



THE UNIVERSITY OF CHICAGO  
**THE LAW SCHOOL**  
Abrams Environmental  
Law Clinic

December 23, 2025

***Via E-Filing***

Ms. Lisa Felice  
Executive Secretary  
Michigan Public Service Commission  
7109 West Saginaw Highway  
Lansing, MI 48917

RE: MPSC Case No. U-21870

Dear Ms. Felice:

Please find enclosed the Corrected Reply Brief of Urban Core Collective, along with proof of service for electronic filing in the above-referenced matter.

Please do not hesitate to contact my office with any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark N. Templeton".

Mark N. Templeton, *pro hac vice*  
6020 S. University Avenue  
Chicago, IL 60637  
Phone: (773) 702-9611  
Email: templeton@uchicago.edu

xc: Parties to Case No. U-21870

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of  
**CONSUMERS ENERGY COMPANY** for  
authority to increase its rates for generation and  
distribution of electricity and for other relief.

Case No. U-21870

ALJ Jonathan F. Thoits

**CORRECTED**

**REPLY BRIEF OF**

**URBAN CORE COLLECTIVE**

December 23, 2025

TABLE OF CONTENTS

I. INTRODUCTION..... 1

II. ARGUMENT..... 1

    A. Consumers Energy Has Not Sufficiently Addressed the Affordability Crisis, and its Requested Rate Increase Will Unjustly and Unreasonably Exacerbate the Crisis. (*Issue VIII. Customer Assistance Programs and Affordability*)..... 1

    B. The Commission Should Consider Consumers’ Poor Reliability and Continued Outages in Light of Their Disproportionate Impacts on Environmental Justice Communities. (*Issue III.A.1. Distribution Capital Expenditures, Issue VIII. Other Issues, Issue VIII.A. Distribution Investment Recovery Mechanism, Issue VIII.B. Distribution System Planning and Analysis, Issue VIII.H. Virtual Power Plants*)..... 10

    C. The Commission Should Order a Disconnection Moratorium While the Company Investigates Racial Disparities in Disconnection Rates. (*Issue VIII.E. Disconnection Regression Analysis*) ..... 13

    D. The Commission Should Order Increased Reporting and Transparency Related to IRM Expenditures. (*Issue VIII. Distribution Investment Recovery Mechanism, VIII.B. Distribution System Planning and Analysis*)..... 15

    E. The Commission Should Require Transparent, Frequent Reporting on the Implementation and Efficacy of the LMI Customer Support Enhancement Project and Improved Community Engagement More Generally. (*Issue III.A.8. Customer Experience and Operations Capital Expenditures, VIII.D. Customer Assistance Programs and Affordability*) ..... 17

    F. The Commission Should Deny Consumers Energy’s Request to Recover its Discretionary Corporate Membership Dues Because the Company Failed to Provide Sufficient Evidence of Benefits to Ratepayers and Several of its Memberships Undermine Ratepayers’ Interests and Rights. (*Issue V.C. Other O&M Expense*)..... 21

        1. Consumers Energy Failed to Provide Sufficient Evidence of Discretionary Corporate Memberships and Tangible Benefits to Ratepayers..... 22

        2. Forcing Ratepayers to Subsidize Anti-Ratepayer Advocacy Is Not “Just and Reasonable” and Violates First Amendment Requirements Regarding Compelled Speech. 26

III. CONCLUSION AND PRAYER FOR RELIEF ..... 30

## I. INTRODUCTION

Urban Core Collective files this reply brief to oppose or support the positions of other parties as reflected in the initial briefs filed in this proceeding before the Michigan Public Service Commission (MPSC, or the Commission) in this case, U-21870. UCC maintains the positions advanced in its initial brief, filed on December 5, 2025, in response to the application filed by Consumers Energy Company (Consumers, Consumers Energy, or the Company) for approval of its requested rate increase of \$436 million.

## II. ARGUMENT

### **A. Consumers Energy Has Not Sufficiently Addressed the Affordability Crisis, and its Requested Rate Increase Will Unjustly and Unreasonably Exacerbate the Crisis.** *(Issue VIII. Customer Assistance Programs and Affordability)*

The Company's current payment assistance plans do not adequately address the affordability crisis. Consumers' current bill assistance programs include the LIA credit, the Residential Income Assistance ("RIA") credit, and the Consumers Affordable Resource for Energy Modified Budget ("CARE MB") Program.<sup>1</sup> The Company itself, in its initial brief, "recognizes that some customers have a need for assistance in meeting their energy burden."<sup>2</sup> As described in detail in UCC's initial brief,<sup>3</sup> the Company's assistance programs, however, fail to meet the needs of many vulnerable customers in multiple ways. The programs do not serve all eligible customers, do not provide enough assistance to those enrolled to make energy affordable across many Federal Poverty Level (FPL) income brackets,<sup>4</sup> and produce inequitable outcomes across FPL income tiers.<sup>5</sup> Moreover, complex interactions of these programs can lead to perverse outcomes,<sup>6</sup> and many

---

<sup>1</sup> See *id.* at 21–22 (describing each of these programs).

<sup>2</sup> Consumers Energy Company Initial Brief at 441.

<sup>3</sup> UCC Initial Brief at 20. See generally *id.* 20–31.

<sup>4</sup> *Id.* at 20.

<sup>5</sup> As MPSC Staff has noted, "Consumers Energy's traditional and modified APPs [Affordable Payment Plans] produce inequitable outcomes within and across FPL income tiers." Ex. UCC-202, Staff Energy Affordability Report, at 117.

<sup>6</sup> See UCC Initial Brief at 24–27.

customers lack sufficient information to find and navigate these programs.<sup>7</sup> The Commission could and should address these problems by requiring Consumers to revamp its assistance offerings through the implementation of a PIPP instead.

The Company acknowledges some of these challenges and deficiencies. First, due to “inflationary pressures and economic factors that are challenging many households,” the Company requests an increase in the LIA credit from \$30 to \$42 per meter in 2026, with further increases planned through 2029.<sup>8</sup> The Company also proposes to increase the number of households receiving the credit to 6,200 in 2026, with an additional 1,000 per year through 2029.<sup>9</sup> No party objected to these requests, and the Commission should approve them. Second, the Company proposes to “increase the [Shut-off Protection Plan] enrollment Federal Poverty Guidelines eligibility cap to 400% or less to offer more options to 700,000 moderate income customers.”<sup>10</sup> No party objected to this request, and the Commission should approve it. Third, in response to UCC’s concerns regarding access to information needed to navigate assistance programs and the difficulty in enrolling in these programs, the Company states, “This is something that has been recognized by the Company.”<sup>11</sup> The Company claims that the LMI Simplified Enrollment flow, part of its overall LMI Customer Support Enhancement project, will allow customers to receive personalized recommendations as to which assistance programs may meet their needs.<sup>12</sup> More generally, the LMI Customer Support Enhancement project has four important goals: (1) simplified program enrollment; (2) proactive communication and customer awareness; (3) new and improved LMI

---

<sup>7</sup> *See id.* at 27–31.

<sup>8</sup> Consumers Energy Company Initial Brief at 446 (“The Company is proposing this change based on inflationary pressures and economic factors that are challenging many households. This change also aligns with Michigan Public Acts 168, 169, 170, and 198, which were approved by lawmakers in late 2024 to improve and modernize MEAP by expanding program eligibility, increasing available funding, and ensuring equitable access to funding.”).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 443.

<sup>11</sup> *Id.* at 441.

<sup>12</sup> *Id.*

offerings, and (4) continuous improvement.<sup>13</sup> Despite Staff’s concerns to the contrary,<sup>14</sup> efforts to increase the number of customers receiving assistance and increasing the average assistance they receive are valuable and should be approved by the Commission.

As discussed in detail in UCC’s initial brief and in Section E of this reply brief below, the Company needs to take additional action even in some of the areas in which it is making progress. For example, UCC witnesses report that it is unclear how many more customers are receiving support and how much additional support customers are receiving, despite the LMI Customer Support Enhancement project being in operation since December 2024.<sup>15</sup> UCC requests that the Commission order regular and specific reporting on the number of LMI customers engaging with the Company’s current tools, including the LMI project, to understand how many additional customers receive assistance and how much additional assistance is being provided.<sup>16</sup> This is necessary to assess the LMI project and ensure that the “continuous improvement” promised by the Company actually takes place. While the efforts detailed by the Company in its testimony and initial brief are an important first step to addressing knowledge gaps, regular reporting and additional action can help increase access and awareness for LMI communities and customers.

Relatedly, in its initial brief, the Company overstates UCC’s position, stating that UCC suggested that customers should be enrolled “in assistance plans without any required applications.”<sup>17</sup> Consumers noted that the Company cannot automatically enroll customers in an assistance plan.<sup>18</sup> Contrary to the Company’s assertions, UCC is not asking the Company to take

---

<sup>13</sup> See UCC Initial Brief at 111 (citing Byrom Direct Testimony at 3 TR 967.27).

<sup>14</sup> MPSC Staff raises concerns about additional expenditures requested in this case being used to direct customers to information that is neither new nor proven to help customers in crisis. MPSC Staff Initial Brief at 42. MPSC Staff argues that the program simply aggregates and reorganizes existing information. *Id.* at 41. See also *supra* Section E (replying to Staff’s concerns).

<sup>15</sup> UCC Initial Brief at 113 (citing Cira-Reyes Direct Testimony at 3 TR 2351–52).

<sup>16</sup> *Id.* at 114–15.

<sup>17</sup> Consumers Energy Company Initial Brief at 442.

<sup>18</sup> *Id.* at 443.

action that it is statutorily prohibited from doing,<sup>19</sup> and certainly, UCC is concerned if enrollments in additional programs lead to customers receiving less assistance than they would otherwise due to flaws in program design.<sup>20</sup> However, UCC is troubled about the low enrollment in payment assistance programs to date—“only one of every six low-moderate income (“LMI”) customers in Consumers’ territory is enrolled in at least one assistance program.”<sup>21</sup> The Company can and should take additional steps to increase enrollment in assistance programs that are within its power.

Despite the Company’s efforts, the affordability crisis persists and is likely to worsen with an increase in rates; therefore, the Commission should order the Company to adopt a long-term PIPP program, rather than or as a supplement to its current assistance program offerings.<sup>22</sup> The Company’s twenty-four-month PIPP pilot program provided enrolled customers with an affordable energy burden, improved their payment behavior, and increased their satisfaction, resulting in greater equity across income tiers.<sup>23</sup> Thus, that pilot is a model that should be emulated.

The Company contends that UCC’s recommendation to move forward with a PIPP program

---

<sup>19</sup> See also UCC Initial Brief at 89 (revisiting its witness’s position after reviewing the Company’s rebuttal testimony and instead asking only for the “Company [to] make it easier for customers to enroll in the Winter Protection Program”).

<sup>20</sup> See *id.* at 24–27.

<sup>21</sup> *Id.* at 27 (citing Byrom Direct Testimony at 3 TR 967.29).

<sup>22</sup> See *id.* at 32–39.

<sup>23</sup> The PIPP pilot capped all enrolled customer payments at 6% of household income per month, which ensured that all customers enrolled had affordable energy bills. *Id.* at 32. As a result, enrolled customers’ monthly payments were on average up to four times less than customers enrolled in CARE MB (varying based on FPL income bracket). *Id.* at 32–33. The PIPP pilot consequently reduced energy burdens by 45% to 83% across all FPL income tiers and produced less variance in energy burdens between FPL income tiers. *Id.* at 33. The PIPP pilot had a “5% higher on-time payment improvement through year one than CARE and CARE MB, and approximately a 6% higher improvement through year two than CARE” and “higher program completion rates through year one and year two of the PIPP pilot when compared to CARE and CARE MB.” *Id.* at 34 (quoting Ex. UCC-202, Staff Energy Affordability, at 108). 95% of customers enrolled in PIPP reported high satisfaction, as compared with only 84% of customers enrolled in CARE MB reporting the same. *Id.* at 34 (citing UCC-38, CONSUMERS ENERGY CO., CONSUMERS ENERGY PIPP PILOT PROGRAM (PERCENTAGE OF INCOME PAYMENT PLAN) (2025), at 71). It is important to note, too, that “although 84% of customers were ‘satisfied’ with receiving help through CARE MB, Witness Cira-Reyes notes that that does not necessarily ‘mean they would not prefer the substantially greater assistance through the PIPP program, especially if they were offered the more affordable alternative.’” *Id.* at 34–35 (quoting Cira-Reyes Direct Testimony at 3 TR 2320).

“ignores the conclusions drawn in the [Company’s PIPP] report,”<sup>24</sup> including that the costs of the PIPP program were higher, that low-income customers are satisfied with the CARE program, and that Consumers recommended continuing with the current APP given cross-functional efforts to enhance MEAP and reduce customer confusion.<sup>25</sup>

As described in its initial brief, UCC disagrees that the findings of the PIPP report justify discontinuing the PIPP pilot program. As described above, customers enrolled in the PIPP pilot paid significantly less out of pocket, as their monthly contributions were capped at what is considered an affordable energy burden.<sup>26</sup> For customers with income between 20% and 75% of the Federal Poverty Level, those on CARE MB paid nearly four times the average monthly bills that customers in the same income range paid in the PIPP pilot.<sup>27</sup> The Attorney General’s Office and Citizens’ Utility Board found that the Company’s PIPP pilot reduced energy burdens by 45% to 83% across all FPL income brackets.<sup>28</sup> While cost is a factor to consider, the importance of the drastic reductions of energy burdens in the PIPP pilot cannot be understated. Assistance programs are supposed to support customers in need, and data has clearly shown that the PIPP pilot far outperformed the existing payment programs in achieving affordable energy burdens. Furthermore, as described in UCC’s initial brief and above, the PIPP pilot increased on-time payment from the lowest-income customers, and Consumers found a higher satisfaction rate with

---

<sup>24</sup> Consumers Energy Company Initial Brief at 445.

<sup>25</sup> *Id.*

<sup>26</sup> UCC Initial Brief at 32.

<sup>27</sup> *Id.* (“The average electricity bill for a customer making between 20% and 75% of the FPL in the CARE MB program was \$125 per month; The average electricity bill for a customer making between 20% and 75% of the FPL in the PIPP program was \$32 per month.” Cira-Reyes Direct Testimony, at 3 TR 2320 n. 129 (citing UCC-38, CONSUMERS ENERGY CO., CONSUMERS ENERGY PIPP PILOT PROGRAM (PERCENTAGE OF INCOME PAYMENT PLAN) (2025), at 196, 198)).

<sup>28</sup> UCC Initial Brief at 33 (citing Ex. UCC-48, MICHAEL E. MOODY & CHRISTOPHER BZDOK, MICH. DEP’T OF ATT’Y GEN. & CITIZENS UTIL. BD. OF MICH., U-20929 & U-21021 COMMENTS ON APPLICATIONS OF DTE GAS COMPANY., DTE ELECTRIC COMPANY AND CONSUMER ENERGY COMPANY FOR APPROVAL OF PIPP PILOT PROGRAM (2025), at 5).

the PIPP pilot than with CARE MB. Thus, the Commission should require the Company to implement a long-term PIPP program in this rate case.

More generally, the Commission is legally obligated to consider affordability when considering rate increase applications, including in the instant rate case. As described above and in UCC’s initial brief, Michigan law requires the Commission to set rates that are “just and reasonable,”<sup>29</sup> and, as argued in UCC’s initial brief, rates that residential consumers cannot afford cannot be considered just and reasonable.<sup>30</sup> Further, the Michigan Administrative Procedure Act and the Michigan Constitution require the Commission to consider and respond to all evidence on the record, including UCC’s evidence on affordability,<sup>31</sup> and to issue orders supported by “material and substantial evidence on the whole record.”<sup>32</sup> If the Commission follows these requirements, it will have to acknowledge that the unaffordability of rates significantly harms residential customers and address that issue in rate cases, such as this one.

The Michigan Supreme Court has held that the Commission must engage in “a comprehensive examination of all factors involved”<sup>33</sup> when evaluating whether a rate increase is just and reasonable, including the factors of “cost” and “value of service to the consumer.”<sup>34</sup> As described above and in UCC’s initial brief, unaffordable rates greatly compromise the value of service to residential consumers. If the Commission fails to address UCC’s evidence on affordability, its order will also be arbitrary and capricious under the Michigan APA.<sup>35</sup>

Consumers Energy and MPSC Staff argued in their initial briefs that the instant rate case

---

<sup>29</sup> MCL § 460.557(4).

<sup>30</sup> See UCC Initial Brief at 46–53.

<sup>31</sup> MCL § 24.285 (“A decision or order shall not be made except upon consideration of the record as a whole or . . . as supported by and in accordance with the competent, material, and substantial evidence.”).

<sup>32</sup> MICH. CONST. of 1963, art 6, § 28.

<sup>33</sup> *In re Consumers Energy Co.*, 322 Mich. App. 480, 487 (2017).

<sup>34</sup> MCL § 460.577(2).

<sup>35</sup> MCL § 24.285 (stating that “[e]ach conclusion of law shall be supported by authority or reasoned opinion.”).

is not the proper place to address deficiencies in payment assistance, a key affordability issue.<sup>36</sup> In its initial brief, the Company stated that it “maintains that this issue [of implementing a PIPP] is being considered in another docket, and the Commission is taking a more global approach to examining the PIPP, as well as other affordable payment plans.”<sup>37</sup> MPSC Staff asserted that the “Commission should continue its plan to modify energy assistance programs through the MPSC Case No. U-20757 case docket and Staff’s energy affordability report and align its decisions on energy assistance across all relevant open dockets.”<sup>38</sup> Furthermore, in her rebuttal testimony, MPSC Witness Braunschweig stated that, “[s]eeing as the Commission’s last stated position directed energy assistance and affordability reform to disseminate from [the MPSC Staff’s Energy Affordability Report]/the EAAC, Staff recommends the Commission take a consistent approach and align its decisions with the Staff report . . . .”<sup>39</sup> Witness Braunschweig also asserted that “there are topics and recommendations in witness testimonies in the instant case that could overlap, conflict, or agree with the MPSC Staff Energy Affordability Report.”<sup>40</sup> MPSC Staff reiterated Witness Braunschweig’s recommendation in its initial brief and further contended that “the Commission should continue its plan to modify energy assistance programs through the MPSC Case No. U-20757 case docket and Staff’s energy affordability report . . . .”<sup>41</sup>

However, as explained in UCC’s initial brief<sup>42</sup> and above, the Commission is legally required to consider affordability when evaluating rate increase applications, so the Commission must engage with assistance programs, which are central to the affordability of rates to LMI

---

<sup>36</sup> Consumers Energy Company Initial Brief at 445.

<sup>37</sup> *Id.*

<sup>38</sup> MPSC Staff Initial Brief at 192.

<sup>39</sup> Braunschweig Rebuttal Testimony at 6 TR 4612.

<sup>40</sup> *Id.*

<sup>41</sup> MPSC Staff Initial Brief at 192.

<sup>42</sup> See UCC Initial Brief at 45–61 (arguing that the Commission is legally obligated to consider affordability when considering utility rate increase applications).

customers, in the instant rate case. Contrary to MPSC Staff’s position, the Commission should not rely solely on the MPSC Staff’s Energy Affordability Report and the EAAC for energy assistance and affordability reform. While the Energy Affordability Report contains relevant information and recommendations on this issue in general,<sup>43</sup> the Commission has a legal duty under Michigan law to itself evaluate the affordability of rates as it decides whether or not to approve the Company’s requested increase as just and reasonable.<sup>44</sup> Additionally, as explained in UCC’s initial brief, in Case No. U-20650, a Consumers Energy gas rate case which kicked off the PIPP pilot program, the Settlement Agreement stated that “[t]he parties expressly reserve their respective rights to advocate for or against any proposed PIP program in *any future proceeding*.”<sup>45</sup> The instant case is a future proceeding in which the Company has made the significant decision not to pursue a PIPP program, a decision which will be detrimental for residential customers.

Further, Witness Braunschweig’s contention that witness testimony in this case might “overlap, conflict, or agree” with Staff’s report presents no reason for the Commission to refrain from engaging with affordability in this case. As MPSC Staff stated in their initial brief, the Commission should “consider all recommendations and dockets currently addressing energy assistance programming and funding as it comes to a decision in the instant case.”<sup>46</sup> In considering whether the proposed rate increase is just and reasonable, the Commission can and should consider relevant recommendations, dockets, and evidence. To the extent that the Commission will offer clear guidance on next steps in Case No. 20757 by February 2026, as MPSC Staff recommended in their Energy Affordability Report,<sup>47</sup> the Commission should align those recommendations with

---

<sup>43</sup> Ex. UCC-202, Staff Energy Affordability Report, at 89.

<sup>44</sup> See UCC Initial Brief at 45–61 (highlighting the inadequacies of the EAAC as a forum to meaningfully address affordability concerns regarding the proposed rate case).

<sup>45</sup> *In re Consumers Energy, Co.*, MPSC Case No. U-21021, Consumers Energy Company’s Application for Ex Parte Approval of a Percent of Income Payment Plan Pilot (Mar. 9, 2021), at 2 (emphasis added).

<sup>46</sup> MPSC Staff Initial Brief at 192.

<sup>47</sup> Ex. UCC-202, Staff Energy Affordability Report, at 248.

the order that Consumers adopt a long-term PIPP program in this case. The Commission is also legally required to rest its decision on the record in this case, including testimony, exhibits, and briefing.<sup>48</sup> The Commission is not precluded from considering affordability or assistance programs in this case because another docket exists where these issues are also relevant.

Additionally, while Witness Braunschweig in her rebuttal testimony referenced the Commission’s Order in Case No. 21585 that “the instant rate case is not the appropriate forum for [payment assistance program] policy modifications,”<sup>49</sup> she failed to include the Commission’s following statement that “a good solution now does not need to be passed over in favor of a potentially better solution later.”<sup>50</sup> While a long-term PIPP program would be a significant change to existing assistance offerings, MPSC Staff’s Affordability Report and the Company’s PIPP report<sup>51</sup> provide the kind of factual basis that did not exist when MNSC brought its proposal in Case No. U-21585.<sup>52</sup> Additionally, the Company did not hold back on its proposal to increase the LIA credit or expand eligibility under the SPP to await the results of further discussions in workgroups or resolutions in other dockets.<sup>53</sup> Given that the Company is open to modifying LIA and SPP, the Commission can and should consider other modifications to assistance programs in the instant rate case, rather than doing little while it waits for a potentially better solution.

Therefore, the instant rate case is a necessary setting for addressing affordability. Given the

---

<sup>48</sup> As described above, Michigan law requires utilities to disclose as evidence the facts they rely upon, and the Commission has interpreted that to require utilities to provide “thorough, detailed, and meaningful evidence” that “costs are just and reasonable”—otherwise, the Commission’s “hands are tied.” *In re Consumers Energy Co.*, MPSC Case No. U-16794, Order (June 7, 2012), at 13 (discussing MCL § 460.6a(1)).

<sup>49</sup> Braunschweig Rebuttal Testimony at 6 TR 4611 (quoting MPSC Case No. U-21585, Order (Mar. 21, 2025), at 391).

<sup>50</sup> *In re Consumers Energy Co.*, MPSC Case No. U-21585, Order (Mar. 21, 2025), at 391 (citing Case No. U-21291, Order (Nov. 7, 2024), at 207–08).

<sup>51</sup> See generally Ex. UCC-38, CONSUMERS ENERGY CO., CONSUMERS ENERGY PIPP PILOT PROGRAM (PERCENTAGE OF INCOME PAYMENT PLAN) (2025).

<sup>52</sup> See *In re Consumers Energy Co.*, MPSC Case No. U-21585, Order (Mar. 21, 2025), at 387-92.

<sup>53</sup> Consumers Energy Company Initial Brief at 446.

significant benefits discussed in UCC’s initial brief and above,<sup>54</sup> the Commission should order the Company to adopt a PIPP program and take other available steps to resolve the affordability crisis.

**B. The Commission Should Consider Consumers’ Poor Reliability and Continued Outages in Light of Their Disproportionate Impacts on Environmental Justice Communities.** (*Issue III.A.1. Distribution Capital Expenditures, Issue VIII. Other Issues, Issue VIII.A. Distribution Investment Recovery Mechanism, Issue VIII.B. Distribution System Planning and Analysis, Issue VIII.H. Virtual Power Plants*)

Aspects of the Company’s recent regression analysis reveal inequities in reliability that affect EJ communities.<sup>55</sup> While the Company has proposed positive steps to address these disparities such as through the Vulnerable Communities Resiliency Plan (VCRP),<sup>56</sup> as UCC explained in its initial brief, the Company can and should do more by providing more concrete implementation plans over a longer time period for the VCRP for public understanding and feedback,<sup>57</sup> facilitating the deployment of distributed energy resources (DERs), especially in EJ communities,<sup>58</sup> addressing the impacts of extreme weather events on reliability and household health, especially for LMI customers,<sup>59</sup> and making GIS data on reliability more accessible to general members of the public.<sup>60</sup> Even if, for the sake of argument, the Company is correct that some reliability problems in EJ communities are “isolated local issues,”<sup>61</sup> the Commission must bear in mind when assessing reliability issues that poor reliability of any sort has a disproportionate impact on low- to moderate-income households, which do not have the resources of wealthier households to replace food or medicine easily, find alternative sources of power or shelter, or

---

<sup>54</sup> See UCC Initial Brief at 32–41 (arguing that discussion of a PIPP is relevant to this proceeding and that the Commission should require the Company to develop and implement a PIPP).

<sup>55</sup> UCC Initial Brief at 72 (citing Kelly Rebuttal Testimony at 3 TR 1619).

<sup>56</sup> See *id.* at 72–73 (recognizing positively the Company’s plans to make incremental investments with the goal of achieving equity in reliability in EJ communities within ten years).

<sup>57</sup> *Id.* at 75–77.

<sup>58</sup> *Id.* at 77–83.

<sup>59</sup> *Id.* at 84–95.

<sup>60</sup> *Id.* at 95–99.

<sup>61</sup> See Consumers Energy Company Initial Brief at 438.

otherwise cope with outages.<sup>62</sup>

Inequities in EJ communities become particularly stark when reliability data is assessed based on multiple metrics. As CEO notes favorably in its initial brief, the Company has measured reliability performance based on overall “system average interruption duration” (SAIDI), as well as SAIDI without “major event delays” (MEDs), such as extreme weather events.<sup>63</sup> While SAIDI demonstrates “typical, or day-to-day, reliability for customers,” MEDs “helps us understand the Company’s resiliency for responding to all types of outages, especially from storms.”<sup>64</sup> As MPSC Staff, ABATE, and CEO show, assessing reliability using the Company’s SAIDI *with* MEDs, or “all-weather,”<sup>65</sup> metric is critical. ABATE notes that the Company’s reliability performance is lower when MEDs are included<sup>66</sup> and that overall, the Company’s reliability performance based on the SAIDI with MEDs metric ranks “near the bottom” when “compared [to] its peer utilities over the last five years.”<sup>67</sup> ABATE and MPSC Staff argue that the Company’s use of data on SAIDI *without* MEDs to assess the impact of its investments is selective and can be misleading.<sup>68</sup> According to ABATE’s analysis using the SAIDI with MEDs metric, the Company’s investments in distribution plant additions have not translated into meaningful reliability gains for customers.<sup>69</sup>

---

<sup>62</sup> See UCC Initial Brief at 64–67.

<sup>63</sup> CEO Initial Brief at 14 (citing Shaver Direct Testimony at 4 TR 3255–56).

<sup>64</sup> *Id.* at 14 (quoting Tan Direct Testimony at 4 TR 3228), 21 (“Witness Kelly explains that the Company includes MEDs in this case “to account for the actual experience of customers on EJ Circuits.”” (quoting Shaver Direct Testimony at 4 TR 3256 (quoting Kelly Direct Testimony at 3 TR 1444))).

<sup>65</sup> ABATE Corrected Initial Brief at 14.

<sup>66</sup> ABATE notes that based on the Utility Distribution Audit of Consumers Energy prepared by the Liberty Consulting Group in MPSC Case No. U-21305, “the Company’s SAIDI and CAIDI metrics for 2022 and 2023 were in the 4th quartile, including MEDs, and the 3rd quartile, excluding MEDs.” *Id.* at 10 (citing Audit Part I at 71).

<sup>67</sup> Based on the SAIDI with MEDs metric, “the average Consumers’ customer experienced approximately 339 minutes more of outages per year than the average Investor Owned Utility customer in Michigan, Indiana, Wisconsin, and Ohio.” *Id.* at 10–11.

<sup>68</sup> *Id.* at 13 (stating that “[t]he Company’s claim that reliability is improving is based on a curated perspective of its data, selectively focusing on SAIDI excluding MEDs, while ignoring the more critical all-weather SAIDI metric that reflects the actual experiences of its customers”) (citing Kelly Direct Testimony 2 TR 947–50, 1144–50); MPSC Staff Initial Brief (Dec. 5, 2025) at 174.

<sup>69</sup> ABATE Corrected Initial Brief at 12 (noting that “the Company’s capital expenditures for distribution plant additions increased approximately \$287 million (49%) between 2020 and 2024 without any discernable

SAIDI without MEDs data also obscures performance inequities in EJ communities, as CEO shows.<sup>70</sup> According to the Company’s analysis, a majority of EJ communities performed well—62% of the circuits fell in the first and second quartiles—in SAIDI without MEDs.<sup>71</sup> However, analysis of SAIDI with MEDs showed “half of the same circuits performed poorly.”<sup>72</sup> The analysis showed that EJ tracts experienced worse reliability compared to similarly situated non-EJ tracts.<sup>73</sup>

In addition to focusing on the right metrics, such as SAIDI with MEDs, it is important to understand the impacts of poor reliability on EJ communities with respect to health, finances, access to food, and housing. For example, as UCC showed in its initial brief, unreliable electricity service can create life-threatening risks for customers living in EJ communities.<sup>74</sup> Drawing on expert research and his own experience in communities, witness Cira-Reyes also explained that power outages in EJ communities can cause health impacts and financial strain and frequently lead to food and medicine spoilage, hotel stays, and home repairs, all of which increase costs for impacted customers.<sup>75</sup> Power outages caused by extreme weather events create dangerous conditions for vulnerable customers who lack the resources to cope.<sup>76</sup>

To ensure that reliability inequities are addressed and investments have meaningful results, the Company must focus on reliability inequities revealed by SAIDI with MEDs data. Furthermore, the Company and the Commission must understand this data in the context of the disproportionate impact that poor reliability has on low-income communities compared to wealthier communities, even if both communities have the same level of reliability.

---

improvement trend in the Company’s SAIDI with MEDs metric”) (citing Fitzhenry Direct Testimony 6 TR 3713–19); MPSC Staff reiterates this point. *See* MPSC Staff Initial Brief at 174.

<sup>70</sup> CEO Initial Brief at 16.

<sup>71</sup> *Id.* (citing Ex. A-129 at 46).

<sup>72</sup> *Id.* (citing Ex. A-129 at 48).

<sup>73</sup> *Id.*

<sup>74</sup> *See* UCC Initial Brief at 64.

<sup>75</sup> *Id.* at 65 (citing Cera-Reyes Direct Testimony at 3 TR 2322–23).

<sup>76</sup> *Id.* at 65.

**C. The Commission Should Order a Disconnection Moratorium While the Company Investigates Racial Disparities in Disconnection Rates.** (*Issue VIII.E. Disconnection Regression Analysis*)

The Company's regression analysis revealed an alarming pattern of racial disparities in residential shutoff rates "even when [p]ercentage [b]elow [p]overty and [u]nemployment [r]ate are included in the model."<sup>77</sup> The Company initially stated that it would complete an assessment of these results in September 2025,<sup>78</sup> but it later extended the timeline to December 31, 2025.<sup>79</sup> Meanwhile, the Company has not explicitly committed to a specific time by which it will implement countermeasures or change the practices that have led to racial disparities in shutoffs.<sup>80</sup>

The Company's actions fail the just and reasonable and comparable treatment standards by producing demonstrable racial disparities in shutoff rates.<sup>81</sup> The Company's data shows that BIPOC customers have already experienced unjust and unreasonable shutoffs.<sup>82</sup> Even if the Company identifies the problematic practices by the end of 2025, which is by no means assured, BIPOC customers will still experience additional months of unjust and unreasonable shutoffs until the Company develops and implements the countermeasures or changes its policies and practices. To ensure that racially disparate shutoffs do not occur during the period of investigation and proposal for corrective action, the Commission should order the Company to halt shutoffs while it investigates the cause and develops a comprehensive remedial plan. As CEO affirms in its initial brief, by instituting a temporary shutoff moratorium, "the Company can take action now to ensure

---

<sup>77</sup> UCC Initial Brief at 68 (quoting Ex. A-138 at 34).

<sup>78</sup> *Id.* at 69–70 (citing Ex. UCC-51, Consumers Electric's Response to UCC's First Discovery Request, U21870-UCC-CE-0233, at 3).

<sup>79</sup> *Id.* at 70 (citing Byrom Rebuttal Testimony at 3 TR 967.77).

<sup>80</sup> Consumers Energy Company Initial Brief at 448–49 ("Based on the results, the Company would be open to having further conversation on revisiting the regression analysis *within an aligned timeframe*.... Through these efforts, Consumers Energy intends to *identify* causes, impact, and effective countermeasures to address the analysis and will provide relevant updates as the process is completed." (emphasis added)).

<sup>81</sup> See MCL § 460.557(4); see also UCC Initial Brief at 69.

<sup>82</sup> *Id.* at 68 (citing Ex. A-138 at 34).

that this concerning relationship [between BIPOC populations and increasing disconnection rates] does not perpetuate any further inequality.”<sup>83</sup>

The Company contends in its initial brief that “requiring the Company to stop disconnections entirely would not have the desired effect,” because “[a] disconnection moratorium would not stop customers from accruing bills and could put customers in a position for their energy bills to become unaffordable due to past due balances.”<sup>84</sup> The Company further notes that a shutoff moratorium “could prevent some customers from receiving funding assistance to help make their bills more affordable.”<sup>85</sup>

UCC clearly does not want customers to be in a worse position due to a temporary shutoff moratorium. But the Company does not explain in its initial brief or elsewhere why a temporary shutoff moratorium would render balances unaffordable, lead customers not to pay their bills, or prevent customers from receiving funding assistance.<sup>86</sup> With respect to the last consideration, to the extent that accrued arrears, for example, could impact eligibility for affordability assistance,<sup>87</sup> the Company should, within its legal authority, waive any arrears caps or other potential triggers that would negatively affect eligibility for affordability programs. Additionally, the Commission should order a pause in arrears accrual or, at the very least, suspend any caps or other triggers related to arrears that may threaten a customer’s access to affordability programs. In other words, the Company and the Commission should develop solutions to manage the potential side effects

---

<sup>83</sup> CEO Initial Brief at 25.

<sup>84</sup> Consumers Energy Company Initial Brief at 448.

<sup>85</sup> *Id.*

<sup>86</sup> *See id.* (stating that a disconnection moratorium could make energy bills unaffordable for customers due to past due balances). *But see* UCC Initial Brief at 71 (noting that “[i]f the Company is concerned about unpaid balances due to a shutoff moratorium, it could and should take additional measures, such as implementing a payment plan that forgives arrears, to address these potential secondary impacts). *See also* Consumers Energy Company Initial Brief at 448. It would be revealing and regrettable if the Company’s position is that customers do not pay their bills unless they face the threat of a shutoff.

<sup>87</sup> *See id.*; *see also* Ex. UCC-202 Staff Energy Affordability Report at 24 (outlining the arrears requirements, caps, and forgiveness programs for energy assistance payment plans).

of the temporary moratorium, rather than assuming the Company's only solution is to continue shutting off power, given the racially disparate impact in shutoffs.

The Company has known about this issue since September 2024, when CEO Witness Tan initially conducted a regression analysis on shutoffs that revealed racial disparities,<sup>88</sup> but it has not taken proactive steps to mitigate ongoing or potential harm to BIPOC communities during this time and has extended the analysis period.<sup>89</sup> There is no reason to believe that harms have not continued to occur in the sixteen months since Witness Tan demonstrated this problem. Harms will continue to occur, and they are too great for the Company and the Commission not to take action now. Thus, the Company and Commission should implement any temporary moratorium within their legal authority that does not impede the access of qualifying customers to assistance. Where there may be an impediment to accessing assistance, the Company should be required to assess and implement mitigation measures within its authority to do so (e.g., pausing arrears accrual).

**D. The Commission Should Order Increased Reporting and Transparency Related to IRM Expenditures.** (*Issue VIII. Distribution Investment Recovery Mechanism, VIII.B. Distribution System Planning and Analysis*)

UCC does not oppose the Company's IRM request,<sup>90</sup> but to ensure that the IRM is accountable, transparent, and equitable, the Commission should order increased reporting, track the reconciliation process in Case No. U-21918, and proceed cautiously before extending the IRM through April 2028.<sup>91</sup> UCC recognizes that spending, execution, and equity issues associated with

---

<sup>88</sup> See *In re Consumers Energy Co.*, MPSC Case No. U-21585, Tan Direct Testimony (Sep. 26, 2024), at 16–19.

<sup>89</sup> UCC Initial Brief at 69–70 (noting that the Company has merely offered to stand up a cross-functional team to address these issues, has not changed or committed to change the policies contributing to racial disparities in shutoffs, and has moved the completion date for its “problem-solving process” from September 24, 2025, to December 31, 2025 (citing Ex. UCC-51, Consumers Electric’s Response to UCC’s First Discovery Request, U21870-UCC-CE-0233, at 3; Byrom Rebuttal Testimony at 3 TR 967.77)).

<sup>90</sup> See generally *id.* at 100–07 (discussing the IRM). MPSC Staff misstates UCC’s position in Staff’s initial brief as recommending “large IRM reductions.” MPSC Staff Initial Brief at 163 (citing Evans Rebuttal Testimony at 6 TR 4458).

<sup>91</sup> See generally UCC Initial Brief at 100–07. See also CEO Initial Brief at 23 (citing Shaver Direct Testimony at 4 TR 3262) (“Witness Shaver recognized that ‘it will be important to track the impacts, ensure that the desired outcomes are realized, and make adjustments to spending and activities, as necessary.’”).

the current IRM are being examined in the ongoing reconciliation process in Case No. U-21918. UCC appreciates that the Company is investing in EJ communities<sup>92</sup> and that “the Company is seeking to include the VCRP in its IRM proposal in this case to ensure that the IRM has a positive impact on equity.”<sup>93</sup> Yet issues with the current IRM—including overspending on projects generally, underspending in particular investment areas, project delays,<sup>94</sup> and insufficient analysis on equity outcomes<sup>95</sup>—are relevant in the instant case. If they are not accounted for going forward, then there is a risk, as ABATE Witness Dauphinais observed, that the “IRM will become a mechanism that allows Consumers to unreasonably and greatly expand its distribution investments at the expense of its ratepayers, regardless of the need and cost effectiveness. . . .”<sup>96</sup>

To ensure that the IRM is implemented equitably and with transparency and accountability, the Commission must track and understand the issues revealed by the reconciliation process in Case No. U-21918 and how they interact with the matters before the Commission in this case. The Commission must also reaffirm its commitment to accountability by mandating a comprehensive equity evaluation in the reconciliation process that demonstrates the actual benefits of investments in EJ communities. In any extended IRM, the Commission should also mandate quarterly reporting on project completion rates, spending versus budget, and equity outcomes. Finally, to ensure that the Vulnerable Communities Resiliency Plan (VCRP) actually has a positive impact on equity in any future IRM, the Commission should order quarterly reporting on equity outcomes that directly

---

<sup>92</sup> In the context of the proposed IRM investment in EJ communities, MPSC Staff also states that “[t]he Company should invest in these communities . . . .” MPSC Staff Initial Brief at 162. *See also* CEO Initial Brief at 23 (“recommend[ing] that the Commission approve the Company’s spending allocated to the Vulnerable Communities Resilience Plan in this case.”).

<sup>93</sup> Consumers Energy Company Initial Brief at 431. MPSC Staff, however, disagrees, stating that “recovery of those expenditures does not need to occur through the IRM.” MPSC Staff Initial Brief at 162. While MSPC Staff states that it makes its recommendation because EJ communities have comparably good reliability, it does not explain why that reason justifies putting VCRP investments in the rate base instead of IRM. *See id.* at 162, 164.

<sup>94</sup> *See* UCC Initial Brief at 101–03.

<sup>95</sup> *See id.* at 104–07.

<sup>96</sup> Dauphinais Direct Testimony at 6 TR 3648.

link the Company's investments in EJ communities to the needs of those communities.<sup>97</sup>

**E. The Commission Should Require Transparent, Frequent Reporting on the Implementation and Efficacy of the LMI Customer Support Enhancement Project and Improved Community Engagement More Generally.** (*Issue III.A.8. Customer Experience and Operations Capital Expenditures, VIII.D. Customer Assistance Programs and Affordability*)

While the LMI Customer Support Enhancement project has laudable goals, regular reporting on the efficacy of this project is required to ensure that it benefits LMI customers through increased enrollments and increased assistance, on average. As described in detail in UCC's initial brief, Consumers Energy has failed to sufficiently engage with LMI customers on key issues of affordability, reliability, and environmental justice.<sup>98</sup> Despite the launch of the LMI Customer Support Enhancement project, LMI customers continue to face hurdles in accessing payment assistance. Furthermore, a disproportionate focus on technology in this project as a mode of engaging with customers can create barriers for particularly vulnerable customers<sup>99</sup> and should not substitute for meaningful community engagement.

The LMI Customer Support Enhancement project is intended to help LMI customers understand what payment assistance programs they are eligible for and ease the enrollment process.<sup>100</sup> The Company states the four goals of the LMI Customer Support Enhancement Program are: "Simplified Enrollment," "Proactive Communication and Community Awareness," "New and Improved LMI Offerings," and "Continuous Improvement and Feedback."<sup>101</sup> In its initial brief, the Company further notes "five key elements the project will deliver: (i) enhancing energy equity; (ii) addressing risks of unpaid bills and service disconnections; (iii) build trust with

---

<sup>97</sup> UCC also supports the recommendations made by CEO witness Shaver in this regard, which are consistent with UCC's requests. *See* CEO Initial Brief at 23 (citing Shaver Direct at 4 TR 3262–63).

<sup>98</sup> *See* UCC Initial Brief at 117–19.

<sup>99</sup> *Id.* at 112–13.

<sup>100</sup> Consumers Energy Company Initial Brief at 155.

<sup>101</sup> *Id.* at 157–59.

LMI customers; (iv) reduce the bill and energy burden on low-income families; and (v) engage LMI household not just in bill assistance programs but also with clean energy solutions.”<sup>102</sup> In response to questions from both MPSC Staff and UCC, the Company asserts that this project is modernizing the Company’s approach.<sup>103</sup> As evidence of the program’s efficacy, the Company asserts that 78,000 customers, 52,000 of which identify as LMI, have engaged with the tool, that “[o]f the 52,000 customers who have interacted with the tool roughly 35% completed the full eligibility assessment, successfully identifying one or more programs for which they may qualify,” and that 25,000 customers have completed the enrollment flow, “nearly 20% [of which] have enrolled in more than one offering.”<sup>104</sup> The Company further justifies increased spending on the LMI project because the Commission has indicated that it “found value” in the project.<sup>105</sup>

As described in UCC’s initial brief, UCC is concerned with the lack of clear data on the program’s impact in helping to address the affordability crisis faced by LMI customers since its launch in December 2024.<sup>106</sup> Community witness testimony demonstrates that customers are unaware of this program and have continued to face enrollment barriers and communication challenges.<sup>107</sup> The Company has not provided details on all of the assistance programs that the customers who interfaced with the tool have enrolled in—such as their primary assistance program, CARE MB, or how engagement helps customers who are in a crisis.<sup>108</sup> Furthermore, the increased focus on technology as a platform for customer engagement has the potential to create barriers for customers with disabilities, who often seek assistance via phone or human interaction,

---

<sup>102</sup> *Id.* at 156.

<sup>103</sup> *Id.* at 160.

<sup>104</sup> *Id.* at 159.

<sup>105</sup> *Id.* at 156.

<sup>106</sup> UCC Initial Brief at 110.

<sup>107</sup> *Id.* at 110–13.

<sup>108</sup> *Id.* at 113.

and other vulnerable individuals, including those who may not have reliable internet access.<sup>109</sup> While the LMI Customer Support Enhancement project's stated goals are a step in the right direction given the scale of the ongoing affordability crisis and its impacts on LMI customers,<sup>110</sup> greater reporting on the project's efficacy would help show the value it brings to customers.

MPSC Staff in its initial brief takes issue with the LMI Customer Support Enhancement project, requesting that the Commission reduce expenditures for low moderate income (LMI) customer support enhancements by \$1,870,000.<sup>111</sup> The core concern from MPSC Staff appears to be about additional expenditures to connect customers to information that is allegedly neither new nor "proven to actually help customers who are at or near crisis."<sup>112</sup> Staff further takes issue with the limited number of customers who have completed the enrollment flow or eligibility assessments<sup>113</sup> "The Company did not do its due diligence on this project and . . . missed opportunities to seek information from its own low moderate income customers regarding what will help them in the long run."<sup>114</sup>

While UCC shares some of MPSC Staff's underlying concerns, UCC requests, at this time, that the Commission order greater transparency and reporting to allow for assessment of the efficacy of the LMI Customer Support Enhancement project. To be clear, UCC is not asking for a reduction in the recoverable expenses associated with this project but rather for increased transparency and information that show the benefits of the current requested expenditures. UCC agrees with some of MPSC Staff's process and substantive concerns regarding the project. The Company could and should have consulted its own low- and moderate-income customers,

---

<sup>109</sup> *See id.* at 112–13.

<sup>110</sup> *See id.* at 14–18.

<sup>111</sup> MPSC Staff Initial Brief at 41.

<sup>112</sup> *Id.* at 42.

<sup>113</sup> *Id.*

<sup>114</sup> *Id.* at 43–44.

conducted sufficient due diligence, and designed the program to work towards long-term affordability goals. Accountability and transparency are necessary to ensure that this effort adds incremental value to the lives of LMI customers.

To ensure the tool is “delivering on its intended purpose,”<sup>115</sup> the Commission should order the Company to report publicly on a quarterly basis on the benefits delivered to all customers, particularly LMI customers, and the costs incurred to secure those benefits, including specific enrollment metrics for payment assistance programs and benefits delivered to LMI households.<sup>116</sup>

In addition, as explained in detail in UCC’s witness testimony<sup>117</sup> and UCC’s initial brief,<sup>118</sup> customer engagement—even improved—does not substitute for the Company’s insufficient community engagement in environmental justice communities. Community engagement is different from customer engagement in that it focuses on lasting relationships to benefit an entire community within the context of a shared vision rather than an individual customer’s immediate needs.<sup>119</sup> The Company claims in its initial brief that it is “very active in the community and works with community leaders and assistance organizations across the state . . . .”<sup>120</sup> A dedicated outreach energy assistance staff member connects with approximately 25 new organizations each month.<sup>121</sup>

Despite the Company’s claims, community witness testimony highlights the need for more direct engagement with environmental justice community organizations. One UCC witness testified that they have not seen the Company “show any interest in . . . community input.”<sup>122</sup> Another witness testified about the connections that EJ organizations have in their communities;

---

<sup>115</sup> Byrom Direct Testimony at 3 TR 967.32.

<sup>116</sup> UCC Initial Brief at 114–15.

<sup>117</sup> *See generally* Cira-Reyes Direct Testimony at 3 TR 2346–54 (discussing community engagement); Williams Direct Testimony at 3 TR 2399–400.

<sup>118</sup> *See* UCC Initial Brief at 117–20.

<sup>119</sup> *See* Cira-Reyes Direct Testimony at 3 TR 2346.

<sup>120</sup> Consumers Energy Company Initial Brief at 442.

<sup>121</sup> *Id.*

<sup>122</sup> Williams Direct Testimony at 3 TR 2400.

the expertise they can contribute about their communities’ concerns about energy affordability, reliability, and the energy transition; and the need for the Company to engage in meaningful dialogue with EJ communities, rather than just presenting information to them one way.<sup>123</sup> Thus, for the reasons explained in further detail in UCC’s initial brief, the Commission should require that the Company proactively reach out to EJ communities, offer accessible opportunities for dialogue on affordability and reliability issues, and report on the feedback the Company is receiving from community members and how it is addressing that feedback.<sup>124</sup>

**F. The Commission Should Deny Consumers Energy’s Request to Recover its Discretionary Corporate Membership Dues Because the Company Failed to Provide Sufficient Evidence of Benefits to Ratepayers and Several of its Memberships Undermine Ratepayers’ Interests and Rights. (*Issue V.C. Other O&M Expense*)**

Consumers Energy has failed to meet its burden under Michigan law to show that ratepayer recovery for its discretionary corporate membership dues would be “just and reasonable.”<sup>125</sup> An electric utility seeking a rate increase must include sufficient evidence in its initial application to demonstrate that its rates are “just and reasonable.”<sup>126</sup> This requires reasonability in recovered costs that are charged to customers through those rates. Both the Michigan Constitution and the state’s Administrative Procedure Act clarify that this is a demanding evidentiary burden, as all Commission orders must be supported by “competent, material, and substantial evidence.”<sup>127</sup> In the instant case, the Company’s requested recovery of \$830,705 in corporate membership fees<sup>128</sup>—

---

<sup>123</sup> See Cira-Reyes Direct Testimony at 3 TR 2347–49, 2351–54.

<sup>124</sup> UCC Initial Brief at 120.

<sup>125</sup> MCL § 460.557. Furthermore, relevant case law points to a standard of reasonableness and prudence for recouped utilities costs. “[A]s explained by the PSC, a utility ‘simply recoups’ reasonable and prudent operation and maintenance expenses . . . .” *In re DTE Electric Co.*, 2021 WL 743782, at \*3–4 (Mich. Ct. App. Feb. 25, 2021). Or, put simply, “[t]he ratemaking process requires a determination by the PSC of what utility costs and expenses are reasonable and prudent.” *Ford Motor Co. v. Pub. Service Comm’n*, 221 Mich. App. 370, 385 (1997).

<sup>126</sup> MCL § 460.557.

<sup>127</sup> MCL § 24.285; Const 1963, art 6, § 28, cl 2; *see also Dowerk v. Charter Twp. of Oxford*, 233 Mich. App. 62, 72 (1998) (defining “substantial evidence” as “evidence that a reasonable person would accept as sufficient to support a conclusion”).

<sup>128</sup> UCC Initial Brief at 121 (citing Foster Revised Rebuttal Testimony at 5 TR 3374).

\$770,775 of which is to Edison Electric Institute (EEI) alone<sup>129</sup>—is not just and reasonable and is not supported by competent, material, and substantial evidence. As UCC demonstrated in its initial brief,<sup>130</sup> Consumers did not provide in its application the information necessary to justify recovery from ratepayers, failed to provide sufficient evidence of benefits to ratepayers, and is asking for recovery of several discretionary memberships that advocate contrary to ratepayer interests and that violate ratepayers’ First Amendment rights under the U.S. Constitution.

**1. Consumers Energy Failed to Provide Sufficient Evidence of Discretionary Corporate Memberships and Tangible Benefits to Ratepayers.**

The Company did not include the substantive evidence in its initial application or at any time in this proceeding necessary to support its request for recovery of discretionary membership dues. As described in detail in UCC’s initial brief,<sup>131</sup> the Company did not include any reference to the \$830,705 it seeks recovery for in its initial application. In discovery, the Company pointed only to a few words of testimony and two line items of an exhibit in its application as evidence of its requests for recovery.<sup>132</sup> In its initial brief, the Company did not disagree with UCC’s recommendation that the Commission require the Company to provide additional details related to corporate memberships in future rate applications and expressed its willingness to provide that information in the future.<sup>133</sup>

---

<sup>129</sup> Ex. UCC-68 at 1.

<sup>130</sup> See generally UCC Initial Brief at 121–44, 148.

<sup>131</sup> See UCC Initial Brief at 122–25.

<sup>132</sup> See UCC Initial Brief at 123 (“The Company pointed to two lines of Witness Foster’s testimony, which simply mentioned “trade association dues and memberships” and “Administrative and Other – These costs are primarily for Edison Electric Institute dues,” respectively. The accompanying exhibit referenced in response to discovery merely included two line items labeled “Sustainability & External Affairs” and “Administration & Other-Electric Portion,” respectively.” (internal citations omitted)); see also Ex. UCC-68, Consumers Electric’s Response to UCC’s First Discovery Request, U21870-UCC-CE-0236\_ATT\_1 (referencing Witness Foster’s testimony on page 4, line 4 and page 5, lines 29–30 and Ex. A-91, lines 2 and 11).

<sup>133</sup> Consumers Energy Company Initial Brief at 356.

And yet, in response to UCC’s assertions that the Company has failed to provide sufficient information on the costs and benefits of these memberships to ratepayers to justify recovery in this case, the Company asserts that the “evidence that UCC is looking for is clearly included in the initial filing.”<sup>134</sup> The Company relies on Workpaper WP-PDD-18, which discloses “the dues, donations, and lobbying costs disallowed for recovery . . . .”<sup>135</sup> The Company also mentions its discovery request responses to UCC.<sup>136</sup>

But pointing to Workpaper WP-PDD-18 does not cure the failure of the Company’s initial application. The Company discusses Workpaper WP-PDD-18 for the first time in its rebuttal testimony, not in its initial application.<sup>137</sup> The Company never entered this workpaper as an exhibit, even in its rebuttal testimony.<sup>138</sup>

Moreover, UCC addresses the deficiencies of Workpaper WP-PDD-18 and discovery request responses regarding corporate membership benefits in significant detail in its initial brief.<sup>139</sup> Numbers and data in the workpaper did not match the dollar amounts reported in discovery response requests.<sup>140</sup> The Company did not convert specific figures in the workpaper to the test year, and it included some organizations in the workpaper but not in the discovery request responses.<sup>141</sup>

Additionally, Consumers has on the whole failed to provide evidence of sufficient, concrete benefits of these memberships to ratepayers which would justify recovering costs from ratepayers.

---

<sup>134</sup> *Id.* at 357.

<sup>135</sup> *Id.* (quoting Foster Revised Rebuttal Testimony at 5 TR 3372).

<sup>136</sup> *Id.*

<sup>137</sup> UCC Initial Brief at 123.

<sup>138</sup> *Id.* (citing Foster Cross Examination at 5 TR 3379).

<sup>139</sup> *See* UCC Initial Brief at 122–32.

<sup>140</sup> *Id.* at 123–24.

<sup>141</sup> *Id.* If the Company had different definitions of what counted as a corporate membership, it never explained that. Nowhere in the initial application, discovery responses, or rebuttal testimony did the Company explain what constitutes a corporate membership and what constitutes a different type of membership. *Id.* at 124.

In a previous Commission order related to recovery of discretionary corporate membership expenses of another utility, DTE Electric, the Commission ordered that “DTE Electric shall provide in its next general rate case a detailed description of how these organizations *specifically* impact/benefit customers . . . , which will convey [the utility’s] roles and responsibilities in advancing ratepayer interests through its participation in each organization.”<sup>142</sup> Presumably, the Commission believed that this is the kind of information necessary to meet “substantial evidence” standard required by state law to justify continued recovery of the utility’s discretionary memberships.<sup>143</sup>

In this case, the Company failed to provide specific benefits to Customers in its application, in discovery request responses, and in rebuttal testimony. As described in UCC’s initial brief, in its initial application, “the Company did not provide a list of organizations for which it was seeking recovery, did not specify the requested amount for all corporate memberships or any particular corporate membership, and failed to provide any concrete benefits associated with any membership.”<sup>144</sup> In subsequent discovery and rebuttal testimony, the Company’s offered lists of benefits were neither tangible nor detailed enough to warrant recovery from ratepayers.<sup>145</sup> In rebuttal testimony, the Company provided four “broad” categories of benefits that memberships supposedly provide, followed by seven examples of how EEI membership allegedly benefits customers.<sup>146</sup> UCC’s initial brief addresses each broad category and description provided by the

---

<sup>142</sup> *In re DTE Electric Co.*, MPSC Case No. U-21297, Order (Dec. 1, 2023) [hereinafter U-21297 Order], at 221. *See also In re DTE Electric Co.*, MPSC Case No. U-21860, PFD (Dec. 22, 2025), at 473–75 (holding that DTE failed to provide information sufficient to meet the requirements set forth by the Commission and recommending disallowance of recovery of its requested discretionary corporate membership dues).

<sup>143</sup> MCL § 24.285; Const 1963, art 6, § 28, cl 2.

<sup>144</sup> UCC Initial Brief at 126.

<sup>145</sup> *Id.* “With the sole exception of a specific program offered by Edison Electric Institute (EEI) on ‘Mutual Assistance Coordination,’ the Company offers only broad, generic descriptions of membership benefits with no explanation of how dues are allocated among different activities or services offered by the organizations.” *Id.* at 127.

<sup>146</sup> Foster Revised Rebuttal Testimony at 5 TR 3371–74.

Company in discovery and rebuttal testimony and describes the intangible nature of each.<sup>147</sup> As one example, the Company lists “benchmarking” as a benefit, but fails to provide information on how “benchmarking” information is superior to publicly available information, or how benchmarking studies affect a specific operation, decision, or policy that impacts and benefits ratepayers.<sup>148</sup> The Company furthermore has taken no efforts to calculate the monetary value of benchmarking to ratepayers.<sup>149</sup> None of the benefits provided by the Company offered compelling, specific benefits to ratepayers, and no monetary values have been calculated.

The Company in its initial brief specifically addresses its membership dues to the Edison Electric Institute (EEI). The Company claims that

the Company clearly derives value from its EEI membership as ‘it provides a wide range of services and collaborative opportunities that directly support the Company’s ability to deliver safe, reliable, and affordable service.’ Some of these benefits include access to initiatives and knowledge sharing related to best practices for cybersecurity and technology, customer support, transportation electrification, and industry expertise and innovation in emerging technologies as well as giving the Company access to diverse suppliers and regulatory insights. As Mr. Foster stated, ‘these services are foundational to the Company’s ability to operate efficiently, respond to emergencies, and plan for the future.’ ‘EEI membership is a prudent investment that supports customer value . . . .’<sup>150</sup>

The Company, therefore, asserts that it receives value from its EEI membership.

However, as described in greater detail in UCC’s initial brief, these unquantified purported benefits fail to highlight tangible benefits to ratepayers, rather than shareholders.<sup>151</sup> For example, the Company failed to provide in its initial application, discovery responses, or elsewhere in this case specific examples of how access to information or knowledge is implemented and used within

---

<sup>147</sup> UCC Initial Brief at 126–29.

<sup>148</sup> UCC Initial Brief at 127.

<sup>149</sup> *Id.* at 127–28 (citing Foster Cross Examination at 5 TR 3428).

<sup>150</sup> Consumers Energy Company Initial Brief at 358 (internal citations omitted).

<sup>151</sup> *See* UCC Initial Brief at 129–31.

the Company to improve customer experiences.<sup>152</sup> Even more importantly, however, the Company has not attempted to quantify any of these benefits to ratepayers in monetary value—despite asking for recovery of membership fees from ratepayers.<sup>153</sup> Claims that benefits are “foundational” and memberships are “prudent investment[s]” must be supported with evidence.<sup>154</sup> Outside of a specific program EEI offers on mutual assistance coordination, which requires an additional \$15,000 annual fee,<sup>155</sup> the Company has not identified a single specific project, initiative, or outcome that demonstrates specific customer value.<sup>156</sup>

In sum, Consumers failed to provide any substantive, concrete information about corporate memberships in its initial application and failed to demonstrate through these broad categories and descriptions how ratepayers, rather than shareholders, benefit. Critically, as discussed above, the Company confirmed that it has taken no efforts to calculate the monetary value of any of the listed benefits to ratepayers in dollars.<sup>157</sup> As a result, the Company has failed to provide “substantial evidence” of the benefits to ratepayers of these memberships to justify recovery of its discretionary corporate memberships in this case.

## **2. Forcing Ratepayers to Subsidize Anti-Ratepayer Advocacy Is Not “Just and Reasonable” and Violates First Amendment Requirements Regarding Compelled Speech.**

The Commission should not allow Consumers to recover membership dues that fund political advocacy that can undermine ratepayers’ interests. Doing so would violate the U.S. Constitution’s First Amendment’s prohibition on compelled speech.

The Company notes in its initial brief that it “agrees with [UCC Witness] Mr. Cira-Reyes

---

<sup>152</sup> *Id.*

<sup>153</sup> *See id.* at 131 (citing Foster Cross Examination at 5 TR 3430–31).

<sup>154</sup> Consumers Energy Company Initial Brief at 358 (quoting Foster Revised Rebuttal Testimony at 5 TR 3374).

<sup>155</sup> UCC Initial Brief at 129–30.

<sup>156</sup> UCC Initial Brief at 131–32.

<sup>157</sup> *Id.* at 127–31; *see also* Foster Cross Examination at 5 TR 3430–31.

that lobbying activity should not be recovered from customers and excludes costs on this basis as made clear in the Company’s initial filing.”<sup>158</sup> But the Company states that “[t]he Commission should reject Mr. Cira-Reyes’s recommendation because a significant amount of the membership dues expense is excluded from rates and all of the expenses associated with political advocacy are as well.”<sup>159</sup> The Company rests these assertions on its exclusions of specific percentages of some membership fees and an additional overall thirty-three percent deduction on the remaining amounts, which the Company asserts is in line with the order in Case No. U-15245.<sup>160</sup>

As described in UCC’s initial brief, the Company, despite these assertions, has failed to prove with sufficient evidence that all of the expenses associated with political advocacy are excluded correctly from the requested recovery.<sup>161</sup> When calculating the amount to request for recovery, the Company first excludes specific percentages of fees that the membership organizations provide to the Company that account for their lobbying costs.<sup>162</sup> The Company does not scrutinize the amounts identified by the organizations: it does not ask for additional information to support percentages provided by the organizations, does not deploy third-party contractors to review this information, or otherwise make an independent judgment on the portion of dues that should not be passed on to customers.<sup>163</sup> The Company has not verified that there is a consistent definition of lobbying used by relevant organizations or if that definition of lobbying aligns with 26 U.S.C. § 162(e)(1), which is the standard apparently used by Consumers’ parent CMS Energy.<sup>164</sup> Even if the Company receives a “lobbying” percentage from these organizations, that

---

<sup>158</sup> Consumers Energy Company Initial Brief at 357.

<sup>159</sup> *Id.* at 358.

<sup>160</sup> *Id.* at 357–58.

<sup>161</sup> *See* UCC Initial Brief at 137–142.

<sup>162</sup> *Id.* *See also* Foster Cross Examination at 5 TR 3388–89, 3392–93.

<sup>163</sup> Foster Cross Examination at 5 TR 3395–96.

<sup>164</sup> CMS Energy’s “corporate political engagement” webpage directs readers to 26 U.S.C. § 162(e)(1) to identify “dollars used for lobbying a legislative body” related to dues. *See* UCC Initial Brief at 138 (citing Ex. UCC-205, *Corporate Political Engagement*, CMS ENERGY, at 3).

does not guarantee that none of the remaining fees go towards broader political advocacy efforts.

Reducing the resulting amount by an additional thirty-three percent does not satisfy the Company's evidentiary burden. After disallowing the amount for lobbying identified by each organization, the Company then takes an additional thirty-three percent disallowance from corporate memberships. As described in UCC's initial brief, in Case U-15245, the Commission adopted a thirty-three percent disallowance "for certain trade association dues based on testimony listing just three general categories of benefits, one of which was explicitly acknowledged to exclusively benefit shareholders."<sup>165</sup> This figure was an approximation based on limited information nearly two decades ago. While it is an important step towards limiting recovery of funds that may support lobbying or political activity, the utility still bears the burden of providing substantial evidence that the remaining costs do not go towards harmful political advocacy and that they actually benefit ratepayers.<sup>166</sup> The Company's assertion in its initial brief that UCC's argument is "misleading" by "ignor[ing] the already established split for corporate association dues that the Company worked out with the Attorney General and Staff in prior cases"<sup>167</sup> is therefore unavailing. The Company is statutorily obligated to demonstrate with competent material and substantial evidence that its request is just and reasonable in *this* case. recovering membership fees that fund political advocacy contrary to ratepayers' interests violates the U.S. Constitution's First Amendment requirements regarding compelled speech.

---

<sup>165</sup> UCC Initial Brief at 140 (citing *In re Consumers Energy Co.*, MPSC Case No. U-15245, MPSC Order (June 10, 2008), at 33 ("Consumers accepted the adjustments proposed by the Staff"); *In re Consumers Energy Co.*, MPSC Case No. U-15245, Midkiff-Powell Direct Testimony at 11 TR 1774 ("Staff is already providing an opportunity for the shareholders to earn a return on their investment. Therefore, Staff is disallowing 1/3 of these dues because 1/3 of the benefits are provided to the shareholder.")).

<sup>166</sup> MCL § 24.285; Const 1963, art 6, § 28, cl 2; *see also Dowerk*, 233 Mich. App. at 72 (defining "substantial evidence" as "evidence that a reasonable person would accept as sufficient to support a conclusion").

<sup>167</sup> Consumers Energy Company Initial Brief at 357.

There are compelling reasons why individual customers would not want to fund the corporate memberships supported by Consumers, especially to EEI, and other state commissions have forbidden or severely limited these kinds of expenditures. EEI has an extensive history of advocacy against ratepayers' interests,<sup>168</sup> such that it would make good sense that some individual customers would not want to fund EEI's advocacy. Other state commissions have disallowed or limited recovery of similar membership costs. As described in UCC's initial brief, the Missouri PSC established a standard that only allowed recovery for organizations engaged in political advocacy if the company includes "not only a direct quantifiable benefit to the ratepayer, but also a method for allocating the expenses between the shareholders and the ratepayers once the benefits have been quantified."<sup>169</sup> In forty years, no portion of EEI dues have been recovered under this rule.<sup>170</sup> Kentucky, Oregon, Arizona, California, and Colorado have all taken similar measures to protect ratepayers.<sup>171</sup> These states all went above and beyond what the Commission did in Case No. U-15245 to reduce or eliminate recovery for corporate membership dues.<sup>172</sup>

This Commission has both the authority and the responsibility to protect ratepayers from being forced to fund political advocacy contrary to their interests. By disallowing recovery of EEI and other membership dues, and by establishing clear standards against such recovery going forward, the Commission can ensure that Consumers' customers are not made instruments of advocacy they may oppose. Shareholders, who benefit from the political activity of these membership organizations and who voluntarily invest in the Company, remain free to fund these

---

<sup>168</sup> *See id.* at 135–36.

<sup>169</sup> *Id.* at 141.

<sup>170</sup> *Id.*

<sup>171</sup> *Id.*

<sup>172</sup> In its initial brief, the Company asserts that UCC excluded the 2008 Order in MPSC Case No. U-15245 from this list. Consumers Energy Company Initial Brief at 357. However, as UCC addressed in its initial brief, the 2008 Order capped the requested recovery of sixty-seven percent in that case; it did not indicate that the Company was entitled to recover sixty-seven percent. UCC Initial Brief at 140–41.

activities. But the Company—and the Commission—should not compel captive ratepayers to subsidize private speech on contested matters of public concern.<sup>173</sup>

In line with the above reasons, UCC respectfully requests that the Commission disallow the entire \$830,705 in corporate membership dues sought by Consumers Energy. At a minimum, the Commission should disallow all costs associated with EEI membership, or limit EEI recovery to a maximum of \$15,000 for the documented mutual assistance program. In addition, the Commission should require itemized membership disclosures in future rate cases showing tangible customer benefits and clear allocation of fees between activities benefiting ratepayers and any political advocacy, lobbying, or services that primarily benefit shareholders.

### III. CONCLUSION AND PRAYER FOR RELIEF

To address the concerns articulated above and in its initial brief, UCC respectfully reiterates its requests from its initial brief.

Date: December 23, 2025

ABRAMS ENVIRONMENTAL LAW CLINIC  
Counsel for Urban Core Collective  
/s/ Mark N. Templeton  
Mark N. Templeton (*pro hac vice*)  
Abrams Environmental Law Clinic  
6020 S. University Avenue  
Chicago, IL 60637  
Phone: (773) 702-9611  
Email: templeton@uchicago.edu

---

<sup>173</sup> *Id.* at 142–43.

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of **CONSUMERS ENERGY COMPANY** for authority to increase its rates for generation and distribution of electricity and for other relief.

Case No. U-21870

ALJ Jonathan F. Thoits

**PROOF OF SERVICE**

I, Mark N. Templeton, certify that an electronic copy of the Corrected Reply Brief of Urban Core Collective was served on the following on December 23, 2025.

Name/Party	E-mail Address
<b>Administrative Law Judge</b> Jonathan F. Thoits	<a href="mailto:thoitsj@michigan.gov">thoitsj@michigan.gov</a>
<b>Consumers Energy Company</b> Gary A. Gensch Jr. Anne M. Uitvlugt Evan B. Keimach Mark R. Ruskiewicz Spencer A. Sattler Bret A. Totoraitis Kelly Hall	<a href="mailto:mpsc.filings@cmsenergy.com">mpsc.filings@cmsenergy.com</a> <a href="mailto:gary.genschjr@cmsenergy.com">gary.genschjr@cmsenergy.com</a> <a href="mailto:anne.uitvlugt@cmsenergy.com">anne.uitvlugt@cmsenergy.com</a> <a href="mailto:evan.keimach@cmsenergy.com">evan.keimach@cmsenergy.com</a> <a href="mailto:mark.ruskiewicz@cmsenergy.com">mark.ruskiewicz@cmsenergy.com</a> <a href="mailto:spencer.sattler@cmsenergy.com">spencer.sattler@cmsenergy.com</a> <a href="mailto:bret.totoraitis@cmsenergy.com">bret.totoraitis@cmsenergy.com</a> <a href="mailto:kelly.hall@cmsenergy.com">kelly.hall@cmsenergy.com</a>
<b>Michigan Attorney General</b> Celeste R. Gill Lucas Wollenzien Amanda Churchill Sebastian Coppola	<a href="mailto:gillc1@michigan.gov">gillc1@michigan.gov</a> <a href="mailto:wollenzien1@michigan.gov">wollenzien1@michigan.gov</a> <a href="mailto:ag-enra-spec-lit@michigan.gov">ag-enra-spec-lit@michigan.gov</a> <a href="mailto:sebcoppola@corplytics.com">sebcoppola@corplytics.com</a>
<b>Michigan Public Service Commission</b> Daniel E. Sonneveldt Amit T. Singh Nicholas Q. Taylor Alena M. Clark Adam M. Cozort Michael J. Orris Mike Byrne Bill Stosik David Chislea Bob Nichols Nick Revere Lori Mayabb	<a href="mailto:sonneveldtd@michigan.gov">sonneveldtd@michigan.gov</a> <a href="mailto:singha9@michigan.gov">singha9@michigan.gov</a> <a href="mailto:taylor10@michigan.gov">taylor10@michigan.gov</a> <a href="mailto:clarka55@michigan.gov">clarka55@michigan.gov</a> <a href="mailto:cozortal@michigan.gov">cozortal@michigan.gov</a> <a href="mailto:orrism@michigan.gov">orrism@michigan.gov</a> <a href="mailto:byrneM@michigan.gov">byrneM@michigan.gov</a> <a href="mailto:stosikb@michigan.gov">stosikb@michigan.gov</a> <a href="mailto:chislead@michigan.gov">chislead@michigan.gov</a> <a href="mailto:nicholsb1@michigan.gov">nicholsb1@michigan.gov</a> <a href="mailto:reveren@michigan.gov">reveren@michigan.gov</a> <a href="mailto:mayabbl@michigan.gov">mayabbl@michigan.gov</a>

<b>Citizens Utility Board of Michigan, Michigan Environmental Council, Natural Resources Defense Council, Sierra Club</b> Christopher M. Bzdok Holly L. Hillyer Tracy Jane (TJ) Andrews Natasha Fowles Sean Clark Tanya Stasio Jordan Burt Tyler Comings Caroline Palmer John Liskey Matt Bandyk Julielyn Gibbons Jackson Neme Rick Bunch	<a href="mailto:chris@tropospherelegal.com">chris@tropospherelegal.com</a> <a href="mailto:holly@tropospherelegal.com">holly@tropospherelegal.com</a> <a href="mailto:tjandrews@tropospherelegal.com">tjandrews@tropospherelegal.com</a> <a href="mailto:natasha@tropospherelegal.com">natasha@tropospherelegal.com</a> <a href="mailto:sean@tropospherelegal.com">sean@tropospherelegal.com</a> <a href="mailto:tanya.stasio@aeclinic.org">tanya.stasio@aeclinic.org</a> <a href="mailto:Jordan.burt@aeclinic.org">Jordan.burt@aeclinic.org</a> <a href="mailto:Tyler.comings@aeclinic.org">Tyler.comings@aeclinic.org</a> <a href="mailto:cpalmer@synapse-energy.com">cpalmer@synapse-energy.com</a> <a href="mailto:john@liskeypllc.com">john@liskeypllc.com</a> <a href="mailto:mbandyk@synapse-energy.com">mbandyk@synapse-energy.com</a> <a href="mailto:jgibbons@5lakesenergy.com">jgibbons@5lakesenergy.com</a> <a href="mailto:jackson@tropospherelegal.com">jackson@tropospherelegal.com</a> <a href="mailto:rbunch@5lakesenergy.com">rbunch@5lakesenergy.com</a>
<b>Anonymous Customer A</b> Valerie J.M. Brader, Esq.	<a href="mailto:ecf@rivenoaklaw.com">ecf@rivenoaklaw.com</a> <a href="mailto:valerie@rivenoaklaw.com">valerie@rivenoaklaw.com</a>
<b>Great Lakes Renewable Energy Association (GLREA)</b> Don L. Keskey Brian Coyer Carol Dane	<a href="mailto:donkeskey@publiclawresourcecenter.com">donkeskey@publiclawresourcecenter.com</a> <a href="mailto:bwcoyer@publiclawresourcecenter.com">bwcoyer@publiclawresourcecenter.com</a> <a href="mailto:cdane@publiclawresourcecenter.com">cdane@publiclawresourcecenter.com</a>
<b>Walmart, Inc.</b> Melissa M. Horne	<a href="mailto:mhorne@hcc-law.com">mhorne@hcc-law.com</a>
<b>Association of Businesses Advocating Tariff Equity</b> Michael J. Pattwell Benjamin J. Holwerda Stephan A. Campbell James Dauphinais Lauren Degnan Christina Hildebrandt Jessica York	<a href="mailto:mpattwell@clarkhill.com">mpattwell@clarkhill.com</a> <a href="mailto:bholwerda@clarkhill.com">bholwerda@clarkhill.com</a> <a href="mailto:scampbell@clarkhill.com">scampbell@clarkhill.com</a> <a href="mailto:jdauphinais@consultbai.com">jdauphinais@consultbai.com</a> <a href="mailto:ldegnan@clarkhill.com">ldegnan@clarkhill.com</a> <a href="mailto:childebrandt@consultbai.com">childebrandt@consultbai.com</a> <a href="mailto:jyork@consultbai.com">jyork@consultbai.com</a>
<b>Heston Hemlock Semiconductor Operations, LLC and Solar Technology LLC</b> Jennifer U. Heston	<a href="mailto:jheston@potomaclaw.com">jheston@potomaclaw.com</a>
<b>The Ecology Center, The Environmental Law &amp; Policy Center, Union of Concerned Scientists, and Vote Solar</b> Daniel H.B. Abrams Katie Duckworth Alondra Estrada Katie Toolan	<a href="mailto:MPSCDocket@elpc.org">MPSCDocket@elpc.org</a>  <a href="mailto:dabrams@elpc.org">dabrams@elpc.org</a> <a href="mailto:kduckworth@elpc.org">kduckworth@elpc.org</a> <a href="mailto:aestrada@elpc.org">aestrada@elpc.org</a> <a href="mailto:ktoolan@elpc.org">ktoolan@elpc.org</a>

<b>The Kroger Company</b> Kurt J. Boehm Jody Kyler Cohn Michael L. Kurtz Justin Bieber	<a href="mailto:kboehm@bkllawfirm.com">kboehm@bkllawfirm.com</a> <a href="mailto:jkylercohn@bkllawfirm.com">jkylercohn@bkllawfirm.com</a> <a href="mailto:mkurtz@bkllawfirm.com">mkurtz@bkllawfirm.com</a> <a href="mailto:jbieber@energystrat.com">jbieber@energystrat.com</a>
<b>Michigan Cable Telecommunications Association</b> Sean P. Gallagher Jon Austin	<a href="mailto:sgallagher@fraserlawfirm.com">sgallagher@fraserlawfirm.com</a> <a href="mailto:jaustin@fraserlawfirm.com">jaustin@fraserlawfirm.com</a>
<b>Michigan Electric Transmission Company, LLC</b> Richard J. Aaron Courtney F. Kissel Olivia R.C.A. Flower Hannah Buzolits Josh Kluzak Anthony J. Hunt	<a href="mailto:raaron@dykema.com">raaron@dykema.com</a> <a href="mailto:ckissel@dykema.com">ckissel@dykema.com</a> <a href="mailto:oflower@dykema.com">oflower@dykema.com</a> <a href="mailto:hbuzolits@dykema.com">hbuzolits@dykema.com</a> <a href="mailto:jkluzak@dykema.com">jkluzak@dykema.com</a> <a href="mailto:ahunt@dykema.com">ahunt@dykema.com</a>
<b>Foundry Association of Michigan, Energy Michigan, Michigan Energy Innovation Business Council, Institute for Energy Innovation, and Advanced Energy United</b> Timothy J. Lundgren Laura A. Chappelle Justin K. Ooms Lydia Lubbers	<a href="mailto:tjlundgren@varnumlaw.com">tjlundgren@varnumlaw.com</a> <a href="mailto:lachappelle@varnumlaw.com">lachappelle@varnumlaw.com</a> <a href="mailto:jkooms@varnumlaw.com">jkooms@varnumlaw.com</a> <a href="mailto:lmubbers@varnumlaw.com">lmubbers@varnumlaw.com</a>
<b>Urban Core Collective</b> Amanda Urban Mark N. Templeton Jacob Schuhardt Alexandria C. Miskho Emma Young	<a href="mailto:aelc_mpsc@lawclinic.uchicago.edu">aelc_mpsc@lawclinic.uchicago.edu</a> <a href="mailto:aurbanlaw@gmail.com">aurbanlaw@gmail.com</a> <a href="mailto:templeton@uchicago.edu">templeton@uchicago.edu</a> <a href="mailto:jschuhardt@uchicago.edu">jschuhardt@uchicago.edu</a> <a href="mailto:amiskho@uchicago.edu">amiskho@uchicago.edu</a> <a href="mailto:eyoung28@uchicago.edu">eyoung28@uchicago.edu</a>

The statements above are true to the best of my knowledge, information, and belief.

Date: December 23, 2025

Counsel for Urban Core Collective

By: /s/ Mark N. Templeton  
Mark N. Templeton (*pro hac vice*)  
University of Chicago Law School  
Abrams Environmental Law Clinic  
6020 S. University Avenue  
Chicago, IL 60637  
Phone: (773) 702-9611  
Email: templeton@uchicago.edu