, for submission in the Company’s next rate case, for maintaining adequate inventory of this equipment to the extent it does not already do so.

As Company witness Kelly narrates, the Commission in Case No. U-21585 agreed with MEIU witness Albers’ position and required Consumers to “(1) identify equipment generally needed for DER and EV interconnections, such as transformers, that currently have a long lead time for procurement, and (2) propose a plan for maintaining an adequate inventory of that equipment to support future development.” 2 Tr 1106–07 (quoting March 21, 2025 Order in Case No. U-21585 at 42). In response to this requirement, per witness Kelly, he engaged with subject matter experts within the Company on DER interconnections and EV charging infrastructure, who helped him “determine[] that common inventory types can be grouped into several illustrative categories for both DERs and EV charging infrastructure.” 2 Tr 1107. These are listed in Figure 53 in witness Kelly’s Direct Testimony at 2 Tr 1108. This, according to witness Kelly, “represents the Company’s identification of hardware items relevant for DERs and EV charging infrastructure.” 2 Tr 1107. Witness Kelly also notes that “The figure also indicates, for each category of equipment: a) whether or not the Company has a long-term demand plan forecast of likely needs; b) whether or not the Company has identified multiple suppliers to provide redundancy; and c) whether or not the Company has a long-term contract of at least three to five years’ duration with at least one supplier.” *Id.* Witness Kelly then sets out the Company’s plan for ensuring that it has “adequate supply of these equipment types to meet demand,” explaining

that “the Company already has multiple suppliers available” for each equipment category and that it “will have long-term contracts with each supplier by the end of the year to ensure an adequate supply is available.” 2 Tr 1108. This, he represents, is consistent with the Company’s overall “three-prong approach to its supply chain strategy”—“making a demand plan, securing multiple suppliers, and establishing long-term contracts.” *Id.* As a result, witness Kelly claims that the Company “expects that . . . it will be well-positioned to meet the needs of interconnecting DERs and EV charging infrastructure.” 2 Tr 1108–09.

MEIU witness Albers is not quite as sanguine. He agrees that Company witness Kelly’s Figure 53 “satisfies the Commission’s direction to “identify equipment generally needed for DER and EV interconnections, such as transformers, that currently have a long lead time for procurement.” 6 Tr 4229. With respect to a plan to ensure that adequate inventory of this equipment is maintained, however, he expresses some doubts, noting that Figure 53 “simply indicates that a demand plan exists, but does not provide any such plan,” making it impossible to “say with certainty that Consumers “propose[d] a plan for maintaining an adequate inventory of that equipment to support future development.” 6 Tr 4229–30. He is open to the possibility that this is sufficient but is concerned about the lack of information required to confirm this: “Ostensibly, contracting with suppliers of equipment could be a sufficient plan for ensuring an adequate supply, but without knowing the demand plan or forecast witness Kelly references, this is difficult to determine.” 6 Tr 4230.

In discovery, the Company provided further information that “identifies the inventory in stock for each category of equipment at the end of each quarter for the years 2022, 2023, and 2024” and shows “the number of items used to interconnect DERs and EV charging infrastructure projects not initiated by the company each of the same three calendar years.” 6 Tr 4230; Exhibit

MEIU-3.2. This information also includes “the acquisition lead time associated with each category of equipment the last time Consumers ordered the equipment” but is apparently the full extent of the information the Company is willing to share. *Id.*

Given the additional information, and with a few caveats, MEIU witness Albers agrees that “based on the quantity of items Consumers reports using to accommodate new DERs and EV charging infrastructure projects over the past three calendar years, it appears that Consumers maintains a sufficient inventory of the listed equipment.” 6 Tr 4231. Nonetheless, in order to “ensure greater certainty for developers” of DERs and EV charging infrastructure, witness Albers recommends that “the Commission require Consumers to make its inventory of equipment with long acquisition lead times available to DER and EV projects initiated by third parties on the same basis that such equipment is available to the utility for projects that it initiates.” *Id.*

In rebuttal Company witness Kelly appears to concede witness Albers’ point, expressing his understanding that “the Company already does this.” 2 Tr 1172. He continues, “When it comes to projects that require long lead time equipment, the Company treats projects on a first-come, first-served basis in which inventory is made available for projects in order of project approval, without preferential treatment for internal projects.” 2 Tr 1172–73. For interconnection projects specifically, witness Kelly explains that “the Company creates and schedules work orders in the order that the interconnection approval process is completed.” 2 Tr 1173.

Because this recommendation of MEIU witness Albers is not opposed by Consumers, MEIU suggest that the Commission recognize in its order that Consumers has acknowledged that the practice of making equipment inventory available to support third-party-initiated projects on the same basis as Company-initiated projects is appropriate and direct the Company to continue to do so.

**[STANDARD OUTLINE: VIII. OTHER ISSUES. H. Virtual Power Plants.]**

**G. Consumers Should Work with Stakeholders to Develop a Virtual Power Plant (“VPP”) Program in Line with that Recommended by Clean Energy Organization (“CEO”) Witness Kenworthy and Great Lakes Renewable Energy Association (“GLREA”) Witness Boehnke.**

[*References in the Record*: CEO witness Kenworthy, 4 TR 3199–3220; GLREA witness Boehnke, 4 Tr 3273–3330, 4 Tr 3332–37; MEIU witness Albers, 6 Tr 4237–4243, Exhibits MEIU-3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9 & 3.10; Company witness Blumenstock, 6 Tr 3622–24; Company witness Kelly, 2 Tr 1608–1612, 2 Tr 1616–17; Company witness McPhail, 2 Tr 1747–52]

In his Direct Testimony, CEO witness Kenworthy presents a proposal for a VPP program, emphasizing the near-term availability of VPPs, their flexibility, their real-world contributions, and the necessity for Consumers to work to facilitate their development in its service territory. 4 Tr 3206–3211. Witness Kenworthy notes that the Commission’s order in Case No. U-21585 requires Consumers, before it seeks cost recovery for a DER management system (“DERMS”) in the future, to develop a business case for the program, which “should provide opportunities for interested persons to provide robust feedback and input into the business case and *must include an analysis of the use of VPPs.*” 4 Tr 3201 (quoting March 21, 2025 Order in Case No. U-21585 at 117–118) (emphasis added). This program, witness Kenworthy continues, should be largely technology agnostic, incorporating traditional DR (thermostats/water heaters and flexible C&I loads) with residential batteries and managed EV charging. 4 Tr 3211. He further recommends that it offer simple enrollment, use a pay-for-performance model, target resources that can provide particular value to relieve stress on the distribution system, center equity and resilience, and integrate planning and measurement and verification. 4 Tr 3212. He proposes a Model Tariff for the program based on Solar United Neighbors Model Distributed Power Plant (DPP) tariff. 4 Tr 3213; Exhibit CEO-5.

GLREA witness Boehnke similarly offers robust testimony to “support the development of transparent cost and value assessments for all grid services, which would create a foundational market framework for VPPs,” advocating for “VPPs as a means to swiftly and cost-effectively deliver affordable, reliable, and resilient power to ratepayers.” 4 Tr 3273. More generally, witness Boehnke advocates for VPPs “as grid resources that drive down costs for ratepayers, while improving the reliability and resilience of the grid.” 4 Tr 3274. He identifies shortcomings in the analysis of Company witness Kelly to the extent that “the company still positions DERs as limited technologies that cannot deliver required improvements in reliability and resiliency that have been shown in a multitude of cases nationally to have the capacity not only to deliver improvements to reliability and resilience but also contribute directly to energy demand.” 4 Tr 3274–75.

Building on his extensive testimony, which MEIU do not recapitulate here, witness Boehnke makes four immediate recommendations, including developing and using a measurement and verification system to evaluate the Company’s energy waste reduction (“EWR”), DR and DER programs over the last three years, which can then be used to predict contributions of these programs looking forward and help assign value to “delivered resources, or value [the] potential” of these resources going forward. 4 Tr 3328–29. He also recommends the Company model VPPs as a resource in its integrated resource planning process using the value evaluation described above to “assess[] the cost of delivery for a VPP.” 4 Tr 3329.

MEIU witness Albers filed rebuttal testimony addressing both witness Kenworthy’s and witness Boehnke’s VPP proposals, expressing general support for the proposals while presenting certain clarifying concerns and recommendations. Witness Albers summarizes witness Kenworthy’s testimony as “describ[ing] . . . the opportunities and benefits available through VPPs and encourag[ing] Consumers to develop a strong VPP program in conjunction with a distributed

energy resources management system (“DERMS”).” 6 Tr 4237. He summarizes witness Boehke’s testimony as “offer[ing] several examples of successful VPP programs in other jurisdictions,” “provid[ing] compelling arguments for the deployment of a VPP program by Consumers,” and “recommend[ing] near-term and long-term actions the Commission can take to ensure successful implementation of a VPP program.” *Id.*

Witness Albers combines his support for these witnesses proposals with three additional recommendations. First, he recommends that any VPP program integrate Consumers’ existing DR programs. 6 Tr 4238. Second, he recommends that Consumers be required to develop a “robust data sharing platform” related to the VPP program and provides an example from ComEd as a potential template. *Id.* Third, he recommends Consumers be required to engage in robust stakeholder discussions regarding VPPs (which should include “multiple virtual meetings open to interested stakeholders to solicit input on program design,” the sharing of “preliminary tariff language with stakeholders for further input,” and “opportunities for written feedback,” *id.*), in part given his impression from Consumers’ response to discovery that Consumers “has given little thought to developing a comprehensive and coordinated VPP program.” 6 Tr 4239. This, witness Albers explains, dovetails well with what the Commission has already ordered the Company to do in Case No. U-21585, already referenced in the discussion of witness Kenworthy’s testimony above. See 6 Tr 4240–41. Finally, witness Albers recommends that DTE engage with an organization such as CHARGED, “a collaboration among United, RMI, and GridLab” that is working with Ameren Illinois to develop its own VPP tariff. 6 Tr 4241–42.

For the foregoing reasons, MEIU recommend the Commission direct DTE to explore a VPP program as described by CEO witness Kenworthy and GLREA witness Boehnke and as modified by the recommendations of MEIU witness Albers.

### III. CONCLUSIONS AND PRAYER FOR RELIEF

WHEREFORE, the Michigan Energy Innovation Business Council, the Institute for Energy Innovation and Advanced Energy United respectfully request that the Commission:

- (a) Accept Consumers' forecast of EV adoption as reasonable;
- (b) Adopt Consumers' proposed "enhancements" to its EV rebate programs, subject to the modifications advocated by MEIU as stated herein;
- (c) Reject Consumers' proposal to cut the incentive provided under the PTR program in half unless and until the Company provides evidence that the current incentive levels exceed the value provided by PTR participants;
- (d) Reject the Staff's recommendation to close Rate GP to EV charging customers and to require Consumers to file an EV fast charging rate proposal in its next rate case;
- (e) Direct Consumers, as a prerequisite for filing an EV fast charging rate proposal in the future, to conduct a comprehensive evaluation of best practices as it relates to DCFC tariffs being implemented in other states and countries, to conduct a stakeholder convening to gather key stakeholder and industry feedback on issues related to DCFC tariffs and demand charges, and to present its findings and propose a long-term plan for the eventual implementation of an appropriate DCFC tariff;
- (f) Develop an electric heating/heat pump rate for inclusion in its next rate case;
- (g) Explicitly confirm its expectation that Consumers continue to make its inventory of equipment with long acquisition lead times available to DER and EV projects initiated by third parties on the same basis that such equipment is available to the utility for projects that it initiates;
- (h) Direct Consumers to work with stakeholders to develop a VPP program in line with that recommended by CEO witnesses Kenworthy and Boehke; and
- (i) Grant such other relief as the Commission deems lawful, necessary, reasonable or prudent.

Respectfully submitted,

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December 5, 2025

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STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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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

PROOF OF SERVICE

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF KENT )

Lydia M. Lubbers, the undersigned, being first duly sworn, deposes and says that she is a Legal Secretary at Varnum LLP and that on Friday, December 5, 2025, she served a copy of the Initial Brief of the Michigan Energy Innovation Business Council, the Institute for Energy Innovation, and Advanced Energy United and this Proof of Service upon those individuals listed on the attached Service List via email.

Lydia M.  
Lubbers

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